

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/624

<u>Applicant</u>	Mr. CHAN Yuen Fai represented by Mr. HUI Kwan Yee
<u>Site</u>	Lots 384 RP (Part), 385 RP (Part), 388 (Part), 392 (Part), 393 (Part), 396 S.A (Part), 400 S.A (Part), 400 RP (Part), 401 (Part), 402 (Part), 407 (Part), 408 (Part), 409, 410, 413 (Part), 415 (Part), 416 (Part), 417 (Part), 424 (Part), 433 (Part), 460 S.A (Part), 460 S.B (Part), 460 S.C (Part), 462 (Part), 463 (Part), 464 (Part), 465, 466, 467 (Part), 468 (Part), 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480 (Part), 481, 482 (Part), 484 (Part), 497 (Part), 502 (Part), 503 (Part), 504 (Part), 505 (Part), 506 (Part), 507 (Part), 508 (Part) and 509 (Part) in D.D. 17, Ting Kok, Tai Po, New Territories
<u>Area</u>	About 7,132.22 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Temporary Barbecue Site for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary barbecue site at the application site (the Site) for a period of three years. The site falls within an area zoned “AGR” on the approved Ting Kok OZP No. S/NE-TK/17 (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 The proposal comprises 14 one-storey structures with a total covered area of about 1,846.74m² within the Site including five sheltered barbecue areas, one game area, one washroom, a reception, a frozen food cabinet, two sheltered areas, one store room, a storage area and a covered corridor. A sketch showing the various uses within the Site is at **Drawing A-1**. A total of 25 private car parking spaces and 5 large vehicle/coach parking spaces and the loading/unloading area are proposed within the Site. The Site is accessible via

a track on Government land branching off Ting Kok Road to its north. The business hours are 8:00 am to 11:00 pm daily.

- 1.3 Part of the Site is the subject of six previous applications (No. A/NE-TK/147, 207, 228, 257, 316 and 427) for the same use (**Plan A-2a**). Whilst Application No. A/NE-TK/207 was rejected by the Committee on 21.7.2006, the other five applications were approved with conditions by the Committee between 2002 and 2013. The latest one (No. A/NE-TK/427) was approved with conditions on 5.4.2013 for a period of two years up to 5.4.2015. All the approval conditions of Application No. A/NE-TK/427 have been complied with and the planning permission lapsed on 6.4.2015.
- 1.4 Compared with the latest Application No. A/NE-TK/427, there is an adjustment to the site boundary with the site area under application reduced from about 9,946.2m² to 7,132.22m² and the Government land portion excluded.
- 1.5 In support of the application, the applicant submitted the following documents :
 - (a) an application form with attachments **(Appendix I)**
 - (b) Further Information (FI) received on 27.12.2017 clarifying the number of parking spaces and traffic management matters (*accepted and exempted from the publication and recounting requirements*) **(Appendix Ia)**
 - (c) FI received on 29.12.2017 excluding the portion of Government land from the Site in response to the comments of Lands Department (*accepted and exempted from the publication and recounting requirements*) **(Appendix Ib)**
 - (d) FI received on 19.1.2018 further clarifying the number of parking spaces and traffic management matters (*accepted and exempted from the publication and recounting requirements*) **(Appendix Ic)**
- 1.6 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed on 10.11.2017 to defer the consideration of the application for two months to allow time for the applicant to prepare FI to support the application. The applicant submitted FI on 27.12.2017, 29.12.2017 and 19.1.2018. The application is re-scheduled for consideration on 9.2.2018.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I** and FI at **Appendices Ia, Ib and Ic**. They can be summarized as follows:

- (a) the barbecue site has been operating at the Site for over 15 years. The last planning permission (Application No. A/NE-TK/427) was obtained on 4.5.2013 and all the approval conditions have been complied with. However, renewal of the planning permission cannot be proceeded as part of the original barbecue site has been taken back by the lot owner;
- (b) the barbecue site is a very popular recreational spot/ gathering place for families and friends. It can help promote tourism and economy; and provide employment opportunity. The applicant and his staff understand that the ecology in the vicinity should be well protected. The use of the site for barbecue site has been fully supported by several District Council members;
- (c) the parking area is big enough to accommodate 5 large vehicle/coach and 25 private car parking spaces as well as loading/unloading area. Pedestrian passage route has been indicated in the submission. The exclusion of the portion of Government land connecting the Site with Ting Kok Road from the original site is in response to the comments of the Lands Department, and that part has been used as access to the Site for more than 10 years; and
- (d) the applicant undertakes to comply with all the approval condition(s) imposed by the Committee, and to fulfil all necessary requirements requested by the concerned Government departments if the application is approved.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to Tai Po Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the Site is currently subject to planning enforcement action against an unauthorised development (UD) involving use for barbecue area. Enforcement Notice (EN) was issued on 15.8.2017 requiring discontinuance of the UD by 15.11.2017 (**Plan A-2c**). Since the UD has not been discontinued upon expiry of the statutory notice, appropriate enforcement action will be taken in accordance with the established procedures.

5. **Previous Applications**

- 5.1 Part of the Site is the subject of six previous applications for temporary barbecue use (No. A/NE-TK/147, 207, 228, 257, 316 and 427). Except Application No. A/NE-TK/207, all the other five were approved with conditions by the Committee between 2002 and 2013 mainly on the considerations that the applications were not incompatible with the

surrounding area; the approval of the applications would unlikely frustrate the long-term planning intention of the “AGR” zone; and the proposed use would unlikely cause adverse environmental, traffic, landscape, drainage and sewerage impacts on the surrounding area.

- 5.2 Application No. A/NE-TK/207 was rejected by the Committee on 21.7.2006 for reasons of insufficient information to demonstrate that the development would not cause adverse impact on the mangrove habitat in the Ting Kok Site of Special Scientific Interest (SSSI); and setting of undesirable precedent.
- 5.3 The latest Application No. A/NE-TK/427 was approved with conditions on 5.4.2013 for a period of two years up to 5.4.2015. All the approval conditions have been complied with and the planning permission lapsed on 6.4.2015. The Site is currently used as the applied use without valid planning permission.
- 5.4 Details of the applications are shown on **Appendix II** and their locations are shown on **Plan A-2a**.

6. **Similar Applications**

- 6.1 There are eight similar applications (No. A/NE-TK/208, 235, 265, 281, 360, 456, 494 and 565) for temporary barbecue site and car park in the vicinity of the Site within the same “AGR” zone. All the eight applications were approved with conditions by the Committee between 2006 and 2015 mainly on considerations that the proposed use was not incompatible with the surrounding area and the approval of the applications would unlikely cause adverse traffic, environmental, drainage, landscape and sewerage impacts on the surrounding areas. However, planning permissions for applications No. A/NE-TK/208, 494 and 565 were revoked as the applicants failed to comply with the approval conditions.
- 6.2 Details of the applications are shown on **Appendix III** and their locations are shown on **Plan A-2b**.

7. **The Site and Its Surrounding Areas** (Plans A-1, A-2a and photos on Plans A-3, A-4a to A-4d)

- 7.1 The Site is :
 - (a) partly paved and partly occupied by scattered temporary structures;
 - (b) located to the south of Ting Kok Road and is accessible via a track on Government land branching off Ting Kok Road; and
 - (c) currently used as the applied use without valid planning permission.

7.2 The surrounding areas are predominantly rural in character with fallow and active agricultural land intermixing with temporary structures, barbecue sites and tree groups. To the south of the Site are the "Coastal Protection Area" ("CPA") zone along the coastline of Plover Cove and the Ting Kok SSSI which comprises a large patch of dwarf mangroves. To the further north across Ting Kok Road is Ting Kok Village.

8. Planning Intention

The planning intention of the "AGR" zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) it is noted that a piece of unallocated Government land as an access road is included in the Site under the original submission. Since the applicant in his further information has excluded the Government land portion from the Site, DLO/TP has no objection to the application. Nonetheless, the applicant should be informed that there is no guarantee of right of way to the Site;
- (b) the Site consists of 54 private lots all in D.D. 17. These private lots are held under Block Government lease demised for agricultural purpose under different ownership. No structures shall be allowed to be erected without prior approval from LandsD;
- (c) a recent site inspection revealed that several unauthorised structures had been erected on the Site without LandsD's prior approval. If the planning application is approved, the relevant registered owners of the private lots with structures erected/or to be erected are required to immediately submit their Short Term Waiver (STW) applications to DLO/TP all in one go. LandsD would at its discretion acting in the landlord's capacity in dealing with the STW applications concerned. However, there is no guarantee that the application for STW will ultimately be approved. If such approval is given, it will be subject to such terms and conditions, including payment of fees, as imposed by LandsD. Otherwise, appropriate lease

enforcement action would be taken in due course;

- (d) the area of the Site and other details submitted by the applicant have not been verified and the applicant is required to demonstrate the same when the STW applications are submitted; and
- (e) no small house application has been received at the subject site up to this moment.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- no in-principle objection to the application subject to the following conditions:
 - (a) the applicant's proposed 25 parking spaces for private car and 5 parking spaces for large van/coach are tentatively assigned within the Site to cater for the traffic so attracted. The applicant is required to demonstrate and justify that such level of car parking spaces provision is sufficient to cater for the worst case scenario. The applicant should also demonstrate the feasibility of loading/unloading spaces. The applicant shall demonstrate as aforementioned to the satisfaction of Transport Department (TD);
 - (b) the application does not indicate clearly the pedestrian access arrangement from Ting Kok Road to the Site, which is considered necessary to ensure traffic safety. The applicant shall demonstrate as aforementioned to the satisfaction of TD; and
 - (c) the land status of the vehicular access should be clarified with the relevant lands authorities and permission to use should be obtained accordingly in order to avoid any potential dispute and complaints.

Environment

9.1.3 Comments of the Director of Environmental Protection (DEP):

- according to his record, there is no environmental complaint related to the Site in the past three years.

Landscape

9.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the application from the landscape planning point of view;
- (b) recent site inspection revealed that the existing vegetation and landscape planting implemented under the previous applications were generally in good conditions. There has not been significant change in landscape setting since the last application and further adverse landscape impact arising from the use of the barbecue site is not anticipated;
- (c) should the application be approved, an approval condition to maintain the existing trees and vegetation on the Site satisfactory at all times during the approval period is recommended; and
- (d) his detailed comments are at **Appendix IV**.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) there is no existing DSD maintained public drains available for connection in the vicinity of this area;
- (c) the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought;
- (e) public sewerage connection is available in the vicinity of the Site. EPD should be consulted regarding the sewage treatment/disposal aspects of the developments; and
- (f) the applicant should be reminded to follow the established procedures and requirements for the connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted to this department via DLO/TP for approval beforehand. Moreover, the sewerage connection will be subject to his technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from the DSD's web site at <http://www.dsd.gov.hk>.

Building Matter

9.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) there is no record of approval by the Building Authority (BA) for buildings/structures existing at the Site, and he is not in a position to offer comments on their suitability for the use related to the application; and
- (b) his advisory comments under the Building Ordinance (BO) are at **Appendix IV**.

Agriculture and Nature Conservation

9.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site, falling within "AGR" zone, has high potential for rehabilitation for agricultural use. The application is not supported from the agricultural development point of view; and
- (b) the Site is located approximately 30m to the north of Ting Kok SSSI. Should the application be approved, chain-link fence separating the Site and the SSSI should be in place, and banners reminding the public of nature protection should be set up to minimise human disturbance to the SSSI. A planning condition should be imposed ensure the applicant would implement and maintain effective precautionary/ protective measures to prevent any off-site impacts including human disturbance, sewage discharge, polluted site run-off and littering from the barbecue site to the "CPA" and "SSSI" throughout the operation of the barbecue site.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to the fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of Fire Services Department (FSD);
- (b) Emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

9.1.9 Comment of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Food and Environmental Hygiene

9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) for any premises intended to be used for food business (e.g. a restaurant, a food factory, a fresh provision shop), a food business licence from the Food and Environmental Hygiene Department (FEHD) in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) shall be obtained. The application for licence, if acceptable by FEHD, will be referred to relevant Government departments, such as BD, FSD and PlanD for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;
- (b) depending on the mode of operation, generally there are three

types of food business licence that the operator of an outdoor barbecue site may apply for under the Food Business Regulation (the Regulation):

- (i) if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - (ii) if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained; and
 - (iii) if fresh, chilled or frozen meat is sold, a fresh provision shop licence should be obtained;
- (c) according to his record, the subject premises has made an application for a Fresh Provision Shop Licence on 3.4.2017 but the above mentioned application was considered as “no further process” due to no acceptable layout plans and documents were received; and
- (d) the operator of the barbecue site should take measures to prevent the existence of nuisance such as smoke nuisance and accumulation of refuse at the Site. Private refuse collector should be deployed for clearance and disposal of refuse generated from the Site.

Electricity Supply Safety

9.1.11 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

9.2 The following Government departments have no objection to/comment on the application:

- (a) Chief Engineer/New Territories East, Highways Department;
- (b) Commissioner for Police;
- (c) District Officer/Tai Po, Home Affairs Department;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (e) Project Manager/New Territories East, Civil Engineering and Development Department.

10. **Public Comments Received During Statutory Publication Period**

On 29.9.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.10.2017, two public comments were received (**Appendix IV**) from World Wide Fund for Nature Hong Kong and an individual objecting to the application mainly on the ground that it is an UD and the operation is of a brownfield nature rather than genuine barbecue activities.

11. **Planning Considerations and Assessments**

- 11.1 The Site falls entirely within an area zoned “AGR” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and it is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application as the Site has high potential for rehabilitation for agricultural use.
- 11.2 The proposal comprises 14 one-storey structures with a total covered area of about 1,846.74m² within the Site including five sheltered barbecue areas, one game area, one washroom, a reception, a frozen food cabinet, two sheltered areas, one store room, a storage area and a covered corridor. The Site is accessible by a track partly within the Site and partly on Government land connecting to Ting Kok Road. The operation hours are 8:00 am to 11:00 pm daily. The Site is currently used as the applied use without valid planning permission and is subject to planning enforcement action. EN was issued on 15.8.2017 requiring discontinuance of the use of barbecue area by 15.11.2017. As the UD has not been discontinued upon expiry of the statutory notice, appropriate enforcement action will be taken in accordance with the established procedures.
- 11.3 The surrounding areas are predominantly rural in character with fallow and active agricultural land intermixing with temporary structures, barbecue sites and tree groups. The applied use is considered not incompatible with the surrounding areas. There was no environmental complaint pertaining to the Site received in the past three years. DAFC advises that a planning condition should be imposed requiring the applicant to implement and maintain effective precautionary/protective measures properly to prevent any off-site impacts

including human disturbance, sewage discharge, polluted site run-off and littering from the barbecue site to the nearby “CPA” and “SSSI” zones throughout the operation of the barbecue site.

- 11.4 Part of the Site is the subject of six previous planning applications (No. A/NE-TK/147, 207, 228, 257, 316 and 427) for the same use (**Plan A-2a**). Except Application No. A/NE-TK/207, which was rejected by the Committee on 21.7.2006 mainly on the grounds of possible adverse impact on the mangrove habitat in the Ting Kok SSSI and setting of undesirable precedent, the other five applications were approved with conditions by the Committee between 2002 and 2013 mainly on the considerations that the applications were not incompatible with the surrounding area; approval of the applications would unlikely frustrate the long-term planning intention of the “AGR” zone; and the proposed use would unlikely cause adverse environmental, traffic, landscape, drainage and sewerage impacts on the surrounding area. The last Application No. A/NE-TK/427, which was submitted by a different applicant for the same use, was approved with conditions by the Committee on 5.4.2013 on a temporary basis for a period of two years up to 5.4.2015. All approval conditions related to vehicular access, parking, loading/unloading, drainage, FSIs, tree preservation, precautionary/protective measures for nearby “CPA” and “SSSI” zones have been complied with.
- 11.5 Compared with the latest approved previous Application No. A/NE-TK/427, the Government land portion connecting the Site with Ting Kok Road has been excluded from the current application in response to LandsD’s comments. C for T has no in-principle objection to the application subject to approval conditions are imposed on the submission and implementation of parking, loading/unloading and pedestrian access proposals. Other government departments consulted, including DFEH, D of FS, CE/MN, DSD, CE/C, WSD and CTP/UD&L, PlanD, have no objection to/no adverse comment on the application.
- 11.6 Eight similar applications (No. A/NE-TK/208, 235, 265, 281, 360, 456, 494 and 565) (**Plan A-2b**) in the vicinity of the Site within the same “AGR” zone were approved with conditions by the Committee between 2006 and 2015 mainly for the reasons that the proposed use was not incompatible with the surrounding area and approval of the applications would unlikely cause adverse traffic, environmental, drainage, landscape and sewerage impacts on the surrounding areas.
- 11.7 Regarding the public comments objecting to the application mainly on the grounds of UD and operation being of a brownfield nature rather than barbecue activities, Government departments’ comments and the planning assessment above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary barbecue site could be tolerated for a period of three years.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 9.2.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the maintenance of the existing drainage facilities on the application site at all times during the planning approval period;
- (c) the maintenance of the existing trees and vegetation on the application site at all times during the planning approval period;
- (d) the submission of parking, loading/unloading and pedestrian access proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.8.2018;
- (e) in relation to planning condition (d) above, the implementation of parking, loading/unloading and pedestrian access proposals within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.11.2018;
- (f) the submission of fire service installations and water supplies for firefighting proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.8.2018;
- (g) in relation to condition (f) above, the implementation of fire service installations and water supplies for firefighting proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.11.2018;
- (h) the provision of precautionary/protective measures within 6 months from the date of planning approval to ensure no adverse impacts on the nearby "Coastal Protection Area" zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by 9.8.2018;
- (i) if the above planning conditions (a), (b) and (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (j) if any of the above planning conditions (d), (e), (f), (g) and (h) is not complied with within the specified time limit, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the development is not in line with the planning intention of the "AGR" zone which is intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no justification given in the submission for a departure from such planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the planning permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form and attachments
Appendix Ia	Further information submitted by the applicant received on 27.12.2017
Appendix Ib	Further information submitted by the applicant received on 29.12.2017
Appendix Ic	Further information submitted by the applicant received on 19.1.2018
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Advisory comments from Government departments

Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Layout plan submitted by the applicant
Plan A-1	Location plan
Plans A-2a to A-2c	Site plans
Plan A-3	Aerial photo
Plans A-4a to A-4d	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2018**