

REVIEW OF APPLICATION NO. A/YL-PH/758
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Temporary Public Vehicle Park (Private Cars, Lorries and Coaches)
for a Period of 3 Years in “Agriculture” zone,
Lots 56(Part), 61(Part) and 62(Part) in D.D. 114, Pat Heung, Yuen Long**

1. Background

- 1.1 On 28.9.2017, the applicant, Mr. TANG Wai Leung Billy represented by Mr. CHENG Ka Cheung and Mr. CHONG Kim Wah, sought planning permission to use the application site (the Site) for proposed temporary public vehicle park (private cars, lorries and coaches) for a period of 3 years. The Site is zoned “Agriculture” (“AGR”) on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 (**Plan R-1**). The Site is currently vacant (**Plans R-2, R-4a and R-4b**).
- 1.2 On 24.11.2017, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- (a) the development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (b) the applicant fails to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas; and
 - (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.
- 1.3 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/YL-PH/758 (Annex A)
 - (b) Extract of minutes of the RNTPC meeting held on 24.11.2017 (Annex B)
 - (c) Secretary of the Board’s letter dated 8.12.2017 (Annex C)

- 1.4 Part of the Site (i.e. Lots 61 (Part) and 62 (Part) in D.D. 114) is the subject of a planning enforcement action (No. E/YL-PH/753) alleging for storage use with Enforcement Notice (EN) issued to the responsible persons on 8.2.2017. As the EN has not been complied with by the expiry date, further enforcement/prosecution action is being taken against the responsible persons.

2. **Application for Review**

On 19.12.2017, the applicant's representative applied, under section 17(1) of the Town Planning Ordinance, for a review of the RNTPC's decision to reject the application (**Annex D**). In support of the review, the applicant provided justifications and new landscape, fire service installations (FSIs) and drainage proposals. The site layout plan, vehicular access plan, landscape proposal, FSIs proposal and drainage proposal are at **Drawings R-1 to R-5**.

3. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in the applicant's written representation at **Annex D**. They can be summarized as follows:

- (a) The Site is located at the fringe of the "Open Storage" ("OS") zone and is surrounded by open storage yards, which is not possible for agriculture rehabilitation.
- (b) There is no domestic structure near the Site. The applicant will provide greening at the peripheral of the Site. Hence, the proposed development will not generate adverse environmental impact.
- (c) Approval of this application would not set a precedent as there are several approved planning applications of uses not listed under Column 1 nor Column 2 of the "AGR" zone, including seven approved applications for various temporary open storage (one of them with private car park for medium goods vehicles) (application Nos. A/YL-PH/616, 618, 666, 682, 683 and 719 and A/YL-KTN/399).

4. **The Section 16 Application**

The Site and its Surrounding Areas (**Plans R-1, R-2**, aerial photo on **Plan R-3** and photos on **Plans R-4a and R-4b**)

- 4.1 The situations of the Site and its surrounding areas at the time of the consideration of the s.16 application by the RNTPC were described in paragraphs 7.1 and 7.2 of **Annex A**. Since then, there has been no material change of the situation except that the Site is currently vacant (**Plan R-4a**).
- 4.2 The Site is:
- (a) partly paved and currently vacant; and
 - (b) accessible via a local track branching off Kam Tin Road.

- 4.3 The surrounding areas are intermixed with plant nurseries, cultivated agricultural land, a residential dwelling/structure, open storage/yards, and vacant/unused land. Most of the open storage yards within the “AGR” zone are suspected unauthorised development subject to enforcement action by the Planning Authority:
- (a) to its immediate east is a local track and vacant land. The “OS” zone located in the further east (about 20m) is occupied by some open storage yards of vehicles. A residential dwelling/structure is located at its northeast;
 - (b) to its south is a plant nursey;
 - (c) to its west are plant nursery, open storage yards of vehicle and construction materials and vacant land; and
 - (d) to its north are open storage yards of vehicle, vacant/unused land and cultivated agricultural land. The “OS” zone is about 60m to the further north.

Planning Intention

- 4.4 There has been no change of planning intention of the concerned “AGR” zone, which is mentioned in paragraph 8 of **Annex A**.
- 4.5 The planning intention of the “AGR” zone is 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.

Previous Applications

- 4.6 The previous applications at the time of the consideration of the s.16 application are mentioned in paragraph 5 of **Annex A**. Since then, no additional previous application is involved.
- 4.7 A portion (about 30%) at the eastern part the Site was involved in 2 previous applications (No. A/YL-PH/333 and 401) for temporary open storage of vehicles and vehicle parts prior to sale/temporary open storage of new and old vehicles and vehicle parts submitted by different applicants of the current application. Details are summarized in **Annex E** and the locations are shown on **Plan R-1**.
- 4.8 Both applications were rejected by the RNTPC or by the Board on review on 30.6.2000 and 4.10.2002 respectively. They were rejected mainly on the grounds that the developments were not in line with the planning intention of the “AGR” zone and were incompatible with the surrounding rural land uses; insufficient information to demonstrate the development would not have adverse drainage impact; and approval of the applications would set undesirable precedents for similar uses to proliferate into the “AGR” zone.

Similar Application

- 4.9 There is no similar application for proposed public vehicle park use within the subject “AGR” zone of the OZP at the time of consideration of the s.16 application mentioned in paragraph 6 of **Annex A**. There has been no change to the situation since then.
- 4.10 The applicant quoted seven approved applications (Nos. A/YL-PH/616, 618, 666, 682, 683 and 719 and A/YL-KTN/399) covering 6 sites fall within areas zoned “AGR” on the Pat Heung and Kam Tin North OZPs. The locations of these applications are shown at **Plan R-1**. Six of these applications involved various temporary open storage uses which are different from the proposed temporary public vehicle park use under the current application. The remaining application No. A/YL-KTN/399 (for temporary open private car park for medium goods vehicles and storage of construction materials) was approved by the RNTPC on 24.5.2013 mainly on the considerations that there had been three previous planning approval for similar open storage/parking uses had been granted since 2010, the concerned site fell within Category 2 areas under the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) and the proposed use was surrounded by open storage/storage yards, workshop and warehouse uses. There was generally no adverse comment from concerned departments and the departmental concerns could be addressed by approval conditions.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraphs 9.1 and 9.2 of **Annex A**.
- 5.2 For the review application, the relevant Government departments have been further consulted and the comments are summarized as follows:

District Officer’s Comments

- 5.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comment from the locals upon close of consultation and he has no particular comment on the application.

Drainage

- 5.2.2 Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission of a drainage proposal and implementation and maintenance of the drainage proposal for the development should be included in the planning permission.

- (c) His detailed comments on the submitted drainage proposal are at **Annex F**.

5.3 The following Government departments have no further comment on the review application and maintain their previous views on the s.16 application as stated in paragraph 9.1 of **Annex A** and recapitulated below:

Land Administration

5.3.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The Site is accessible to Kam Tin Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (c) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should planning approval be given to the application, the lot owner(s) will need to apply to his office if any structure to be erected on site. Such application(s) will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

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

He has no comment on the application from traffic engineering perspective. The following clauses should be incorporated into approval condition and advisory clause respectively:

- (a) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (b) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

5.3.3 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not/shall not be responsible for the maintenance of the existing vehicular access connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There was no environmental complaint received for the Site in the past three years. However, he does not support the application as the proposed use involves heavy vehicles and there is sensitive receiver, i.e. residential dwelling located to the northeast (about 60m away) of the Site (**Plan R-2**), and environmental nuisances are expected.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by DEP.

Landscape

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

- (a) He has some reservation to the application from the landscape planning point of view.
- (b) With reference to aerial photo in October 2016, the Site is situated in an area of rural landscape character comprising of open storage, warehouses, cultivated farmlands and scattered tree groups in its vicinity. Although the proposed use is not incompatible to the surrounding environment, it is not in line with the planning intention of “AGR” zone which is to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation.
- (c) According to the site photos submitted by the applicant, the Site has been cleared and hard-paved. Although adverse landscape impact is not anticipated through the use of the Site as temporary vehicle park, approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. Cumulative effect of approving similar applications would result in degradation of landscape

resources/character and cause adverse landscape impact of the area.

- (d) Should the Board approve the application, approval condition on submission and implementation of the landscape proposal should be included.

Agriculture

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

As there are active agricultural activities in the vicinity of the Site and the Site possesses potential for agricultural rehabilitation, he does not support the application from agricultural point of view.

Water Supply

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

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her 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.

Fire Safety

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

- (a) He has no in principle objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are unauthorized under the BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Electricity

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing 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. They should also be reminded to observe the Electricity Supply Lines (Protection) 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.

5.3.11 The following Government departments have no further comment on the review application and maintain their previous views of having no comment on the s.16 application below:

- (a) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD); and
- (b) Commissioner of Police (C of P).

6. Public Comments on the Review Application Received During Statutory Publication Period

On 5.1.2018, the review application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 26.1.2018, two public comments from Kadoorie Farm and Botanic Garden and an individual were received (**Annexes G-1 and G-2**). The commenters object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone, and the same rejection reasons of the s.16 application still applied.

7. Planning Considerations and Assessments

7.1 The application is for a review of RNTPC’s decision on 24.11.2017 to reject the application for temporary public vehicle park (private cars, lorries and coaches) for a period of three years. The rejection reasons were that the proposed use was not in line with the planning intention of the “AGR” zone; failed to demonstrate the development would not generate adverse environmental impact on the surrounding; setting an undesirable precedent and the cumulative effect of approving such applications would result in general degradation of rural environment of the area. The applicant submitted justifications and responses to the rejection reasons in support of the review application mainly on the grounds that the Site is located at the fringe of the “OS” zone and surrounded by open storage yards which is not possible for agricultural rehabilitation; no domestic structures near the Site and greening would be provided at the peripheral of the Site to address any possible adverse environmental impact; seven similar planning applications for open storage and/or car park uses in the “AGR” zone had been approved; and approval of the current application would not set an undesirable precedent. The planning considerations and assessments are appended below.

Not in line with the planning intention

7.2 The Site falls within the “AGR” zone which is intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed temporary public vehicle park is not in line with the planning intention of the “AGR” zone. The applicant stated that the Site is located at the fringe of the “OS” zone and surrounded by open storage yards, which is not possible for agricultural rehabilitation. In this regard, the Site is about 60m and 20m from the “OS” zone

to its north and east and currently surrounded by plant nurseries, cultivated agricultural land and vacant land (**Plan R-2**). DAFC does not support the application as there are active agricultural activities in the vicinity of the Site and the Site has potential for agricultural rehabilitation. No strong planning justification has been given in the submission to justify for a departure from the planning intention, even on a temporary basis.

Incompatible with the surrounding uses

- 7.3 The Site is the midst of a piece of active agricultural land with two plant nurseries to its immediate south and west and cultivated agricultural land to its north. While there are scattered open storage yards in the vicinity (**Plan R-2**), it is noted that most of them are suspected unauthorized developments subject to enforcement action by the Planning Authority. The applicant stated that there is no domestic structure in the area and promises to provide greening at the peripheral of the temporary car park so that the proposed development will not generate adverse environmental impact. However, DEP does not support the application as the proposed use involves heavy vehicles and there is a sensitive receiver, i.e. residential dwelling located to the northeast (about 60m away) of the Site (**Plan R-2**), and environmental nuisances are expected. CTP/UD&L of PlanD also has some reservations on the application as approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone, and cumulative effect of approving similar applications would result in degradation of landscape resources/character and cause adverse landscape impact of the area.

Approved applications for various open storage/car park uses

- 7.4 The applicant stated that seven applications for various temporary open storage and private car park uses within the “AGR” zone have been approved by the Committee. As shown on **Plan R-1**, application sites of No. A/YL-PH/616, 666, 683 and 719 are located in the northwest of the Site within the same “AGR” zone, while Applications No. 618 and 682 (on the same site) and No. A/YL-KTN/399 are located in the far north (about 1,300m) in different “AGR” zones. When compared with the proposed public vehicle park under the current application, these applications involved mainly open storage and No. A/YL-KTN/399 for open storage and private car park uses. Approvals of these seven applications were subject to different planning circumstances and considerations¹.
- 7.5 Four applications covering three sites (namely Nos. A/YL-PH/618 and 682 (on the same site), 616 and 666 (with previous approved application No. A/YL-PH/608) were subject to the background that the original sites of these open storage uses were affected by the Guangzhou–Shenzhen–Hong Kong Express Rail Link (XRL) project and the applicants had made efforts in identifying an alternative suitable site but in vain. The concerned application sites for relocation were close to the XRL project works areas and the proposed open storage uses were not incompatible with the surrounding open storage, workshop and rural industrial uses. It was against this background and planning

¹ These seven applications for various open storage uses were subject to Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E). The Guidelines is not applicable to the proposed public car park use under the current application.

circumstances that the Committee gave favorable consideration and granted planning permissions for these applications in 2011. For the remaining three applications No. A/YL-KTN/399, A/YL-PH/683 and 719, the Committee granted planning permissions in 2013, 2014, 2015 respectively mainly on the consideration that the applications were generally complied with TPB PG-No. 13E in that there were previous planning approvals granted at the sites and generally no adverse comment from concerned departments and their concerns could be addressed by approval conditions. These three application sites were adjacent to the XRL project works areas and the proposed open storage and private car park uses were not incompatible with the surrounding area characterized by open storage/storage yards, workshops, warehouse uses, etc.

- 7.6 However, the review application for temporary public car park use is different from these seven approved applications in that the Site is surrounded by active agricultural uses and no previous application for public vehicle park has been approved by the Committee. It is considered that open storage/parking uses should be contained to avoid further proliferation into the “AGR” zone. Two previous applications covering the eastern part of the Site for temporary open storage of vehicles and vehicle parks were rejected by the Committee or the Board upon review in 2000 and 2002 respectively on similar considerations that the proposed uses were not in line with the planning intention of the “AGR” zone and were incompatible with the surrounding rural land uses; and approval of the applications would set undesirable precedents for similar uses to proliferate into the “AGR” zone. Rejection of the current application is in line with the previous decision of the Committee/Board. In view of the above, there is no material change in the planning circumstances of the case that justify a deviation from the decision of the RNTPC on 24.11.2017.

Public Comments

- 7.7 Three public comments were received at the s.16 planning application stage objecting the planning application. At the s.17 review stage, two public comments were received. Both commenters object to the application mainly on the grounds that the proposed use is not in line with the planning intention of “AGR” and the same rejection reason of the s.16 application still applicable. In this regard, the planning assessments and considerations above are relevant.

8. Planning Department’s Views

- 8.1 Based on the assessments made in paragraph 7 and having taken into account the public comments mentioned in paragraph 6, and given that there is no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 24.11.2017, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning

justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

8.2 Alternatively, should the Committee decide to approve the application, the permission shall be valid on a temporary basis for a period of 3 year until 9.3.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00p.m. and 8:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the Site to indicate that no heavy goods vehicles exceeding 24 tonnes, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (f) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.9.2018;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.12.2018;

- (j) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.9.2018;
- (k) in relation to (j) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.12.2018;
- (l) in relation to (k) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (m) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.9.2018;
- (n) in relation to (m) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.12.2018;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (l) 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;
- (p) if any of the above planning conditions (h), (i), (j), (k), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the 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 **Annex H**.

9. Decision Sought

- 8.1 The Board is invited to consider the application for review of the RNTPC's decision and decide whether to accede to the application.
- 8.2 Should the Board decide to approve the review application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

- 8.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

10. Attachments

Annex A	RNTPC Paper No. A/YL-PH/758
Annex B	Extract of minutes of the RNTPC meeting held on 24.11.2017
Annex C	Secretary of the Board's letter dated 8.12.2017
Annex D	Letter dated 15.12.2017 from the applicant applying for review of the application
Annex E	Previous applications for the Site
Annex F	Detailed comments from CE/MN of DSD
Annex G	Public comments on the review application
Annex H	Advisory Clauses
Drawing R-1	Site Layout Plan
Drawing R-2	Vehicular Access Plan
Drawing R-3	Landscape Proposal
Drawing R-4	Fire Service Installations Proposal
Drawing R-5	Drainage proposal
Plan R-1	Location Plan with Previous Applications
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a and R-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**