

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/306

<u>Applicant</u>	: Mr. LO Shing Tung represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 110 S.A RP, 110 S.D ss.1, 110 S.D ss.2, 110 S.D ss.3 and 110 S.D RP in D.D. 112, Shek Kong, Yuen Long, New Territories
<u>Site Area</u>	: About 1,769m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years (**Plan A-1**) and to fill part of the Site which is required for the proposed structures and parking, loading/unloading and circulation spaces (**Drawing A-3**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Hobby Farm)’ is a Column 2 use within the “AGR” zone, and planning permission from the Town Planning Board (the Board) is required for both the proposed use and filling of land. The Site is currently vacant and partly hard-paved (**Plans A-2 to A-4**).
- 1.2 The Site is subject to three previous applications. The last application (No. A/YL-SK/244) submitted by the same applicant for the same proposed use for a period of 3 years without filling of land (**Plan A-1**) was approved by the Rural and New Town Planning Committee (the Committee) on 7.12.2018. The planning approval was revoked on 7.5.2021 due to non-compliance with approval conditions.
- 1.3 According to the applicant, there will be two structures of about 3.5m-6m in height (1-2 storey) with a total floor area of about 180m² for agricultural learning centre, storage of seed and farm tools, reception, toilet and changing room uses. Part of the Site (about 700m² or about 40% of the Site) is proposed to be filled up (by not

more than 0.2m to raise the site level from about 26.3 mPD to not more than 26.5 mPD) and hard-paved by concrete for the erection of the two structures and the provision of parking, loading/unloading and circulation spaces. The remaining part of the Site (about 1,070 m² or about 60% of the Site) will be used as farmland area. The operation hours will be from 9:00am to 6:00pm daily (including public holidays). Three private car parking spaces and one light goods vehicle loading/unloading space will be provided on-site. The Site is accessible from Kam Sheung Road via Ko Sheung Road and Nam Hing West Road. The location plan, layout plan and paving ratio plan submitted by the applicant are at **Drawings A-1 to A-3**.

- 1.4 Compared with the last approved application (No. A/YL-SK/244), the current application is the same in terms of the use, site area/boundary, number of structures and floor area. There are slight changes in layout with the provision of additional 3 private car parking spaces and filling of land.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with Attachment received on **(Appendix I)** 15.4.2021
 - (b) Further information (FI) received on 7.6.2021 (*exempted from publication*) **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, and are briefly summarised as follows:

- (a) as the demand for recreational farming is growing recently, the proposed hobby farm is intended to promote sustainable and organic farming in the area. Pesticide will not be used at the Site, and the fruit and vegetable grown on-site are free to be carried away by visitors;
- (b) the application is on a temporary basis for a period of 5 years and the farming activity is similar to the always-permitted agricultural use. Therefore, the application will not frustrate the long-term planning intention of the “AGR” zone;
- (c) the applicant has complied with the planning approval conditions on the submissions of public footpath and associated street furniture, landscape, drainage and FSIs proposals for the previous planning approval. For the implementation of these proposals, however, due to the coronavirus outbreak, no sufficient manpower and/or construction materials could be obtained. The planning permission was consequently revoked on 7.5.2021. The applicant will make effort to comply with the approval conditions after planning approval of the current application is obtained from the Board;
- (d) the estimated maximum number of visitors per day would be about 15, and there would be around 5 staff working on-site. Visitors are required to make

appointments in advance to access the Site and for the use of parking spaces. Three private car parking spaces and one loading/unloading space for light goods vehicles are provided for visitors and staff transporting goods to support the operation respectively. No adverse traffic impact is envisaged;

- (e) the paved area is kept to the minimal, and the rest of the Site will remain unpaved as farmland area. The applicant will reinstate the Site to a condition suitable for agricultural use after the expiry of planning approval; and
- (f) the applicant would follow the 'Professional Persons Environmental Consultative Committee Practice Notes' and 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the sewage and environmental impacts at the Site. No loudspeakers, audio amplifier and public announcement systems will be used. No significant adverse environmental, landscape and drainage impacts are expected.

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 (the Ordinance) (TPB PG-No. 31A) by posting site notice at the Site and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (Nos. A/YL-SK/219 and 230) for proposed House (New Territories Exempted House (NTEH) – Small House) and one previous application (No. A/YK-SK/244) for temporary place of recreation, sports or culture (hobby farm) uses. Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

One approved application

- 5.2 Application No. A/YL-SK/244 for temporary place of recreation, sports or culture (hobby farm) for a period of 3 years was approved with conditions by the Committee on 7.12.2018 mainly on the considerations that the proposed development would not frustrate the long-term planning intention of the "AGR" zone; it was not incompatible with the surrounding areas; the approval of the application was in line with the Committee's previous decision; it would unlikely generate significant adverse environmental, traffic, landscape or drainage impacts; relevant Government departments had no adverse comment on the application; and the technical concerns/requirements of the relevant Government departments could be addressed by the approval conditions. However, the

planning approval was revoked on 7.5.2021 due to non-compliance with approval conditions in relation to the implementation of modification work proposal of the existing public footpath and associated street furniture, landscape, drainage and FSIs proposals.

Two rejected applications

- 5.3 Application Nos. A/YL-SK/219 and 230 for proposed House (NTEH – Small House) were rejected by the Committee on 25.11.2016 and 24.11.2017 respectively. The two applications occupying smaller site areas were rejected mainly on the grounds that the proposed Small House developments were not in line with the planning intention of the “AGR” zone; the applications did not comply with the Interim Criteria for assessing planning applications for Small House development; it was considered more appropriate to concentrate the proposed Small House developments close to the existing village cluster; there was no exceptional circumstance to justify approval of the applications; and approval of the applications would set an undesirable precedent for similar applications within the “AGR” zone.

6. Similar Applications

- 6.1 There are five similar applications (Nos. A/YL-SK/235, 241, 291, 294 and 299) for temporary place of recreation, sports or culture (hobby farm) use (with animal hospice services establishment for application No. A/YL-SK/291) within the same “AGR” zone on the OZP. The former three applications are for a period of 3 years without filling of land while the last two are for a period of 5 years with filling of land. Details of these applications are summarised at **Appendix III** and the locations are shown on **Plan A-1**.
- 6.2 Four of the applications (Nos. A/YL-SK/235, 241, 294 and 299) were approved by the Committee from 2018 to 2021 on the similar considerations that the development would not jeopardise the long-term planning intention of the “AGR” zone; it was not incompatible with the surrounding environment; it would unlikely generate significant environmental nuisance; relevant Government departments had no adverse comment on the application; and the technical concerns/requirements of the relevant Government departments could be addressed by the approval conditions. For the remaining application for temporary hobby farm with animal hospice services establishment use (No. A/YL-SK/291), it was rejected by the Committee in November 2020 mainly on the grounds that the animal hospice services establishment use was not in line with the planning intention of the “AGR” zone and was not incompatible with the surrounding environment. The above considerations are not relevant to the current application.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plan A-4)

- 7.1 The Site is:
- (a) currently vacant and partly hard-paved; and

- (b) accessible from Kam Sheung Road via Ko Sheung Road and Nam Hing West Road.
- 7.2 The surrounding areas are predominantly rural in character and intermixed with domestic dwellings/structures, active farmland, construction sites, and unused land (**Plan A-2**):
- (a) to its north is Nam Hing West Road, to its further north across the road and the Kam Tin Main Drainage Channel are a few domestic structures/dwellings intermixed with active farmland and unused land;
 - (b) to its east are several pieces of unused land on both sides of Ko Sheung Road;
 - (c) to its south are a few domestic structures/dwellings, active farmland, a storage yard and unused land within “V” zone. To its further south across Kam Sheung Road are several domestic structures/dwellings, a real estate agency, a couple of parking of vehicles, and vacant land; and
 - (d) to its west are some domestic structures/dwellings, construction sites, pieces of active farmland, and unused land.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is 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.
- 8.2 As filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, planning permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) the Site comprises Old Schedule 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) Lot 110 S.A RP within the Site is covered by a Short Term Waiver (STW) (STW5232), for which temporary place of recreation, sports or culture (hobby farm) is a permitted use; and
- (c) should planning approval be given to the application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate, and lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structure(s) to be erected or regularise any irregularities on-site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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

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

- (a) having regard to the FI (**Appendix Ia**), he has no comment on the application from traffic engineering perspective; and
- (b) should the application be approved, approval conditions of no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included in the planning permission.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance for any access connecting the Site and Nam Hing West Road;
- (b) the applicant should provide the run-in/out at Nam Hing West Road to the satisfaction of TD and HyD in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;
- (c) the applicant should submit the details of modification works of street furniture at Nam Hing West Road for TD's and HyD's review. No modification works of street furniture should be implemented unless approval on the modification proposal was obtained from TD and HyD; and
- (d) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) he has no objection to the application, subject to the approval condition that no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period as proposed by the applicant, should be included; and
- (b) the applicant is advised (i) to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance; (ii) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction should follow the requirements of EPD’s Practice Note for Professional person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” including percolation test; and (iii) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.
- (c) there is no environmental complaint in relation to the Site received in the past three years.

Landscape

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

- (a) he has no objection to the application from the landscape planning perspective;
- (b) the Site is sandwiched by Nam Hing West Road to the north and row of Small Houses within “V” zone to the south. The Site is the subject of three previous planning applications of different uses (No. A/YL-SK/219, 230 and 244). The last application (No. A/YL-SK/244) with the same use as hobby farm without landfilling for a period of 3 years was approved with landscape-related conditions by the Board on 7.12.2018. According to his record, the implementation of landscape proposal for the latest approved application (No. A/YL-SK/244-8) was not received;
- (c) referring to the aerial photo in 2019, the Site is situated in an area of rural landscape character comprising scattered tree groups, farmlands and Small Houses. The proposed development is not incompatible with the landscape character of the surrounding area;

- (d) with reference to the site photos in April 2021, the Site is vacant and partly hard-paved. Several trees in fair condition were found at the southern side of the Site and outside the northern side of the Site boundary. Some of the trees may be affected by the proposed land filling and some are close to the site entrance. In view that the affected trees are common species which can be easily sourced in local market, significant adverse landscape impact arising from the development is not anticipated; and
- (e) his detailed comments are at **Appendix V**.

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and possesses potential for agricultural rehabilitation. He has no strong views against the application for the proposed use and land filling from agricultural point of view on the understanding that agricultural activities are involved in the proposed use and the Site will be reinstated upon the expiry of the planning application; and
- (b) noting that its previous application for the same use was approved by the Board, he has no comment on the application from nature conservation perspective. Nevertheless, there are mitigation planting areas for the Kam Tin Main Drainage Channel project along the north boundary of the Site, which are currently maintained by his department. Should the application be approved, the applicant should be reminded to avoid disturbing the mitigation planting areas, in particular during the land filling activity, in order to preserve and protect the vegetation therein.

Building Matters

9.1.7 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, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with BO;
- (b) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when

necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the Site under BO; and

- (c) his detailed comments are at **Appendix V**.

Drainage

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

- (a) he has no objection in-principle to the proposed development; and
- (b) should the Board consider that the application is acceptable from planning point of view, conditions should be stipulated in the approval letter requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

Fire Safety

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

- (a) he has no objection in-principle to the proposal subject to 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 where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

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

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

9.2 The following Government departments have no objection to/adverse comment on the application. Their detailed comments, if any, are at **Appendix V**:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Railway Development 2-1, Railway Development Office, Highways Department (CE/RD2-1, RDO, HyD);
- (c) Chief Estate Surveyor/Railway Development Section, Lands Department (CES/RD, LandsD);
- (d) Commissioner of Police (C of P);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD).

10. Public Comment Received During Statutory Publication Period

On 23.4.2021, the application was published for public inspection. During the three-week statutory publication period, a total of 21 public comments (**Appendix IV**) were received from a Yuen Long District Council Member, two Indigenous Inhabitant Representatives and one Resident Representative of Sheung Tsuen, Chairperson and Vice-chairperson of Sheung Tsuen Village Committee and 14 local residents (all in similar letter format), and one individual. All comments object to the application mainly on the grounds that the application would induce additional traffic at Nam Hing West Road which would lead to potential safety concern; and the proposed structures are incompatible with the nearby surrounding; the visitors of the proposed development would damage the tranquility of the area.

11. Planning Considerations and Assessment

11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) at the Site zoned “AGR” for a period of 5 years, with filling of land at a portion of the Site (about 40%) by not more than 0.2m (**Drawings A-2 to A-3**) for the proposed structures and parking, loading/unloading and circulation spaces. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. According to the applicant, the proposed development is intended to promote sustainable and organic farming in the area. The proposed use is generally not in conflict with the planning intention of the “AGR” zone, and about 60% of the Site (about 1,070m²) will be used as farmland. DAFC has no strong view against the application from the agricultural point of view. It is considered that approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the “AGR” zone.

11.2 The proposed temporary hobby farm with two 1 to 2 storey structures with a total floor area of 180m² is not incompatible with the surrounding environment which is predominantly rural in character intermixed with domestic dwellings/ structures and active farmland (**Plan A-2**). C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD have no objection to/no comment on the application from traffic, environmental, drainage and landscape aspects. It is anticipated that the proposed

development would not have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and prohibiting the use of public announcement system are recommended in paragraph 12.2 (a) and (b) below. Moreover, the technical requirements of C of T, CHE/NTW, HyD, D of FS and CE/MN of DSD could be addressed by appropriate approval conditions in paragraph 12.2 (c) to (k) below. Besides, the applicant will be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact.

- 11.3 There are five similar applications for hobby farm uses within the same “AGR” zone on the OZP as detailed in paragraph 6 above (**Plan A-1**). Four of them were approved with conditions by the Committee from 2018 to 2021. The considerations for approval of these four applications are applicable to the current application. Approval of the current application is in line with the previous decisions of the Committee. The remaining application (No. A/YL-SK/291) for hobby farm and animal hospice services establishment which was rejected by the Committee in 2020 was subject to different circumstances and is irrelevant to the current application.
- 11.4 The Site is the subject of three previous applications. The first two applications were for proposed House (NTEH – Small House) and therefore are irrelevant to the current application. The last application (No. A/YL-SK/244) submitted by the same applicant for the same proposed use was approved with conditions for a period of 3 years. The planning approval was revoked due to non-compliance with approval conditions in relation to implementation of various proposals. The applicant explained that the implementation of the footpath/ street furniture proposal, landscape, drainage and FSIs proposal were hindered due to the coronavirus outbreak. Having regard to the above and taking into account that there is no significant change in planning circumstances, it is considered that sympathetic consideration could be given to the current application. Should the application be approved by the Committee, shorter compliance periods are recommended with a view to closely monitoring the progress on compliance with approval conditions. Furthermore, the applicant should be advised that if there is further non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Regarding the 21 objecting public comments received during the statutory publication period, the departmental comments and planning considerations and 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 in paragraph 10, the Planning Department has no objection to the application.
- 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 5 years until

11.6.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a modification work proposal of the existing public footpath and associated street furniture at the proposed entrance of the Site within **3 months** from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 11.9.2021;
- (f) in relation to (e) above, the implementation of the modification work proposal of the existing public footpath and associated street furniture at the proposed entrance of the Site within **6 months** from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 11.12.2021;
- (g) the submission of a drainage proposal within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.9.2021;
- (h) in relation to (g) above, the implementation of the 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 11.12.2021;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a fire service installation proposal within **3 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.9.2021;
- (k) in relation to (j) above, the implementation of the fire service installation 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 11.12.2021;

- (l) if any of the above planning condition (a), (b), (c), (d) or (i) 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;
- (m) if any of the above planning condition (e), (f), (g), (h), (j) or (k) 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;
- (n) upon the 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 TPB; and
- (o) upon the expiry of the planning permission, the reinstatement of the existing public footpath and associated street furniture at the proposed entrance of the Site, at the applicant's own cost, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB.

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

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

the proposed development 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. It 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 to justify a departure from the 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.
- 13.2 Should the Committee decide to approve the 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.
- 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 received on 15.4.2021

Appendix Ia Further information (FI) received on 7.6.2021

Appendix II	Similar Applications
Appendix III	Previous Applications
Appendix IV	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Paving Ratio Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2021**