



Isle of Man Government

Reilhtys Ellan Vannin

SUMMARY OF PROCEEDINGS IN THE COUNCIL OF MINISTERS

APRIL, MAY AND JUNE 2013

PART I DECISIONS MADE BY COUNCIL

1. 4G AWARD PROCESS

Council considered and agreed a paper submitted by the Communications Commission seeking approval for proposals to allocate spectrum and licences for 4G mobile services to be subject to public consultation.

2. COMMUNICATIONS COMMISSION'S RESPONSE TO OFCOM'S CONSULTATION ON THE AWARD OF THE 600 MHZ SPECTRUM BAND

Council considered a paper and agreed the Communications Commission's proposed response to Ofcom's consultation on the award of the 600 MHz spectrum band for Digital Terrestrial Television.

3. ISLE OF MAN GOVERNMENT MEMBERSHIP OF THE CONFERENCE OF PERIPHERAL MARITIME REGIONS OF EUROPE (CPMR)

Council considered a paper submitted by the Chief Secretary and agreed that the Isle of Man Government should withdraw from the CPMR, in light of changing priorities for the Island and following the successful establishment of the Isle of Man Brussels Office.

4. CIVIL SERVICE COMMISSION CONSULTATION: PROPOSAL TO ESTABLISH A PUBLIC SERVICES COMMISSION

Council considered a paper submitted by the Office of Human Resources and approved the consultation document annexed to the paper on the proposal to establish a Public Services Commission to replace the Civil Service Commission and Whitley Council.

5. APPLICATION OF EU SANCTIONS REGULATIONS

Council considered and agreed the application and implementation of further EU Sanctions in respect of North Korea, Libya, Syria, Somalia, Zimbabwe and Myanmar/Burma.

6. EUROPEAN UNION (TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES) ORDER 2013; TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES REGULATIONS 2013

Council considered a paper submitted by the Chief Secretary and agreed that in accordance with the relevant legislation the draft European Union (Transmissible Spongiform Encephalopathies) Order annexed to the paper be laid before the July 2013 sitting of Tynwald; the draft Order be moved for approval by the Minister for Environment, Food and Agriculture on behalf of Council at the October 2013 sitting of Tynwald; subject to Tynwald approval, the Order then be made; and the Transmissible Spongiform Encephalopathies Regulations 2013 subsequently be made, coming into operation on 1 November 2013, and laid before the November 2013 sitting of Tynwald.

7. PROTOCOL NO 15 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Council considered a paper submitted by the Chief Secretary and agreed that it was content for the Isle of Man to be included in the UK's ratification of Protocol No. 15 to the European Convention on Human Rights.

8. UK INTELLECTUAL PROPERTY BILL; GENEVA ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS; AGREEMENT ON A UNIFIED PATENT COURT

Council considered a paper submitted by the Chief Secretary and after consideration agreed that:

1. it was content for the amendments in the Intellectual Property Bill to the Registered Designs Act 1949 and the Patents Act 1977, and the power in the Bill to make transitional provision relating to those Acts, to extend to the Isle of Man;
2. amendments equivalent to those made by the Intellectual Property Bill relating to unregistered IP rights should if possible be included by the Department of Economic Development in the Copyright Etc. (Amendment) Bill; and
3. when the United Kingdom accedes to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs and ratifies the Agreement on a Unified Patent Court it would if possible wish the UK's accession and ratification respectively to include the Isle of Man.

9. THE EUROPEAN UNION (INTELLECTUAL PROPERTY) (NO. 2) ORDER 2013

Council considered a paper submitted by the Department of Economic Development and agreed the draft European Union ("EU") (Intellectual Property) (No. 2) Order be laid before the May 2013 sitting of Tynwald; the Minister for Economic Development move the draft Order for approval at a subsequent sitting of Tynwald; and subject to Tynwald approval, that the Order be made.

10. IMMIGRATION (DESIGNATION OF TRAVEL BANS) (NO. 2) ORDER 2013

Council considered a paper submitted by the Chief Secretary and agreed that the Immigration (Designation of Travel Bans) (No. 2) Order 2013 be made and laid before the May 2013 sitting of Tynwald and for the Order to come into operation on 1 May 2013.

11. INTERCEPTION OF COMMUNICATIONS ACTS 1988 AND 2001 – REPORT FOR THE YEAR ENDED 31 DECEMBER 2012

Council considered a paper submitted by the Chief Secretary and agreed to recommend to His Excellency that the report of the Interception of Communications Commissioner for the year ended 31 December 2012 be laid before Tynwald without amendment.

12. PUBLIC SECTOR PENSIONS - PSPA INTERIM REPORT TO 31 MARCH 2013

Council considered and agreed a paper submitted by the Public Sector Pensions Authority ("PSPA") providing its interim report on public sector pension schemes for the year ended 31 March 2013.

13. PROPOSED INCREASES TO BUILDING CONTROL FEES

Council considered and agreed that the Building (Fees) (Amendment) Regulations 2013 be laid before the May 2013 sitting of Tynwald.

14. GAELIC BROADCASTING COMMITTEE REPORT FOR THE YEAR ENDED 31 MARCH 2013

Council agreed that the report entitled "Annual Report of the Gaelic Broadcasting Committee – Bing Ymskeaylley Gaelgagh for the year ended 31 March 2013" be laid before the June 2013 sitting of Tynwald.

15. APPOINTMENT OF A LAY MEMBER TO THE ISLE OF MAN WATER AND SEWERAGE AUTHORITY

Council considered a paper submitted by the Chief Secretary and agreed to appoint Mrs S Roberts to the Isle of Man Water and Sewerage Authority for a term of five years, in accordance with the Water Act 1991 and the Statutory Boards Act 1987.

16. SCOPE OF GOVERNMENT UPDATE FOR COUNCIL OF MINISTERS

Council noted a paper submitted by the Chief Secretary providing an update on the Scope of Government review process, particularly its three main tranches, its stages from initiation to Business case and progress being made by Departments.

Council agreed that the Chief Minister would make a statement to the July 2013 sitting of Tynwald providing an update on the Scope of Government review process.

17. COUNCIL OF MINISTERS RESPONSE TO THE PAC REPORT ON THE COMMERCIALISATION OF THE TT: CONTRACT NEGOTIATIONS AND CONTRACT MANAGEMENT 2005 TO 2010

Council considered a paper submitted by the Chief Secretary's Office and approved the draft response annexed thereto to the Public Accounts Committee ("PAC") Report on The Commercialisation of the TT: Contract Negotiations and Contract Management 2005 to 2010 which would be laid before the July 2013 sitting of Tynwald.

18. ISLE OF MAN GOVERNMENT PRESERVATION OF WAR MEMORIALS COMMITTEE – ANNUAL REPORT JULY 2012

Council considered a paper submitted by the Chief Secretary and agreed that the 'Annual Report of the Isle of Man Government Preservation of War Memorials Committee – July 2013' be laid before the July 2013 sitting of Tynwald.

19. ANNUAL REPORT OF THE ADVISORY COUNCIL FOR THE MISUSE OF DRUGS

Council considered a paper submitted by the Department of Health and approved the laying of the Annual Report of the Advisory Council for the Misuse of Drugs for the accounting year April 2012-March 2013 before the July 2013 sitting of Tynwald.

20. CHIEF CONSTABLE'S ANNUAL REPORT 2012-13

Council considered a paper submitted by the Department of Home Affairs and agreed that the Minister for Home Affairs would move a motion at the July 2013 sitting of Tynwald that the Chief Constable's Annual Report 2012-13 be received, in accordance with section 4A(2) of the Police Act 1993.

21. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) (NO 2) ORDER 2013

Council considered a paper submitted by the Department of Infrastructure and agreed that the Town and Country Planning (Development Procedure) (No 2) Order 2013 be moved by the Minister for approval at the July 2013 sitting of Tynwald.

22. EXTENSION OF THE MARITIME LABOUR CONVENTION 2006 TO THE ISLAND

Council considered a paper submitted by the Department of Economic Development and gave approval for the Department to proceed with a request for the extension of the Maritime Labour Convention 2006 to the Island, subject to the Regulations implementing the Convention being approved at the July 2013 sitting of Tynwald.

23. SEXUAL OFFENCES BILL

Council considered a paper submitted by the Department of Home Affairs and authorised the progression of a Bill to repeal and replace the Sexual Offences Act 1992, the Sex Offenders Act 2006 and the Obscene Publications and Indecent Advertisements Act 1907 to consolidate existing legislation into one new Act.

24. PUBLIC HEALTH (AMENDMENT) BILL

Council considered a paper submitted by the Department of Environment, Food and Agriculture and agreed the introduction of the Public Health (Amendment) Bill into the Branches.

25. TERRORISM AND OTHER CRIME (FINANCIAL RESTRICTIONS) BILL 2013

Council considered a paper submitted by the Department of Home Affairs and agreed that the Terrorism and Other Crime (Financial Restrictions) Bill 2013 be issued for public consultation closing on 30 July 2013.

26. CONSUMER PROTECTION (COLD CALLING) BILL

Council considered a paper submitted by the Office of Fair Trading and agreed the proposed Consumer Protection (Cold Calling) Bill be added to the Government's Legislative Programme.

27. POST OFFICE (AMENDMENT) BILL 2013

Council considered a paper submitted by the Department of Economic Development and agreed the Post Office (Amendment) Bill 2013 be introduced into the Branches.

28. DEEP SEA MINING BILL (OF PARLIAMENT)

Council considered a paper submitted by the Chief Secretary and agreed that it was content for the UK's proposed Deep Sea Mining Bill to include an extent provision to allow the amendments made by that Bill to the Deep Sea Mining (Temporary Provisions) Act 1981 to be capable of extension to the Island by Order in Council in the same way as the provisions of the 1981 Act.

29. CRIMINAL JUSTICE, POLICE POWERS AND OTHER AMENDMENTS BILL 2013

Council considered a paper submitted by the Department of Home Affairs and agreed the introduction of the Criminal Justice, Police Powers and Other Amendments Bill 2013 into the Branches.

30. REPRESENTATION OF THE PEOPLE ACT 1995

Council considered a paper submitted by the Chief Secretary and agreed the introduction of a draft Representation of the People (Amendment) Bill into the Government's legislative programme as a priority Bill for the 2013/14 legislative session. Council noted the Bill would introduce electoral reform, correct identified anomalies, clarify points and remove archaic provisions in advance of the 2016 General Election.

31. PUBLIC HEALTH (TOBACCO) (AMENDMENT) BILL

Council agreed the Department of Health should proceed to draft a Public Health (Tobacco) (Amendment) Bill to the 2006 Act to introduce further controls regarding tobacco advertising and the sale of tobacco products from vending machines. Council agreed the Bill be added to the Legislative Programme.

32. UK CITIZENSHIP (ARMED FORCES) BILL

Council considered a paper submitted by the Chief Secretary and agreed it was content for the amendments to the British Nationality Act 1981 to be made in the UK's proposed Citizenship (Armed Forces) Bill to extend to the Isle of Man.

33. DEFENCE REFORM BILL (OF PARLIAMENT) – RESERVE FORCES PROVISIONS

Council considered a paper submitted by the Chief Secretary and agreed:-

- (a) it was content for the UK's Defence Reform Bill to include extent provisions to allow the UK's proposals to:
- expand the circumstances in which members of the Reserve Forces can be "called out";
 - to rename the Territorial Army as 'the Army Reserve'; and
 - to empower the Secretary of State to make incentive payments to employers of reservists,
- to extend to the Island or be extended by Order in Council, as the case may be; and
- (b) the Isle of Man should mirror the UK's proposal to increase employment protection for reservists so that dismissal for a reason related to membership of the reserve forces is automatically unfair irrespective of the employee's length of service; and that the necessary provisions be included in the Department of Economic Development's Employment (Miscellaneous Amendments) Bill.

34. PERFORMANCE MANAGEMENT WEBSITE

Council considered and agreed a paper submitted by the Chief Secretary seeking approval of the performance management website to demonstrate performance against Council's Agenda for Change priorities.

35. PUBLIC SERVICE COMPENSATION BENEFITS

Council considered a paper submitted jointly by the Public Sector Pensions Authority and the Office of Human Resources and agreed the consultation process for the draft Public Sector Compensation Scheme 2013.

36. RETIREMENT AND RE-EMPLOYMENT OF PUBLIC SERVANTS

Council considered a paper submitted by the Office of Human Resources and agreed that the draft Re-employment Policy of Retired Public Servants be subject to a formal consultation exercise.

37. PROPOSAL TO MERGE THE MANX ELECTRICITY AUTHORITY AND THE WATER AND SEWERAGE AUTHORITY

Council considered a paper submitted by the Chief Secretary and agreed in principle for a merger of the Manx Electricity Authority and the Water and Sewerage Authority subject to further detailed due diligence and review and the production of a sound business case.

38. ATTENDANCE BY THE JUSTICE COMMITTEE OF THE HOUSE OF COMMONS

The Chief Minister welcomed Committee Chairman Rt. Hon Sir Alan Beith MP, Members Mr Andy McDonald MP, Mr Gareth Johnson MP and the Committee Clerk Mr Nick Walker and a

discussion ensued regarding the level of engagement between the United Kingdom and the Isle of Man at a Departmental level.

It was noted that good relations exist with discussions generally held at an officer level with escalation to a political level, as and when appropriate. Council and the Committee noted that UK/Isle of Man relations were generally good at a Departmental level. It was noted that Isle of Man Departments frequently keep a watching brief on the policies of UK counterparts and assess potential impact on the Island of substantive policy changes; specifically to the Departments of Health, Education and Work and Pensions.

Council briefed the Committee on the work the Island was undertaking to assist other small jurisdictions including the Small Countries Financial Management Programme and placements for officers from countries such as Tristan da Cunha.

The Chief Minister thanked the Committee for its work and interest in the Isle of Man, advising that the previous report of the Justice Committee had improved matters greatly for the Island.

PART II

COUNCIL ALSO CONSIDERED OR NOTED THE FOLLOWING MATTERS

1. ENTRY CLEARANCE FEES

Council noted a paper submitted by the Chief Secretary informing Council of the making of Regulations by the Governor to set fees for entry clearance applications for the Isle of Man pending an amendment to legislation to allow the Secretary of State to set such fees.

Council noted the Regulations would be laid before the April 2013 sitting of Tynwald with an effective date of 6 April 2013 in line with the effective date of equivalent UK legislation.

2. TT COURSE PREPARATION FOR 2013 EVENT

Council noted an information paper tabled by the Department of Infrastructure updating Council on Course Preparation for the 2013 TT festival.

3. QUARTERLY REPORT ON THE ECONOMY: 1 OCTOBER 2012 – 31 DECEMBER 2012

Council discussed the main aspects of the Quarterly Report on the Economy for the latest quarter.

4. DEBT COUNSELLING SERVICE

Council noted a paper from the Office of Fair Trading reporting on the levels of help being requested in respect of debt related problems.

5. BOUNDARY REVIEW COMMITTEE

Council noted a paper submitted by the Chief Secretary and the Third Report of the Boundary Review Committee annexed thereto which whilst not a Government Report, the

Chief Minister would move a Motion at the June 2013 sitting of Tynwald to allow the Report to be debated.

6. APPOINTMENT OF ISLE OF MAN COMMISSIONER ON THE NORTHERN LIGHTHOUSE BOARD

Council noted a paper submitted by the Chief Secretary that advised of the nomination by the Lieutenant Governor of Captain Michael Brew to go forward to the UK Department of Transport and to the Ministry of Justice for his appointment as a Commissioner of the Northern Lighthouse Board for a period of 3 years, commencing on 1 June 2013.

7. ENTERPRISE ACT 2008 ANNUAL REPORT 2011/12

Council noted a paper submitted by the Department of Economic Development and the Enterprise Act 2008 Annual Report of the Department for the year ended 31 March 2012 (GD 0026/13) annexed thereto to be laid before the June 2013 sitting of Tynwald.

8. APPOINTMENT BY THE MINISTER FOR COMMUNITY, CULTURE AND LEISURE OF A TRUSTEE OF MANX NATIONAL HERITAGE

The Minister for Community, Culture and Leisure advised Council that he had appointed Mr Quirk MHK as a Trustee of Manx National Heritage ("MNH") following Mr Quirk's recent appointment to his Department.

It was noted that, pursuant to the provisions of the Manx Museum and National Trust Act, the Minister must tell the Council of Ministers about the appointment, or any change in the appointment, of the Minister's appointee to MNH.

9. MANAGING SICKNESS ABSENCE ACROSS GOVERNMENT

Council noted a paper submitted by the Office of Human Resources providing a corporate absence report to 31 March 2013 and the progress on initiatives being undertaken to address sickness.

10. MANX NATIONAL INSURANCE FUND ACCOUNT TO 31 MARCH 2012

Council noted the information set out in a Report entitled "Manx National Insurance Fund Account for the year ended 31 March 2012" due to be laid before the June 2013 sitting of Tynwald pursuant to Section 161(2) of the Social Security Administration Act 1992 (as applied to the Isle of Man).

11. THE SEA FISHING (ENFORCEMENT OF EU OBLIGATIONS ETC) (CHANNEL ISLANDS AND ISLE OF MAN FISHING BOATS) ORDER 2013; THE SEA FISHING (PENALTY NOTICES)(CHANNEL ISLANDS AND ISLE OF MAN FISHING BOATS) ORDER 2013

Council noted a paper submitted by the Department of Environment, Food and Agriculture and the sanctioning of the above two Orders which would allow enforcement of Community obligations on Crown Dependence boats when fishing outside British Fisheries Limits.

PART III

COUNCIL ALSO DETERMINED THE FOLLOWING PLANNING MATTERS

The Decision Notice for each application and the Inspector's Report are available online at <https://www.gov.im/onlineservices>. The Minister for Infrastructure left the respective meetings when each application was considered.

- 1. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - HARBOURS DIVISION APPLICATION DF13/0001 - 13/00006/B - RE: SITE EXISTING RAILINGS TO ALLOW ACCESS TO SLIPWAY FROM HIGHWAY, SLIPWAY EAST QUAY, PEEL MARINA, ISLE OF MAN**

Council considered a report by the Independent Planning Inspector regarding the above application by the Harbours Division of the Department of Infrastructure and agreed the Inspector's recommendation that the application be approved subject to conditions as set out in the Report.

- 2. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - TWICKENHAM INVESTMENTS LIMITED - APPLICATION DF12/0036 - 12/01560/B - INSTALLATION OF EXTERNAL ILLUMINATION, JUBILEE BUILDINGS VICTORIA STREET DOUGLAS ISLE OF MAN IM1 2LR**

Council considered a report by the Independent Planning Inspector regarding the above application by Twickenham Investments Limited and agreed the Inspector's recommendation that the application be approved subject to conditions as set out in the Report

- 3. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 – ISLE OF MAN ENTERPRISES PLC – APPLICATION DF12/0034 – 12/01403B – EXTEND EXISTING CAR PARK TO CREATE ADDITIONAL TEMPORARY CAR PARKING, LAND OFF BRIDSON STREET, PORT ERIN, ISLE OF MAN**

The Minister for Environment, Food and Agriculture left the meeting for consideration of this item

Council considered a report by the Independent Planning Inspector regarding the above application by Isle of Man Enterprises Plc, and agreed with the Inspector's recommendation that the application be refused for the reason set out in the report.

- 4. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 – BALLAWATTLEWORTH ACTION GROUP – APPLICATION DF12/0022 – 12/01137/B – INSTALLATION OF A TRAFFIC BARRIER, PART OF LAND OF 35 OAK ROAD AND HIGHWAY NORTH OF WILLOW CLOSE AND ENTRANCE TO WILLOW CLOSE, BALLAWATTLEWORTH, PEEL, ISLE OF MAN**

The Minister for Education and Children left the meeting for consideration of this item

Council considered a report by the Independent Planning Inspector regarding the above application by the Ballawattleworth Action Group and agreed with the Inspector's recommendation that the application be refused for the reasons set out in the report.

5. MR & MRS M CLEVERLEY - APPLICATION DF12/0035 - 12/01337/B - ERECTION OF DWELLING WITH ATTACHED GARAGE, SITE ADJACENT TO HIGHFIELD, STONEY ROAD, LAXEY, ISLE OF MAN

Council considered a Report by the Independent Planning Inspector regarding the above application by Mr and Mrs M Cleverley and agreed the Inspector's recommendation that the application not be approved for the reasons set out in the Report.

6. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - PROPERTIES AND ESTATES DIVISION, DEPARTMENT OF INFRASTRUCTURE - APPLICATION DF13/0003 -13/00121/B - INCREASE HEIGHT OF MAIN DOOR OPENING, FIRE STATION, STATION ROAD, KIRK MICHAEL, ISLE OF MAN IM6 1AE

Paper 114/13

The Minister for Home Affairs left the meeting for consideration of this item

Council considered a report by the Independent Planning Inspector regarding the above application by the Department of Infrastructure and agreed the Inspector's recommendation that the application be approved, subject to conditions as set out in the Report.

7. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - DEPARTMENT OF INFRASTRUCTURE APPLICATION DF12/0037 - 12/01671/B - EXTEND THE TIME FOR LANDFILL OPERATIONS FOR A FURTHER FIVE YEARS PLUS ONE YEAR TO ENABLE THE RESTORATION SCHEME TO BE COMPLETED, IMPORTATION OF C.2500 TPA OF MIXED INERT AND C&D WASTES OVER THE FIVE YEAR PERIOD AND DEVELOPMENT OF AN AMENDED ALTERNATIVE RESTORATION SCHEME TO REFLECT THE PROJECTED VOLUME OF IMPORTED MATERIALS, WRIGHTS PIT NORTH LANDFILL, CRANSTAL ROAD, BRIDE, ISLE OF MAN

The Treasury Minister left the meeting for consideration of this item

Council considered a report by the Independent Planning Inspector regarding the above application by the Department of Infrastructure and agreed the Inspector's recommendation that the application be approved subject to conditions as set out in the Report.

8. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - DEPARTMENT OF INFRASTRUCTURE - APPLICATION DF13/0004 - 13/00133/B - ERECTION OF AN ELEVATED CAR PARK DECK AND AMENDMENT TO EXISTING PARKING LAYOUT, CAR PARK, THE TONGUE, DOUGLAS, ISLE OF MAN

The Treasury Minister left the meeting for consideration of this item

Council considered a report by the Independent Planning Inspector regarding the above application by the Department of Infrastructure and agreed the Inspector's recommendation that the application be approved subject to conditions as set out in the Report.

- 9. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - DEPARTMENT OF INFRASTRUCTURE APPLICATION DF13/0002 - 13/00090/B - CONSTRUCTION OF PUBLIC FOOTWAY BEHIND EXISTING GARDEN BOUNDARY WALL, WIDENING OF GATE POSTS AND REMOVAL OF SECTION OF WALL, PUBLIC FOOTWAY IMPROVEMENTS THE CLOCK TOWER, MINES ROAD, FOXDALE, ISLE OF MAN**

The Treasury Minister left the meeting for consideration of this item

Council considered a report by the Independent Planning Inspector regarding the above application by the Department of Infrastructure and agreed the Inspector's recommendation that the application be approved subject to conditions as set out in the Report.

- 10. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 – CHALIS LTD – APPLICATION DF13/0008 - 13/00346/B – CREATION OF AN OUTSIDE SEATING AREA, 32 NORTH QUAY, DOUGLAS, ISLE OF MAN, IM1 4LB**

Council considered a report by the Independent Planning Inspector regarding the above application by Chalis Ltd and agreed to approve the above planning application, subject to the five conditions set out by the Inspector in the appendix to his report.