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GENERAL COMMITTEES

Public Bill Committee

GROWTH AND INFRASTRUCTURE BILL

Ninth Sitting

Thursday 29 November 2012

(Morning)

CONTENTS

Written evidence reported to the House.

CLAUSE 7 under consideration when the Committee adjourned till this day
at Two o'clock.

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The Committee consisted of the following Members:

Chairs: † PHILIP DAVIES, MR GEORGE HOWARTH

- | | |
|--|--|
| † Birtwistle, Gordon (<i>Burnley</i>) (LD) | † Glendon, Mrs Mary (<i>North Tyneside</i>) (Lab) |
| † Blackman, Bob (<i>Harrow East</i>) (Con) | † Howell, John (<i>Henley</i>) (Con) |
| † Blackman-Woods, Roberta (<i>City of Durham</i>) (Lab) | † Morris, James (<i>Halesowen and Rowley Regis</i>) (Con) |
| † Blomfield, Paul (<i>Sheffield Central</i>) (Lab) | † Murray, Ian (<i>Edinburgh South</i>) (Lab) |
| † Boles, Nick (<i>Parliamentary Under-Secretary of State for Communities and Local Government</i>) | † Raynsford, Mr Nick (<i>Greenwich and Woolwich</i>) (Lab) |
| † Bradley, Karen (<i>Staffordshire Moorlands</i>) (Con) | Simpson, David (<i>Upper Bann</i>) (DUP) |
| † Coffey, Dr Thérèse (<i>Suffolk Coastal</i>) (Con) | † Smith, Henry (<i>Crawley</i>) (Con) |
| † Dakin, Nic (<i>Scunthorpe</i>) (Lab) | † Stunell, Andrew (<i>Hazel Grove</i>) (LD) |
| † Danczuk, Simon (<i>Rochdale</i>) (Lab) | |
| † Fallon, Michael (<i>Minister of State, Department for Business, Innovation and Skills</i>) | Steven Mark, John-Paul Flaherty, <i>Committee Clerks</i> |
| † Glen, John (<i>Salisbury</i>) (Con) | |
| | † attended the Committee |

Public Bill Committee

Thursday 29 November 2012

(Morning)

[PHILIP DAVIES *in the Chair*]

Growth and Infrastructure Bill

Written evidence to be reported to the House

GIB 45 Christopher Witmey

GIB 46 Neil Blackshaw

GIB 47 Campaign for National Parks – Supplementary memorandum

GIB 48 ESB International

GIB 49 UKMPG

GIB 50 Geraldeve LLP – Supplementary memorandum

GIB 51 Dr P Gardner

GIB 52 Employee Ownership Association

11.30 am

Ian Murray (Edinburgh South) (Lab): On a point of order, Mr Davies. Could I ask for some guidance on whether the planning Minister would be able to give some further guidance? He wrote a letter to the Committee yesterday, in response to my right hon. Friend the Member for Greenwich and Woolwich who had posed some questions about whether clause 5 was retrospective. The letter from the Minister says that he was confused, and it finishes: “I was confused by it myself.” There is no explanation in the letter about the retrospective nature of the clause, and I wondered whether there is any mechanism to have the Minister clarify the issue.

The Chair: I thank the hon. Gentleman for his point of order. Unfortunately, the clause that his query relates to has now been disposed of by the Committee. I am sure that there will be future consideration of the Bill at different stages and that point may be something he wants to take up then, but we cannot do it now.

Clause 7

ELECTRONIC COMMUNICATIONS CODE: THE NEED TO PROMOTE GROWTH

Roberta Blackman-Woods (City of Durham) (Lab): I beg to move amendment 78, in clause 7, page 9, leave out line 24 and insert—

‘(ba) the need to deliver sustainable development in the United Kingdom.’

The Chair: With this, it will be convenient to consider amendment 53, in clause 7, page 9, line 24, leave out

‘the need to promote economic growth in the United Kingdom’ and insert—

‘the need to promote economic growth in the UK through the Government’s broadband programme’.

Roberta Blackman-Woods: I welcome you back to the Chair, Mr Davies. Good morning to the whole of the Committee. I hope that Members have been avidly

watching “Newsnight” and what seems to be developing as a nightly soap opera on planning. We will all be tuning in tonight as well.

Amendment 78 is the first of two amendments that seek to limit the potential damage of the clause when rolling out broadband and other electronic communications to rural areas. That is a worthy aim and one that we did much to progress and facilitate when we were in government. However, the Government are in danger of forgetting why national parks and areas of outstanding natural beauty were developed in the first place. It was very much to conserve for future generations the beauty of those areas.

Consequently, the purpose of amendment 78 is to ensure not merely that economic growth is taken into account but that it should be of a sustainable nature. The amendment would put a requirement on electronic communications providers to consider at all times the need for any infrastructure that might be put into AONBs and national parks to contribute to sustainable development. In other words, it would not allow providers’ short-term need to get infrastructure in place—even if totally inappropriate for the area—to override the long-term sustainability of some of the most beautiful areas of this country.

I would be very surprised if the Minister does not accept the amendment, because it is totally consistent with the Government’s policy in these areas, as set out in paragraph 115 of the national planning policy framework, which states:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations”.

The NPPF goes on to say, in paragraphs 116 and 117, that

“the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy...must bear in mind the beauty and designation of those areas, and critically any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

That factor must also be taken into account in terms of any development. In fact, it should be at the forefront of decision making in planning related to those areas.

It therefore seems that the NPPF at least allowed for the fact that the environmental quality of those areas should take precedence in most circumstances, and indeed that is what underpins paragraph 115; development in the public interest should be moderated so as to protect their long-term viability. It seems, however, that the only way in which the Minister is taking on board the importance of the environmental quality of those areas is by dumping a shed-load of large cabinets and overhead cables and goodness knows what else into them. I point out to members of the Committee, who may not have looked at the issue as closely as I have in the last couple of weeks, that some cabinets are very large. They are certainly much taller than me and, I suspect, much taller even than the Minister. They are really quite substantial.

What those areas need is sensitive consideration, balancing development against the need to protect the environment. We want to see tourism development, but not where it impinges on the beauty of an area. We

want small-scale manufacturing that is harmonious with the landscape. We want any infrastructure that is put in place to support enterprises that are appropriate to the area but, most significantly in terms of the amendment, that are suitable for these highly sensitive and beautiful places. They should not bring in development that has a detrimental impact on the area, which is very much what the NPPF seeks to avoid. I ask the Minister to go back to the NPPF and, in the context of the clause, to implement his own policy.

That is all I want to say at this stage. I should like to return to some of the wider issues on clause stand part. I urge the Minister to put into the Bill the need to sustain important and environmentally sensitive areas so that future generations can enjoy them as we do at the moment.

Ian Murray: It is a great pleasure to welcome you back to the Committee, Mr Davies. You have missed so much fun as we hurtled through the Bill in the last few days. I will not run through our arguments again, but will concentrate on the amendments.

My hon. Friend the Member for City of Durham has done a good job this morning in exposing some of the difficulties in this wide-ranging clause. I will deal mainly with amendment 53, which relates to subsection (1). It aims to narrow the definition of economic growth and focus it on the Government's stated intention in the policy, which they have not stated in the clause itself.

There has been considerable confusion over the scope of this part of the clause. The Secretary of State tried valiantly on Second Reading to confirm that the changes were to enable the Government to deliver their broadband aspirations for rural areas, but that is not what the clause says. It seems to be proposing to scrap the special and rightful protection offered to national parks and areas of outstanding natural beauty and to allow telecoms companies to install cabinets and masts in a free-for-all, without requiring permission from the relevant local authority.

On Second Reading, the Secretary of State said in response to my right hon. Friend the Member for Leeds Central (Hilary Benn), that we should not worry. However, we emphasise that the clause does not state that it is related to broadband installation or the Government's broadband programme; it refers only to the need to promote economic growth in the UK. That incredibly wide definition could mean anything in terms of the Communications Act 2003.

Roberta Blackman-Woods: Does my hon. Friend accept that the Government, and the Minister in particular, have failed? They have had several opportunities to allay the concerns of people from across the planning sector that by refusing to limit the provision to broadband, they will open up areas of wonderful natural beauty to a whole list of things, such as radio masts. We must consider the clause as it stands and, as such, it is not limited to broadband.

Ian Murray: My hon. Friend's intervention goes to the crux of what our amendment is trying to achieve. We welcome the Government's reassuring words—the Secretary of State telling us not to worry—but if they want to clarify their intention, they will accept our amendment and limit what clause 7(1) inserts in the Communications Act specifically to broadband.

In our evidence sessions, we heard the CBI say that it supports the clause. We all support broadband, particularly in rural areas. In some parts of the country, local authorities, national parks and areas of natural beauty have come together to start to put that infrastructure in place, and it seems to be working. The Government may want to nudge those organisations to get conversations moving so that the roll-out of broadband is quicker than it is now, as is the Government's stated intention. We agree with the CBI when it supported the clause in relation to the intention for broadband, but the clause does not refer to that.

As a party, we suggested having superfast broadband by 2012. The Government shifted the date to 2015, and as we move on to other amendments, it may drift to 2018. We all desire to ensure that everyone in the country has access to broadband; the arguments are around how it is delivered.

Bob Blackman (Harrow East) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. Will the hon. Gentleman clarify the Opposition's position? Do they agree with such areas having only broadband? What about mobile technology, which is sadly lacking in many rural areas? That clearly needs to be instituted, as people constantly complain that it is not available.

Ian Murray: What an extraordinary intervention. The hon. Gentleman says that the clause may be used for items other than broadband, which is not the Government's intention. In fact, the Secretary of State on Second Reading and the CBI and the Minister in our evidence sessions talked about broadband. The voices and noises to the industry and organisations involved with national parks and areas of natural beauty are also under the impression that the clause relates to broadband. The hon. Gentleman now tells us that it is about rolling out everything else—4G, 5G and future Gs—which is exactly why we have tabled the amendment to limit it to broadband. I hope that the Minister will reflect on what was said by his colleague, who has argued the point for us.

That adds to the confusion about what the Secretary of State said on Second Reading about the clause making no change to the power of planning authorities to object to any plans for installations in sensitive areas. As my right hon. Friend the Member for Leeds Central said in response, the Department for Culture, Media and Sport issued a press notice at the start of September. It says that the Government will legislate—I assume this is the Bill that will do it—

“immediately following consultation where necessary, and/or use existing powers to ensure that... broadband street cabinets can be installed in any location other than a SSSI without the need for prior approval from the local council and without any conditions being placed upon the construction or design by local authorities except in exceptional circumstances”.

That alone seems to fly in the face of what the Secretary of State said on Second Reading and is slightly contradictory to clause 7. The notice continued by stating that

“broadband fibre and other broadband infrastructure can be located under or above private land without the bureaucratic burden of long-running negotiations; and...overhead broadband lines can be installed in any area without the need for planning or other permission”.

11.45 am

To reiterate, the press release issued by the DCMS on only 7 September says that broadband street cabinets can be installed in any location other than sites of special scientific interest, without, as stated in the attached notes,

“the need for prior approval from the local council”

in national parks and areas of natural beauty. That is not what the Secretary of State said, nor is it what the Minister himself said in the evidence sessions.

To be fair to the DCMS, the entire press release is predicated on delivering broadband. It says specifically that overhead broadband lines will be used. That is a specific reference made by the DCMS regarding broadband. Why does the Bill not mention it?

It is not clear what Government policy really is—little wonder in such a rag-bag of a Bill. The Government have form, because the Enterprise and Regulatory Reform Bill was also well trailed as a rag-bag of a Bill. In their haste and panic for growth, the Government pulled policies off the shelves of the Department for Business, Innovation and Skills and the Treasury that had probably been gathering dust for many years and decided to pop them together into a Bill without any proper explanation, evidence or analysis. Now we are seeing another ill thought-through Bill.

Stakeholders have been saying that if they work together, they could perhaps make clause 7 work, but the clause does not actually say what the Government intend. It talks of adding an economic growth qualification to section 109 of the Communications Act.

Roberta Blackman-Woods: Does my hon. Friend agree that an unintended consequence of the clause—I am sure that it is unintended—might be to limit economic growth in some of the areas that we are talking about, by placing unsightly cabinets and overhead lines in areas that we would want to promote for the tourism industry?

Ian Murray: That is a key challenge. It is why the people who know best about the balance between tourism, natural beauty and the need to provide infrastructure are probably in the best place to advise the Government and telecoms infrastructure providers on how to accomplish that in the best way. We will come to that when we look at some of our amendments regarding consultation. A Bill that does not provide clarity will merely open up more uncertainty and run the risk of damaging economic growth, whether through tourism or otherwise. Many organisations involved in the process have stated quite clearly that that could be one of the significant unintended consequences.

Gordon Birtwistle (Burnley) (LD): I am interested in the hon. Gentleman's arguments regarding tourism. Is he trying to convince the Committee that tourism in such areas will be damaged by some broadband cabinets, which I am sure will be concealed in the right way with trees or things of that nature? Is he saying that there will be hundreds of them sticking up like sore thumbs all over the place? How will they damage tourism when they can be hidden by planting trees around them? Is he saying that that will damage UK tourism?

Ian Murray: The hon. Gentleman raises a legitimate point. We do not know if cabinets will be hidden, to make them more sensitive to their environment, because there will be no consultation with those involved. For the provision of economic growth, the measure allows the Secretary of State power to have no consultation with anyone about the installation of the cabinets. Broadband is not even mentioned.

If the clause is accepted, I hope that the Government will take into account the hon. Gentleman's comments and that there will be provision for sensitivity to be shown to the environment where cabinets are to be installed, because the clause does not provide for any discussions about it. I hope that such aspirations will be fulfilled under the Bill because, as drafted, it does not allow for that to happen.

Furthermore, the comments on tourism and economic growth reflect the concerns that the Local Government Association, Living Streets and various other organisations have written about to all members of the Committee. I share those worries because they have been expressed by the bodies that know best. They have said only that the measure has the potential to damage economic growth, not that it is a matter of fact, so we should listen to them and provide some comfort under the Bill to deal with the issue.

The Communications Act 2003 runs to 660 pages. The Committee will be pleased that I do not intend to read out what is written on each of those pages. Section 32 does not refer to broadband itself, but to the meaning of electronic communications network and services, and states that

‘In this Act, ‘electronic communications network’ means—

(a) transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and

(b) such of the following as re used, by the person providing the system and in association with it, for the conveyance of the signals—

(i) apparatus comprised in the system;

(ii) apparatus used for the switching or routing of the signals; and

(iii) software and stored data.’

Given how wide the definition of “electronic communications” is, our major worry about the measure is that it still does not refer specifically to broadband.

The Government have failed to provide evidence of where there is a problem with installing broadband infrastructure in national parks and areas of outstanding natural beauty. In fact, the national parks and rural areas want broadband rolled out as quickly as possible, but they want it done with sensitivity to areas of special interest. Many areas are delivering that, of which my right hon. Friend the Member for Leeds Central gave some examples on Second Reading. North York Moors national park authority approved 94% of applications with regard to telecommunications equipment under the Act.

However, the Association of National Park Authorities, the Campaign for National Parks, Living Streets and the Wildlife and Countryside Link have also provided evidence to suggest that they are working with local authorities to provide such infrastructure. Moreover, the Conservative-led Local Government Association, although it is a cross-party body, has said that the

clause has gone way beyond what the Government announced previously through their press release and subsequent press releases from the Department for Culture, Media and Sport.

We go back to our arguments about localism under clauses 1 and 2, because the clause will remove all democratic planning control not on broadband but on electronic communications as defined under the Act. Rather than the Minister giving a firm commitment to the Committee, the Bill should include the exact purpose. With regard to the Communications Act and the clause, the Minister should explain the meaning of references to “broadband” as between the Departments for Culture, Media and Sport, for Business, Innovation and Skills and for Communities and Local Government, because there is considerable confusion.

Reference to such issues was made in my point of order, but the Under-Secretary admitted yesterday in his letter to the Committee, in response to questioning from my right hon. Friend the Member for Greenwich and Woolwich, that he was confused about some retrospective legislation. I refer back to section 106 of the Act because, as everybody tells us, clause 7 continues that confusion. There is no clarity about what exactly the Government are trying to achieve. I hope we do not get another letter from the Minister of State in the next few days containing the line “I was confused by it myself”, although I am delighted that the Under-Secretary put that in a letter, as I am sure that it will come back to haunt him for the rest of his political career.

Confusion about the clause is a real problem. Our amendment would merely take away that confusion. We do not need the Minister to pop up and give us assurances; we need it put on the face of the Bill that the clause is directly related to broadband roll-out and the Government’s broadband programme.

Roberta Blackman-Woods: Does my hon. Friend agree that not only should the clause be limited to broadband, if that is what the Government mean it to apply to, but it should take the environment into account? Such considerations must be balanced against the need for economic growth so that affected areas are not ruined for future generations.

Ian Murray: Absolutely. These issues are not mutually exclusive; they simply have to be dealt with in a sympathetic manner. As I have said, we all wish to see broadband rolled out to rural areas. Evidence has been submitted to Committee members from businesses that feel that they are struggling to grow and to operate properly because of the condition of broadband infrastructure. Nobody is saying that we should not address that, but that does not exclude saying that it should be done sympathetically. Indeed, it does not exclude arguing that clause 7 should simply say what the Government wish to achieve. If it did so, that might give some clarity not just to the industry in terms of delivering infrastructure but to businesses and rural communities, which deserve the same quality of broadband as many of us in urban areas already have.

I turn now to the phrase, “the need to promote economic growth in the United Kingdom”, which clause 7 inserts into section 109(2) of the Communications Act 2003. The phrase is so wide-ranging that it could mean anything. We heard about

telecommunications in an intervention from the hon. Member for Harrow East. At the moment, 4G is being rolled out, but I suspect that 4G will not be the end of the telecommunications infrastructure that we will see in this country; we will probably have more generations—5G, 6G, and maybe even 7G or 8G—that will allow us to interact in real time with video, and have very fast download speeds. There is a need for that kind of infrastructure to grow. In referring to promoting economic growth, clause 7 almost prioritises that aim over other issues. The Government are using an open-ended phrase and then saying, “Trust us; this will be fine—it is just for broadband,” despite what was said in September in the unqualified press release from the Department for Culture, Media and Sport. That is simply not good enough.

I now turn the Committee’s attention to section 109(2) of the 2003 Act. It is in part 2 of the Act, which is titled

“Networks, services and the radio spectrum”;

section 109 itself has the title

“Restrictions and conditions subject to which code applies”.

Section 109(2) states:

“In exercising his power to make regulations under this section it shall be the duty of the Secretary of State to have regard to each of the following”;

after mentioning the duties of Ofcom, crucially, section 109(2)(b) refers to

“the need to protect the environment and, in particular, to conserve the natural beauty and amenity of the countryside”.

It is at that point that clause 7 inserts

“the need to promote economic growth in the United Kingdom”, in proposed new paragraph (ba). There is a slight contradiction, then, between proposed new paragraph (ba) to section 109(2) and section 109(2)(b). It would be far better for the Government to state in proposed new paragraph (ba) that the provision is about broadband infrastructure and the broadband programme. That would tie in quite consistently with the sunset provisions elsewhere in the clause, which state that some provisions in the clause will cease to have effect on 6 April 2018. The sunset provisions refer directly to the broadband programme. It would therefore be far better for the Government to determine that that is what they intend to do with clause 7, and insert that directly into the Communications Act 2003.

12 pm

When the Minister responds can he tell us what happens if the provisions conflict? If the Secretary of State has the need

“to protect the environment and, in particular, to conserve the natural beauty and amenity of the countryside”

but has to take into account the need

“to promote economic growth in the United Kingdom”.

Those two clauses are not consistent; they conflict with each other. Which takes precedence? Which would take precedence for a telecommunications mast that is not related to broadband? Clause 7 is not confined to broadband, even though the intention of the clause is that it should relate to broadband, so would the Secretary of State give that precedence? Will the Minister address that issue in his response?

In response to a question from my hon. Friend the Member for City of Durham during the evidence session, the Minister said:

“The object of clause 7 is to extend superfast broadband in rural areas... “The legislation does not extend to masts.”—[Official Report, Growth and Infrastructure Public Bill Committee, 13 November 2012; c. 17.]

But that is not what the legislation says. It actually says the complete opposite. If I can misquote the Minister to highlight the point, he essentially said to my hon. Friend that the clause, as it is written, extends to everything, including superfast broadband in rural areas, and the legislation could quite possibly extend to masts.

Mrs Mary Glendon (North Tyneside) (Lab): Does my hon. Friend agree that this is particularly concerning because of the Government’s mobile infrastructure project to roll out connectivity to not spots across the country, which the Chancellor announced in 2011. Although he said originally that 6 million people would be covered, the number is now only 60,000. That could well affect masts being put up in rural areas, where they are needed.

Ian Murray: That is the point. Again, we have to emphasise that we do not have a problem with rolling out that kind of mobile infrastructure. Indeed, for economic growth purposes and for fairness and equality, it is important that every geographical section of the UK gets that infrastructure, but it has to be done properly. My hon. Friend is absolutely right. If the Government are covering 60,000 people when they promised 6 million, the clause could be used for that. That is the point we are trying to make.

I challenge the Minister to say that the clause does not extend to masts, and insert the word “broadband” to restrict it. Will he add the words “broadband infrastructure” to the clause and remove the word “masts” if that is what the Government intend, as he said in response to my hon. Friend the Member for City of Durham during the evidence sessions?

I will finish by running through some of the evidence that has been given to us. When giving evidence to the Committee, Paul Raynes from the LGA said:

“There is genuine concern here. I acknowledge that Ministers and their officials are making reassuring noises about the limited scope of the policy intention here, but it is clear—it appears to us—that the text of the clause effectively gives Ministers the power to remake the communications code with growth as a criterion in it.”

That encapsulates the problem. The Local Government Association, which is a great supporter of the rolling out of broadband to rural areas and has played a role in doing that, is saying that it cannot support the Government’s current clause 7. It wants the clause to be removed from the Bill on the basis of the uncertainty that it gives. The LGA acknowledges the reassuring noises from the Government, but cannot understand why they are even required. The Government’s intention should be on the face of the Bill. Paul Raynes went on to say

“we will need, as the Bill goes forward, to really test what safeguards Ministers are putting in place in other parts of the system to restrict this to their declared policy intention”.—[Official Report, Growth and Infrastructure Public Bill Committee, 13 November 2012; c. 19, Q36.]

The Department for Culture, Media and Sport made clear that the policy intention is to roll out superfast broadband to rural areas. That is the Government’s declared policy intention. If it is not the Government’s declared policy intention, the Minister should correct

the record of the Department for Culture, Media and Sport and tell us exactly what the declared policy intention is. I suppose I am starting to sound a bit like a stuck record—a bit repetitive. [HON. MEMBERS: “More, more.”] I am being encouraged by the planning Minister to say more, so perhaps I will give him a little more to satisfy his thirst for clause 7.

Simon Danczuk (Rochdale) (Lab): Start from the beginning.

Ian Murray: My hon. Friend was not here at the beginning, so perhaps I should go right back to the start to make sure the Committee is fully aware of the arguments.

Gordon Birtwistle: When the record becomes unstuck, will the hon. Gentleman advise us why he objects to having a few green cabinets over thousands of square miles of open countryside, when they will bring growth to communities in those areas? What is his objection, when companies are endeavouring to get into business in rural communities? That links to telecommunications, as well. What is his objection? If he can explain that, I would probably agree with his amendment.

Ian Murray: I have absolutely no problem with a few green boxes over thousands of miles of open space, but that is not what the clause talks about, and that is exactly the argument. If the hon. Gentleman had been listening intently since the start of my contribution, he would have realised that I said on several occasions that we have absolutely no problem with these things being done properly, but that is not what the clause talks about. If the clause inserted a reference in the Communications Act to the need to promote economic growth in the United Kingdom and to deliver the Government’s broadband policy by having a few cabinets across thousands of miles of countryside, I am sure we would support it, but we are not supporting it, and the Local Government Association, the Association of National Park Authorities and the National Trust have all raised concerns about the wide scope of the clause.

We are not on different sides of the fence; we all want to deliver the same objective, and all the amendment says is that we should make that declared intention clear in the Bill. If we do, we will not have these arguments when hundreds of phone masts go up across the countryside because no local community or group has been able to object or even be involved in the process. As I said, many masts and broadband boxes are being put in place as we speak, through dialogue and consultation between local authorities and the bodies involved. Government Members have to realise that we are actually on the same side, but we are not on the same side as regards what the Bill says about broadband infrastructure, because it does not deal with it.

One witness who gave evidence to the Committee was very supportive of what the Government were trying to do in the clause, but they added:

“This clause is being introduced for the purpose of trying to secure the roll-out of broadband as quickly as possible, but the implication is that it could actually be used much more widely for any kind of telecommunications infrastructure. That is a concern.”—[Official Report, Growth and Infrastructure Public Bill Committee, 20 November 2012; c. 166, Q386.]

Even the people who support the clause—this goes back to the intervention by the hon. Member for Burnley—are saying that it will not deliver the Government's intention and that that is a concern. We are merely telling the Government that if their declared intention is to insert something in the Communications Act to deliver their broadband programme across the country, the Bill should explicitly say that.

Dr Stone gave some wonderful evidence to the Committee on the whole Bill, but particularly on this issue. He clearly said that he did not see the point of the clause in general, and we might come on to that in the stand part debate. If there was a proper definition, however, the Minister might be able to see a way forward on the Bill more generally.

To summarise, we have had some weasel words from the Secretary of State, who told us not to worry. The Minister told my hon. Friend the Member for City of Durham that the clause is about superfast broadband and not about masts, but it does not say that. Rather than giving us weasel words and promises that it might not be possible to deliver, the Minister should just make these things clear in the Bill, and we might then be able to support his intention.

I hope the Minister will accept our amendments, include them in the Bill and give us the Government's real policy intention; otherwise, he may have to go back to his colleagues in the DCMS to explain why legislation is not being put in place to deliver the Government's stated intentions.

The Minister of State, Department for Business, Innovation and Skills (Michael Fallon): May I offer you a very warm welcome this morning, Mr Davies?

Both these amendments are restrictive. In their different ways, they would limit the scope of clause 7 and restrict the roll-out of broadband. We must be very clear as to what the impact might be. The hon. Member for City of Durham said that she wanted to see more tourism, more small-scale manufacturing and more infrastructure to support enterprise across the national parks. Such businesses depend on broadband, and should be entitled to as fast a service as applies elsewhere, in the larger cities.

The hon. Lady asked specifically about the proliferation of cabinets that, I think she said, were taller than herself. Cabinets up to 2.5 metres in height—I think that covers her—are already covered by permitted development. Let me be very clear that people proposing to site such cabinets will have a duty to consult, and they will have to abide by the siting code, which will be agreed between local authorities and providers in due course.

My real issue with the amendment is the scope of what the hon. Lady describes as sustainable development, because her definition goes too wide. In defining or focusing on sustainable development, we have to balance economic and social considerations alongside environmental considerations. Her definition goes much too far. The purpose of the clause is to help to deliver growth, and the expansion of broadband is conducive to growth. Many studies evidence that; one suggested that an increase of 1% in GDP would flow from every 10% increase in broadband usage.

Henry Smith (Crawley) (Con): In the newly created South Downs national park in my county, West Sussex, that is precisely what communities and businesses are saying. It is perfectly reasonable, and in fact necessary, to achieve economic growth by supporting such 21st-century infrastructure.

Michael Fallon: I thoroughly endorse what my hon. Friend said, and it was useful to hear. It also gives me the opportunity to correct immediately something I just said to the hon. Member for City of Durham. I referred to 2.5 metres, but I have been corrected; it is not 2.5 metres in height, but 2.5 metres in volume. I do not think that anybody would suggest that any member of the Committee would be out-gunned by that measurement. I apologise to the hon. Lady for getting that wrong.

There is an issue in the national parks. The evidence submitted by the Royal Town Planning Institute says that

“it is clear that overall National Parks have some of the worst access to (availability of) superfast broadband in England, and National Parks in the North of England are particularly poorly served”.

I suggest that the wider definition of sustainable development is not particularly helpful, and I urge the hon. Lady to withdraw the amendment.

The hon. Member for Edinburgh South spoke about amendment 53 at some length. I make no complaint about that, but I must repeat to him what I and other Ministers have already said, which is that there is absolutely no intention to relax any of the existing controls for mobile infrastructure. That cannot be placed on the face of the Bill because legislation in this area must be technology-neutral. That is not a requirement of the Government; it is a requirement of European Union legislation, specifically the regulatory framework for communications, which does not allow us to distinguish in primary legislation different types of electronic equipment. I am sorry about that. It may well be, Mr Davies, that you too regret that particular European requirement, but there it is.

Nic Dakin (Scunthorpe) (Lab): The Minister says that he is unable to distinguish in primary legislation. Is he indicating a willingness to distinguish in secondary legislation?

12.15 pm

Michael Fallon: That is certainly a point I am happy to look at. The difficulty also follows that in handling different types of technology we are bound to be neutral. If we were doing anything in secondary legislation to facilitate one type of communication, that particular benefit would have to be extended to other types as well. It might be possible to distinguish in secondary legislation, but the same benefits might have to be extended to both. I will look further at that particular point.

The hon. Member for Edinburgh South kept asking us to look at what the clause actually says. I am afraid I have to ask the Committee to look at what his amendment actually says. His amendment distinguishes between the Government's broadband programme and, presumably, other programmes. The difficulty is that the clause is intended to apply to both commercial and publicly funded provision of broadband. If it was not, we would

[Michael Fallon]

be accused of distorting competition. Both, of course, have a role to play in delivering the broadband infrastructure that the economy needs, and our strategy encompasses both, so we have a two-pronged approach to achieving that.

We want the market to lead in the provision of broadband services, so we are acting to ensure that the environment is as supportive as possible of investment in broadband infrastructure, but we also recognise that there are some places that the market will not reach unaided, so we are prepared to intervene to support broadband roll-out in those areas. The Committee will be aware of the rural broadband programmes and the £530 million of Government money made available to assist there, and also a further £20 million for the community rural broadband programme. Mr Davies, I hope you will not ask me to distinguish between the rural and the community broadband programmes; they are both publicly funded.

Alongside the programmes, we have significant private investment by BT, Virgin Media, Kcom and some other smaller infrastructure providers. BT, for example, is committed to investing £2.5 billion in its commercial roll-out programme, under which it is expected to roll out fibre broadband to two thirds of UK premises by spring 2014. Its fibre broadband services are already available to 12 million homes and its commercial roll-out is expected to serve two thirds of UK premises by spring 2014. Virgin Media's network, which serves around half the UK, is the result of a £13 billion historic investment in the UK cable network. The company continues to invest around two thirds of £1 billion on an annual basis.

To give an indication of the coverage gap that public and private sector broadband investment needs to bridge, let me give the Committee the latest information from Ofcom's UK infrastructure report update, published on 16 November. It shows that superfast broadband in urban areas has reached 84% and in semi-urban areas 65%, but in rural areas only 19%. The planning changes that we are proposing to introduce will reduce the cost of deployment and create much more certainty for the market. That is essential to enable commercial development to go as far as it can and to ensure that public funds are invested efficiently to capitalise on those particular benefits. I do not think it would be right, therefore, to restrict the amendment to the Government's programme, as the hon. Member for Edinburgh South proposes, and exclude the market sector.

Roberta Blackman-Woods: I am very interested in the Minister's comments about why sustainability is not central to the whole issue of national parks and development in those areas. I shall go away and look at his comments again and study them in the light of the NPPF and the centrality it gives sustainable development. I hope that we have made it clear, but I am going to say it again for the record: we are absolutely committed to the roll-out of broadband to rural areas, including superfast broadband. In government, we did much to facilitate that, so our comments are absolutely not about restricting broadband and its roll-out across the country. We acknowledge how important it is. Our concern is that the clause does not limit itself to broadband, and we are worried, as are a lot of other people, about the impact that could have on those important communities.

I would appreciate it if the Minister would let us know exactly which bit of European legislation restricts us from limiting the clause to broadband. If he wishes to put that in a letter to me, my colleagues and members of the Committee, I would be grateful to receive it. I am also pleased that he has said that he will go away and see if something can be put in regulations. That would be a helpful way forward.

I repeat that we would have liked to see some support given to Ofgem and communities to enable them to receive superfast broadband by applying a levy, and that this is absolutely not about restricting the roll-out of broadband; it is about looking at a better way of delivering it than the clause provides. Bearing in mind what the Minister has said, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ian Murray: I beg to move amendment 54, in clause 7, page 9, line 33, leave out '6 April 2018' and insert '31 December 2015'.

The Chair: With this it will be convenient to discuss the following:

Amendment 87, in clause 7, page 9, line 36, at end insert—

- '(c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 ("the electronic communications code") applies, before executing works in a national park, to consult—
- (i) the National Park Authority for the park in question,
 - (ii) each local planning authority in whose area the works are proposed to be executed, and
 - (iii) such other persons as he considers appropriate.'

Amendment 55, in clause 7, page 9, line 44, leave out '6 April 2018' and insert '31 December 2015'.

Amendment 88, in clause 7, page 9, line 46, at end insert—

- '(c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 ("the electronic communications code") applies, before executing works in a national park, to consult—
- (i) the Committee for Nature Conservation and the Ulster Countryside Committee,
 - (ii) each district council in whose area the works are proposed to be executed, and
 - (iii) such other persons as he considers appropriate.'

Amendment 56, in clause 7, page 10, line 8, leave out '6 April 2018' and insert '31 December 2015'.

Amendment 89, in clause 7, page 10, line 10, at end insert—

- '(c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 ("the electronic communications code") applies, before executing works in the Broads, to consult—
- (i) the Broads Authority,
 - (ii) each local planning authority in whose area the works are proposed to be executed, and
 - (iii) such other persons as he considers appropriate.'

Amendment 57, in clause 7, page 10, line 21, leave out '6 April 2018' and insert '31 December 2015'.

Amendment 90, in clause 7, page 10, line 23, at end insert—

- (c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 (“the electronic communications code”) applies, before executing works in an area of outstanding natural beauty, to consult—
- (i) any conservation board that exists in respect of the area of outstanding natural beauty, or, if no conservation board exists, Natural England or the Countryside Council for Wales, as appropriate,
 - (ii) each local planning authority in whose area the works are proposed to be executed, and
 - (iii) such other persons as he considers appropriate.’

Amendment 58, in clause 7, page 10, line 24, leave out ‘6 April 2018’ and insert ‘31 December 2015’.

Ian Murray: The amendments are fairly self-explanatory. The first refers to the Government’s sunset clause of 6 April 2018; we wish to change the dates through amendments 54 to 58 to 31 December 2015. The amendments would tighten the time scales.

I refer again to the Department for Culture, Media and Sport press release, where the Government say that they intend

“to have the best superfast broadband in Europe by 2015.”

With that in mind, why do the Government need to keep the clause in place until 2018? Are they not ambitious enough to roll out the programme? Indeed, it has been delayed from the previous Government’s intention of having it completed by 2012. Are they not ambitious enough to want to bring that date forward? Are they anticipating major issues because the legislation, as we have discussed on previous clauses, has been rushed through and is slightly ill thought-out? Are they seriously saying that the previous Government’s target of 2012 will be missed by a whole six years? That is why we want to bring the date forward to 2015.

Given the significant concerns expressed by many organisations about the intention of the clause, which we have already discussed, hopefully the Minister will give us some information about the European legislation he referred to. Perhaps we can get something in writing from the Secretary of State to say that the clause will be restricted to broadband. That might go some way to alleviating some of the concerns of the industry and the stakeholders.

I think it was the Secretary of State who said on Second Reading that the clause exists to provide impetus to the programme to bring superfast broadband forward and have it rolled out across the country. If that is the impetus behind the Government’s programme and they wish to see it by 2015, bringing the date in the sunset clause back to 31 December 2015 would give them even more impetus to deliver it within the time scales that are already set.

When I was reading through the explanatory notes to the Bill yesterday, I took some time out to have a quick flick through this month’s edition of *The Spectator*. The Prime Minister said that we wanted to deliver broadband as quickly as possible by “cutting the red tape”. There was a lovely cartoon in *The Spectator* of a married couple arguing in a marriage counsellor’s office. The counsellor says, “Have you tried blaming it on red tape?” If the Government are intent on saying that

everything is to do with red tape and that they are slashing red tape to give impetus to all these initiatives, perhaps we should cut red tape right back to the end of 2015 and try to get this initiative done as quickly as possible. Amendments 54 to 58 would simply ensure that the dates are put back.

Roberta Blackman-Woods: As usual, my hon. Friend makes a strong case in support of the amendments. If the clause is supposed to support economic growth, and given the state of our economy we need that growth sooner rather than later, does he agree that it seems a little odd that the Government are extending the deadline for having superfast broadband and broadband to 2018, rather than really seizing the moment and getting on with it as quickly as possible?

Ian Murray: My hon. Friend leads me down the path of debating the Government’s economic strategy where I am sure you would call me to order, Mr Davies. However, she makes a key point. If the Government are so “desperate for growth”—the formulation we heard just last week—bringing the date forward to 2015 might give that added impetus to get the broadband infrastructure in. As the Minister said, a 1% increase in broadband equates to a 10% increase in GDP, or was it the other way around?

Michael Fallon: The other way around.

Ian Murray: Ten per cent increase in broadband adds 1% of GDP. Let us hope that 1% adds 10% and we will dig the trenches ourselves to roll out broadband to rural communities.

Andrew Stunell (Hazel Grove) (LD): Can I bring the hon. Gentleman back to that cartoon about cutting red tape? Could he explain how shortening the period of time in which the red tape is relaxed somehow cuts red tape? Is he in fact not seeking to reimpose the red tape three years earlier than the Government propose? Perhaps he could explain that paradox.

Ian Murray: What we are trying to do is completely the opposite. We are trying to say, “Let’s temporarily cut the red tape until the end of 2015. That is the window of opportunity. You’ve got to get on with this programme and get it rolled out as quickly as possible to provide the growth the Minister says we all want to see.” We could keep the date at 2018, but that might delay investment decisions by some of the organisations and stakeholders involved in providing that type of infrastructure. It gives them a tighter focus if we say, “Let’s get on with it now.” If we approach the end of 2015 and there are some difficulties I am sure the Government—a Labour Government by then—could come back and extend the time line. Narrowing the window of opportunity, however, might allow the impetus to move slightly quicker.

Andrew Stunell: I am not sure whether the hon. Gentleman is agreeing or disagreeing with me that a six-year window in red tape creates less red tape than

[Andrew Stunell]

a three-year window. For him to argue that he is cutting red tape to a greater extent than proposed in the Bill is not entirely accurate.

Ian Murray: I have the utmost respect for the right hon. Gentleman, but let me give another analogy to try to highlight our point. The Government often use taxation policies to give a boost to the economy or to certain sectors. One could argue that cutting stamp duty for first-time buyers is a way of temporarily boosting that part of the economy. That would not be kept in place for 10 years, because first-time buyers might then wait six years before doing anything. If there is a short window of opportunity for a change in taxation it gives an immediate boost. That is what we are trying to do. I do not disagree with the right hon. Gentleman. Six years of cutting red tape has double the benefit of cutting it for three years. The Prime Minister said that he wants to give a boost to the initiative, so let us give that boost a shorter window of opportunity to make sure that it happens quicker rather than delaying it for three years. I am not sure that the right hon. Gentleman and I are in a different place: we are just arguing different things—comparing apples with oranges.

I turn now to amendments 87 to 90. With the Bill, the Government have taken their entire localism agenda, popped a syringe into its side and dragged out all the localism. They have syringed all the localism out of their policies. Amendments 87 to 90 would put a little bit of that localism back on to the agenda. There are examples from all over the country where planning permission has been given to allow infrastructure to be put in place to deliver Government and local community goals of better broadband while respecting the local community. That is exactly what we are trying to do.

12.30 pm

The amendments do not say that there has to be a laborious planning process or that we have to revert to red tape. I will use amendment 87 as an example, because the amendments are all the same although they refer to different bodies. All they say is that some sort of cognisance has to be taken of the national park authority for the area that it is charged by legislation to look after, the local planning authority where the area is and such other persons as the Secretary of State considers appropriate, who might be the service providers. If we can get a discussion going between national park authorities, the local council and service providers, we might resolve many of the problems that people are fearful will be thrown up by the Bill.

Although we are talking about trying to achieve a sensitive thing in rural communities, it seems a little strange that there will be no formal discussions under the Bill between the people who are charged to look after sensitive areas, the local authorities who have the democratic accountability to look after those areas, and the service providers themselves, who may be able to find solutions and map out the boxes they might put in place. To return to the intervention by the hon. Member for Burnley, it may mean just a few boxes within hundreds of square miles or kilometres in areas of special scientific interest or in a national park, but that discussion should

be accommodated by the legislation to ensure that there is a minimum. We could run into a danger. Where a historical conflict or a conflict about installing the infrastructure could easily be resolved by some kind of consultation, the Bill allows for the service provider to go straight in with permission from the Secretary of State and ride roughshod over local accountability and the localism that the Government wish to see.

It is beyond comprehension that the Government would not include some provision for consultation with the relevant national park authority, the local authority or other persons such as the service provider themselves. As I have said already, we do not want the Bill to end up being another piece of the legislation that is attached to planning permission, but we want to look at consultation and discussion.

Dr Stone from the English National Parks Authorities Association told the Committee:

“The potential of clause 7 is for the company to say, ‘Well, actually, we don’t really need to engage with that lot—we can get on with it.’”—[*Official Report, Growth and Infrastructure Public Bill Committee*, 20 November 2012; c. 151, Q349.]

The reason why he said that goes back to my point about the potential for historical conflict. Service providers are trying to provide a service. National park authorities are trying to execute their duties to the best of their abilities. However, if there has been a historical conflict, or if there is a future conflict over something incredibly sensitive, the way the Bill has been written will allow the service provider to say, “The Secretary of State has given us permission. Do this, or we will just go ahead and do that.” I do not think that that is in anyone’s interest.

Gordon Birtwistle: How would consulting the different authorities change the view that the hon. Gentleman is expressing? People could just say, “All right, we’ll consult them, but we’ll still go ahead and do it.” There is no power in the Bill for the authorities to say, “We object to it. It has to go to a separate body.” The amendment just says “consult”. The Secretary of State says that people can still go ahead. How will that change how the law will work?

Ian Murray: I tend to see the best in people. I will again use national park authorities as an example. If we are able to bring them together with the service provider and the local authority, there may be solutions to the majority of the problems. A lot of the evidence provided to the Committee shows that that is already happening; although planning permission has to be sought in certain circumstances, the local authority, the national parks authority and the service providers have come together to try to find a solution. The solution might not be ideal for them all, but at least they have been able to do that. That might allow the majority of those discussions to happen, and they might agree a plan that is acceptable to them all, rather than just saying, “Actually, the Secretary of State has power to do this, so we will let him get on with it.” The Minister is right to a certain extent in that if those discussions do not formulate something acceptable, the Government can go ahead and do it anyway, but it is incumbent on the Government to legislate to allow that consultative dialogue to happen to try to make the situation better.

Roberta Blackman-Woods: Does my hon. Friend agree that the framing of the clause, and indeed the way Government Members have asked some of their questions, seems to ignore the fact that a number of national park authorities are already facilitating the roll-out of broadband because they want appropriate and sensitive development in their area? They are often part of rural economic development partnerships that want appropriate development locally, and they should not simply be treated as a block to the roll-out of broadband. In reality, that is not the role they are undertaking.

Ian Murray: Absolutely. That is precisely the point of trying to ensure that the legislation takes cognisance of those legitimate views.

Without wishing to sound too flippant, I would be very surprised if there were an installation in a sensitive area that had not gone to public consultation, because a copy of the Liberal Democrat “Focus” would have popped through my letterbox telling me how disgraceful it was. This is about local accountability and being able to show that there has at least been some kind of dialogue between parties involved in the process. If the Government do not allow a mechanism to be included in the Bill that would encourage parties to come together and have such dialogue, why would the parties bother spending time or resources to do that when they could just make an application and send the diggers in to do what they want?

As with the section 106 affordable housing issues that we discussed at great length on Tuesday, many local authorities, as my hon. Friend has just said, are happy to have sensible discussions about planning with developers. We must provide some kind of framework and environment for that dialogue to take place, because I suspect the vast majority of proper discussions between interested parties and developers result in fairly amicable solutions and help to instil trust in the system. Part of the problem we have got into in this country—for the planning Minister, by “country” I mean the United Kingdom—is that the general public almost distrust the planning system. Whether that is because they do not know how it operates, because they have had bad experiences or because they read newspaper articles, there seems to be a bit of a disconnect between the public and what the planning legislation is trying to achieve. If we end up passing legislation that says, “We know there is a perception of public distrust in the planning system, so we will give the Secretary of State power to forget about local accountability and drive forward these initiatives without at least some consultation,” we are not doing anything to resolve some of those perceptions about trust.

The Minister said on Second Reading that

“providers will still have to notify local authorities of their plans.”—[*Official Report*, 5 November 2012; Vol. 552, c. 691.]

I am not sure the Bill actually says that. Perhaps in his response he can give us some comfort that there will have to be a referral to the local authorities concerned. If that is the intention, will he put it in the Bill? Instead of local authorities, perhaps it could be local authorities and some of the organisations charged with looking after these areas, such as the national park authority, the Joint Nature Conservation Committee, the Countryside Commission or the Broads Authority.

Wildlife and Countryside Link echoed that point clearly in its submission to the Committee:

“National Park Authorities are taking a proactive approach to facilitating broadband delivery... we need a planned and co-ordinated approach to delivering future telecommunications networks.”

That concurs with my point that the national park authorities are taking a proactive approach, because having broadband infrastructure in rural areas benefits them, the countryside, tourism and economic growth. Broadband would be a winner for all, but it has to be done appropriately. The amendments are merely an attempt to lever in a slightly more proactive approach and put a little localism back into a Bill that has sucked localism from the heart of Government policy. The LGA said that the clauses would provide some sort of democratic accountability to councillors to assess the plans and have some local input without the formal planning process, and that is what we seek to achieve.

To conclude, the clause tells local authorities that, essentially, they will be given localism with one hand but many other hands will take that responsibility away. It is just a way to get people to sit around the table, consult with the relevant authorities who are concerned with the legislation and come up with a plan that may be acceptable, before the Secretary of State’s boot comes down to tell them that actually he will deliver it anyway.

Michael Fallon: One of the advantages of the intimacy of a Committee such as this is that we learn more about its members, and we now know that the hon. Member for Edinburgh South is a regular reader of *The Spectator*. I am grateful to him for moving the amendments in the way that he did.

The amendments cover two broad areas: reducing the time available for the broadband roll-out and requiring operators to consult. Broadband deployment is a key component of our package of measures to help to kick-start economic growth, create jobs and support our long-term economic future. The proposed planning relaxations will benefit both commercial and publicly funded fixed broadband deployments.

We heard powerful evidence in the oral evidence sessions on the need for broadband roll-out. Mike Spicer, from the British Chambers of Commerce, said that “the strong message”—from his members—

“is they want broadband and they want it now. Anything that can move that along is something they would see as a positive development”.—[*Official Report, Growth and Infrastructure Public Bill Committee*, 13 November 2012; c. 35, Q82.]

Pamela Learmonth of the Broadband Stakeholder Group said:

If we are keen to get this infrastructure out to communities that are crying out for that connectivity and are lobbying their MPs and the Government to do so, we think that the changes can make a real impact on the ground and ensure that the connectivity gets out there as efficiently as possible.”—[*Official Report, Growth and Infrastructure Public Bill Committee*, 20 November 2012; c. 109, Q254.]

The purpose of the clause, which I will be invited to describe again if there is a stand part debate, is to allow secondary legislation to be amended to deliver precisely that relaxation. The five-year period of relaxation in the statute was not chosen at random; it is intended to incentivise and bring forward investment in broadband infrastructure, which aims to support the Government’s initial, short-term target as well as our longer term

[Michael Fallon]

target. The short-term target is to have the best superfast broadband network in Europe by 2015. In the longer term, there is the challenging EU target of ensuring 100% access of at least 30 megabits per second by 2020, and 50% subscribing to 100 megabits per second services in that same time scale.

Although we are clear about the need to fast-track broadband deployment, curtailing the scope of the provision to 31 December 2015, in the way that the hon. Gentleman proposes, is overly restrictive and would not help with the more challenging longer term targets.

James Morris (Halesowen and Rowley Regis) (Con): I was struck by the calculations in the impact assessment, and I am sure the Minister is aware of them. The measure would give almost 4.4 million additional homes access to superfast broadband, particularly in areas that would receive a quick, direct economic benefit from broadband access.

Michael Fallon: The impact assessment is well worth reading on that point, so I am grateful for my hon. Friend's intervention, which underlines the urgency and scale of the broadband roll-out that the relaxation is intended to deliver. The problem with the amendment is that if we accepted it literally, the actual time available is likely to be only about two and a half years, given the likely passage of the Bill through another place, with Royal Assent, we hope, in the spring, and any time spent after that triggering the commencement date. That is too restrictive; we need the longer period, so I cannot ask the Committee to accept amendments 54 to 58.

12.45 pm

Gordon Birtwistle: I appreciate the Minister's comments. The coalition Government are committed to growth, particularly in rural areas, where we all accept that pay is low and facilities are limited. We need to boost growth in those areas to provide more highly skilled jobs and decent salaries. Does the Minister agree that we have to get on with that? As he said, the amendments are very restrictive, and could actually hold us back.

Michael Fallon: I agree: the amendments may well hold back the investment that has to roll out over the next two to three years. We would have a completely artificial cut-off point of only two and a half years after the Bill goes through. I cannot, therefore, ask the Committee to support amendments 54 to 58.

Perhaps I can comfort the hon. Member for Edinburgh South by turning to amendments 87 to 90. I do not agree that there is a need to specify in the Bill the consultation requirements for secondary legislation affecting national parks and other protected areas. That is because existing secondary legislation—to be precise, the Electronic Communications Code (Conditions and Restrictions) Regulations 2003—already provides for that, and will continue to do so.

The regulations consist, to a large extent, of requirements for consultation with, and notification to, highway and planning authorities about the installation of communications apparatus. They already require communications operators to consult planning authorities, and specify the organisations that have to be consulted about the installation of apparatus in protected areas. There are no plans to alter those requirements in the forthcoming consultation on changes to other secondary legislation.

I fully understand why the hon. Gentleman tabled the amendments; he wants to make sure, as we do, that consultation is appropriate and directed at the right people. I therefore draw his attention to the existing regulations. If he has concerns that they are in any way defective, I am happy to look at his points. With that consolation, I hope that he is prepared to withdraw the amendment.

Ian Murray: The Minister commented on the completely artificial date of 31 December 2015; that is a slightly more erroneous artificial date than the artificially created date of April 2018. We can argue about why 2018, and not 2015, has been chosen and about whether it is artificial. I am slightly comforted by the Minister's response, and I will look at the specifications he mentioned.

I am not comforted by the Minister's putting on the record that I love the said publication. I will check that it was not the *New Statesman*, because I have a seed of doubt—it was perhaps not *The Spectator*, but the *New Statesman* that I was reading—and I will correct the record this afternoon, if I may, Mr Davies. However, on the basis of the consolation and comfort I have had from the Minister, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned.—(Karen Bradley.)

12.49 pm

Adjourned till this day at Two o'clock.