PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

GROWTH AND INFRASTRUCTURE BILL

Tenth Sitting

Thursday 29 November 2012

(Afternoon)

CONTENTS

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED

£4·00

PBC (Bill 075) 2012 - 2013

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Monday 3 December 2012

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: † Philip Davies, Mr George Howarth

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

Steven Mark, John-Paul Flaherty, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 29 November 2012

(Afternoon)

[Philip Davies *in the Chair*]

Growth and Infrastructure Bill

Clause 7

Electronic communications code: the need to promote growth

2 pm

Question proposed, That the clause stand part of the Bill.

Roberta Blackman-Woods (City of Durham) (Lab): It is hardly surprising that the Campaign for National Parks wishes to delete all of the clause. In its evidence to the Committee, it pointed out, quite rightly, that its

"Mission is to inspire everyone to enjoy and look after National Parks"—

which it describes as—

"The nation's green treasures."

I think that is how we all experience them, at the moment in any case.

Of course we all wish to see those green treasures left in a fit state to pass on intact to future generations. Surely, that is what is at risk from the measures in the clause. All of us accept that the countryside cannot be preserved in aspic, and that rural areas need growth too. I would have thought that there is universal agreement across the Committee that people in rural areas want and need broadband too.

As the Campaign for National Parks pointed out, the Committee has received no evidence whatever that the additional protection afforded to designated landscapes has acted as a barrier to rural growth or delayed the roll-out of broadband. Indeed, it suggested that the opposite has taken place. National park authorities are taking a proactive approach to facilitating broadband and mobile delivery, but in a way that minimises the visual impact. It gave a number of examples. In Northumberland—a county close to my heart because it borders my constituency in County Durham—the national park authority has worked with the local enterprise partnership to gain £1 million for a rural growth hub right in the centre of the national park. That included delivering high-speed broadband. Further, it has worked with Northumberland county council to deliver improvements to 3,000 adjacent premises.

In the Peak District national park, mobile phone operators have discussed their roll-out plans with the national parks authority prior to submitting an application. That has made it possible to avoid siting masts in the most damaging locations in wild corridors or to design them in such a way that minimises their visual impact. Furthermore, the South Downs and New Forest national park authorities are members of the rural economy action group. They have supported bids by Hampshire county council and West Sussex county council to Broadband Delivery UK. There are many more such examples. I will not extend our deliberations unduly by going through them one by one.

Ian Murray (Edinburgh South) (Lab): As always, my hon. Friend makes a convincing case. Has she come across any evidence of cases where broadband has been stopped because of the concerns raised by national park authorities?

Roberta Blackman-Woods: My hon. Friend makes an excellent point. I shall come on to the lack of evidence in a moment. I did not come across an example of a national park authority stopping broadband roll-out. No doubt the fact that we have raised the point in Committee may elicit some information from out there, if indeed there is any.

National park authorities, rather than being a barrier to broadband delivery, in many parts of the country are actively facilitating its roll-out. There is, however, a second and serious point to note from those examples, which is that the clause risks setting a dangerous precedent by introducing an exemption for the Secretary of State to have regard to the purposes for which national parks, including the Broads Authority, are designated. The Campaign for National Parks claims that significant degradation could result from the measures in the clause with no guarantee of economic growth as a result. It could significantly undermine the ability of national parks to drive a hard bargain with mobile phone companies or broadband deliverers and could mean that many of the achievements set out in my earlier examples would no longer be possible.

The clause would also ignore the fact that national parks, areas of outstanding natural beauty and so on rely heavily on tourism. Obviously, many visitors are specifically attracted to such areas by the beauty of the landscape, which includes uninterrupted views. Tourists are likely to be put off entirely if they are tripping over a broadband cabinet every five minutes, banging their heads on overhead cables or bumping into mobile phone masts or if they are unable to see a view of a valley or a hillside because overhead cables, cabinets, masts and other electronic bits and pieces are getting in the way. We also know that many national park authorities have been successful in getting energy companies and others to put cables underground, so that the beauty of the landscape is not threatened. It is unclear whether their bargaining hand to do so will be undermined by the clause.

It is shocking that so much of our precious countryside is being put at risk without the Government presenting a shred of evidence in support of their case. The impact assessment cites evidence from BT that broadband roll-out delays range from 12 to 27 months. We are not given an idea of how many cases that relates to, so it could be just two, and such cases could be totally unrepresentative. We also do not have an indication of whether the situation is improving as national park authorities adapt and adopt best practice for their areas and therefore speed up decision making. I am particularly suspicious that the impact assessment states that

"the proposed interventions…will reduce the burden of the planning system on business by removing uncertainty and delay"—

and—

"will help reduce the costs".

How? That is the question that the Minister must answer. How will burdens be reduced unless businesses no longer have to consider the special environment of such areas? How will costs be reduced unless overhead cables and unsightly boxes are allowed where currently they are not because the location is inappropriate? A sensible Government would be facilitating the adoption of good practice everywhere. That would improve certainty. Mobile phone companies would know that they had to plan to bury cables, and broadband providers would know that cabinets must be disguised. The clause runs the risks of cheap, unsightly electronic communications equipment ruining some of our most beautiful countryside. If ever there was a short-term, misguided policy, this must be it.

Given that the impact assessment contains next to no evidence as to why such an extraordinary measure is needed, I turned to the oral evidence given to the Committee, particularly that of the Broadband Stakeholder Group, which seems to be almost a lone voice in being broadly in support of the clause—although it, too, had some concerns. The group said that 2,500 cabinets had been delayed. It then said that such evidence was anecdotal, so I am not clear whether the number of cabinets is 2,500, whether the group thought that the figure might be about 2,500 or whether it did not know the number and that it was just a figure that had been bandied about because we have no further information.

The group seemed most worried about the inconsistency in the policy. It was not the delay, but just that it wanted more certainty. It is not clear how the clause will deal with the issues of certainty and inconsistency, unless the Government intend local authorities, national parks and so on just to agree to everything they are asked to agree to, regardless of the consequences for their local communities. As the Minister confirmed, consultation with local authorities will be taking place, so a better approach would be to have clarity about the code of practice, what needs to be delivered and in what way, within a given time scale.

It is worth noting that those who gave evidence to the Committee were coy about whether the clause would facilitate the installation of more overhead lines. There was much talk of a consultation at DCMS and a code of practice emerging at some time. However, they did not need to be so circumspect because the impact assessment makes it clear that more overhead cables are exactly what the Government have in mind. It states:

"There may be some small-scale adverse impact on visual amenity, as well as some increased operating cost to providers should they decide to deploy new overhead lines as a result of this."

Clearly, there is an expectation that the measures under the clause will lead to more overhead cables.

Ian Murray: My hon. Friend has made an important point. How does it chime with the Minister's answer in Committee that the clause had absolutely nothing to do with masts and that it would not include masts?

Roberta Blackman-Woods: I am sure that the Minister was paying attention to the point that my hon. Friend has just made. We want clarification of the range of different types of equipment that might be allowed, if not facilitated, under the clause.

The impact assessment includes hardly a word about the impact of overhead cables, never mind giving us a full-scale assessment of the negative consequences on local communities. If the Government consider that the impact of the clause will be small-scale, will they let the rest of us have the evidence on which they based that assumption? It is exasperating, is it not, that such a weak impact assessment relates to some of our most beautiful countryside?

The Campaign for National Parks said that the Government expect that the powers will be used primarily for the installation of overhead broadband lines. Unlike the Government, however, it notes that there is a strong desire for a complete removal of overhead lines in national parks and areas of outstanding natural beauty. In any case, it points out that there is nothing to prevent the same powers from being used by a telecommunications provider to install other infrastructure, such as radio masts.

It is also strange that the impact assessment makes so much of the fact that the clause will reduce costs. The Campaign for National Parks suggests that there is a willingness to pay for the undergrounding of the overhead lines in national parks and areas of outstanding natural beauty. It notes that Ofgem has agreed an allowance of £60 million to be spent on undergrounding of electricity lines between 2010 and 2015. That allowance is based on the principle of willingness to pay and is paid for by consumers. In the interests of protecting our countryside and meeting the needs of areas for broadband, surely the Government would have been better exploring an approach such as this one. We know that clause 7 could stall growth, particularly of tourism, and that it plays fast and loose with our environment. The Minister cannot have failed to note the huge barrage of criticism that has been levelled at his Government on this matter.

2.15 pm

The Royal Town Planning Institute notes that it is not national parks or areas of outstanding natural beauty per se that are the problem, as superfast broadband varies between them. It also notes that the east of England appears to have a particular problem. Surely the Government should concentrate their efforts in supporting areas where there is a problem, rather than risking a planning free-for-all that could severely damage our natural environment.

Like us, the Campaign to Protect Rural England is simply in despair and wants this clause removed from the Bill. I cannot put the damage that could be inflicted by the clause better than the CPRE has put it:

"The proposal that the key purpose of natural parks and areas of outstanding natural beauty to conserve beauty could be overridden in order to provide infrastructure is alarming and it would establish a dangerous and wholly inappropriate precedent."

But the Minister must also state why his Government have gone back on assurances that were given in a November 2011 consultation on overhead telecommunications deployment that they

"would not relax protections for designated landscapes."

Yet here we are, some months later, with a clause in the Bill that does precisely what the Government said they would not do.

The CPRE makes the point, which is clearly apparent from the examples I gave earlier, that it is possible to roll out superfast broadband and conserve beauty at the

same time. Furthermore, it points out what an enormous waste of money could result from the clause, because the money that Ofgem has already invested in undergrounding cables could now be put at risk by other overhead lines for other telecommunications equipment going into the same areas where money has already been spent on undergrounding cables.

What we see is a damning set of responses to this particular clause, but that is hardly surprising when the beauty of our countryside is being put at risk without a shred of evidence in support of the Government's position. But it is worse than that. I know that that is difficult to accept, but that is because yet again we are debating a clause that tells us we are waiting for both a consultation document and a code of practice, neither of which we have seen, and yet apparently we need to see both of those things to understand what the clause is seeking to do.

Ian Murray: My hon. Friend makes the point about the consultation and guidance. Many of our amendments this morning were about getting clarity from the Minister and reassurances that this clause will not have wide-ranging effects on the countryside. The fact that we have tabled those amendments shows that there is confusion, and that perhaps the consultation and guidance should have accompanied the Bill to help us out in our deliberations.

Roberta Blackman-Woods: My hon. Friend makes an excellent point. Indeed, I wonder whether he agrees that we should perhaps feel a little comforted by the fact that the Minister himself is confused about a number of matters relating to the Bill.

The Parliamentary Under-Secretary of State for Communities and Local Government (Nick Boles): It is me, not the Minister of State, Department for Business, Innovation and Skills, my right hon. Friend the Member for Sevenoaks (Michael Fallon), who is confused.

Roberta Blackman-Woods: I am sorry. It is the Planning Minister who is apparently confused; we know that from the letter that he has written to all of us. The serious point is that this is not a way to make good policy, particularly a policy that could have such an impact on our beloved countryside. The Government got into a habit of U-turns a few months ago and I urge them to do so again and remove the clause.

James Morris (Halesowen and Rowley Regis) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. There comes a point in a country's economic life when the Government have a responsibility to drive forward a particularly important part of our infrastructure to build economic growth. Putting more broadband capacity into Britain is a clear economic imperative. Evidence from around the world is clear that countries that are advanced in the spread of superfast broadband can improve their economic competitiveness, compete in a globalised world and a globalised economy and create jobs. We have reached a time in our economic history where we need to make a concerted effort to improve superfast broadband access across the United Kingdom as quickly and as practically as possible to achieve those economic goals.

As other hon. Members have pointed out, the clause introduces a provision to promote economic growth into section 109 of the Communications Act 2003. It does not say that economic growth should be the only consideration that the Secretary of State should take into account when determining where infrastructure should be built. It quite sensibly adds to and updates that section to reflect the importance of economic growth when the Secretary of State is making regulations in relation to this area. It does not supersede other considerations that are laid out in that Act. It merely adds an important economic imperative for Britain as we seek to upgrade our national infrastructure to compete in this globalised economy.

As I pointed out earlier, the impact assessment says that approximately 4.4 million additional homes will receive superfast broadband as a result of this intervention. It states:

"The impact of this is improved access to superfast broadband for up to 4.375m households, most of which will be in more suburban and rural areas where the commercial case for deployment is more challenging under existing rules. Greater access in these communities will help diversify the local economy and enable greater growth than without this improved infrastructure."

The hon. Lady pointed to the evidence presented to us by the Broadband Stakeholder Group, by Mrs Pamela Learmonth. The hon. Lady was a little selective in what she quoted. Mrs Learmonth said:

"BT has said that some 2,500 cabinets have been taken out of their programmes as a result of the current planning regime…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. At the moment, there can be some inconsistency between planning authorities."

She then refers to anecdotal evidence. She was not referring to BT's clear statement of the impact of the current regime on their inability to roll out 2,500 cabinets as quickly as possible. She said:

"We have some anecdotal evidence of people being asked for fees even just to meet local authorities to discuss where cabinets are to be sited. These sorts of things will naturally get in the way of an efficient and quick roll-out."—[*Official Report, Growth and Infrastructure Public Bill Committee,* 20 November 2012; c. 109, Q254.]

Roberta Blackman-Woods: My point was that the evidence from BT was not before us and, to my knowledge, has not been presented to the Committee. There was, therefore, a degree of hearsay in the evidence presented to us.

James Morris: The statement was clear from the Broadband Stakeholder Group, whose Pamela Learmonth said,

"BT has said that some 2,500 cabinets have been taken out of their programmes as a result of the current planning regime."—[*Official Report, Growth and Infrastructure Public Bill Committee,* 20 November 2012; c. 109, Q254.]

We have clear evidence from that group of the impact of the current regime on our ability to roll out broadband speedily. It is also true that, with the DCMS coming up, the Broadband Stakeholder Group is calling for a code of practice to be put in place. I do not see why it would be in the interest of a company to want to erect broadband

boxes that were completely unsuited to a particular environment, but I would welcome a code of practice to ensure that there was agreement on a suitable way to erect boxes in these areas.

Henry Smith (Crawley) (Con): I have viewed some of the hon. Lady's comments with a sense of absurdity. I wonder whether rural communities in the 19th century railed against red pillar boxes being installed, when that was the main method of communication. Surely green broadband boxes would be less offensive, although of course we all love the red pillar box now.

James Morris: My hon. Friend makes an important and interesting historical point. That supports my argument that at the beginning of the 21st century we are in a time of rapid change and economic development, which means we cannot afford to hold back in ensuring that Britain has the broadband infrastructure necessary to compete in a rapidly changing world.

I also welcome—as it reinforces the point—the imperative, over a five-year period with implicit sunset clauses, that this period of deregulation will last for a fixed time. In that fixed time, the Government should make all efforts to achieve the goal of superfast broadband access across the UK.

In summary, as I do not wish to detain the Committee much longer, the clause is necessary for a vital area of economic growth. It supports the imperative to get more superfast broadband access into our rural and suburban areas as quickly as possible. It will benefit millions of people in Britain.

Ian Murray: I, too, will not detain the Committee longer than necessary. I want to correct the record from this morning. I referred to a small cartoon as being from *The Spectator* when it was in fact in the *New Statesman*. All those aspersions about what I was reading late last night can now be cast aside. I have it here for anyone who wishes to see it. If anybody wishes to supply me with a copy of *The Spectator,* I might thumb through it as some point during the Committee and give my views on it some time in future.

We have to be clear from the start. We have been promoting amendments to probe the Government on their intentions in order to support the organisations that are concerned about the clause. However, in Government, we had far more ambitious plans for rural broadband than the current Government, with a back-stop date of 2018. We said that we would provide superfast broadband to every home by 2012. That was a far more ambitious plan than this Government have brought forward. It is important to put that on record.

The Chair: Order. Given the interest shown by all parties in the forthcoming statement, the Committee is suspended and I shall resume the Chair at 4 o'clock.

2.30 pm

Sitting suspended.

4 pm

On resuming—

Ian Murray: Thank you, Mr Davies, for your forbearance in allowing us not just to vote on the motion about Scotland remaining part of the United Kingdom, which I am pleased was passed by a massive majority of 321, but to hear the Leveson statement, which obviously is important.

I think I told the Committee that it was the *New Statesman*, not *The Spectator*. My hon. Friend the Member for City of Durham has laid out all the issues that we wish to raise on clause 7 stand part. We may push that to a vote, unless the Minister can give us some assurances on our questions. In the interest of time and moving the Committee on, I shall sit down and allow others to contribute.

Dr Thérèse Coffey (Suffolk Coastal) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I know that it is unusual for the Parliamentary Private Secretary to the Minister to speak, which is why I have swapped duties with my hon. Friend the Member for Salisbury, so that I can talk about the issue. In my time on the Select Committee on Culture, Media and Sport, one of the key things we campaigned for was to get broadband rolled out across the entire country for residents, whether in our inner cities, in areas of outstanding natural beauty, in national parks, and everything else in between.

I agree with the clause, and it certainly should not be limited to the Government programme. The market is providing a substantial amount of the broadband that is needed. Examples were raised earlier about where things were being held up. I will point to a town in my own constituency, where BT applied last October for permission to get a cabinet somewhere, with registration starting on 5 January. After quite a lot of disagreements, the application was withdrawn in April. Permission was reapplied for in May, and eventually BT received permission on 18 July, some nine months after first trying to get planning permission. It is not just in AONBs where there are problems with trying to get broadband cabinets fitted. As we know, the evidence from Mrs Learmonth suggested that BT had had similar problems with more than 2,000 cabinets.

I welcome the earlier statements made from the Opposition Front Bench. Just last month, I noticed that on his website, the hon. Member for Edinburgh South welcomed the roll-out of superfast broadband. He said:

> "It is great to see Edinburgh at the forefront of the new Digital age as BT roll out the fibre broadband network".

As I have already indicated, sometimes there are problems with rolling out that network. I am sure that he does not want to stand in the way of his own residents in Edinburgh enjoying superfast broadband as quickly as possible.

Ian Murray: I could not agree more with the hon. Lady on welcoming the roll-out of superfast broadband. The Opposition emphasise again that we want broadband to be rolled out as quickly as possible, but we want it to be done properly. My constituency, given the kind of constituency it is, will have great superfast broadband because it is in an urban area. There is no direct comparison to be made with the stuff on my website about a constituency in Edinburgh.

Dr Coffey: Much as I love Felixstowe in my constituency, I cannot pretend that it is a rural town. It is very much an urban town, with the biggest container port in the country; it has certainly developed from its original roots. It was just an example of saying that even in our significant towns, there can be challenges stopping the deployment of fibre optics. It is a concern, and that is why I support the Government on the clause.

I recognise that the Opposition want to see broadband in the countryside. Over half of my constituency is in an AONB. I have sites of special scientific interest, Ramsar sites and special protection areas—frankly, if there is a designation, I have got it, apart from a national park. Meanwhile, we still have to manage deployment of infrastructure, such as nuclear power stations—two are due to be built soon. It is absolutely critical to our economic growth, because without growth, any development that we have is simply unsustainable. That is why I felt that the Opposition's amendments were unnecessary. Frankly, the two have to go hand in hand.

There has been all sorts of talk about what is appropriate. Normally, broadband cabinets are green. I would love to see the cabinet that the hon. Member for City of Durham referred to. I am not very tall either, but I have not yet seen a cabinet taller than me. Certainly, most are green. We know that a code of practice that will cover the local area will be taken into account. I appreciate that we are not just talking about green woodland or green fields.

BT's R and D headquarters is in Martlesham, in my constituency. People who work there live in the AONB. I do not foresee the employees of one of the major companies that will be deploying broadband around the country seeking to spoil the landscape where they live. Nothing could be further from the truth. I am not aware of any examples suggested of BT—or indeed Virgin Media, or any other cable provider—putting forward something so inappropriate. Without economic growth, areas will effectively die.

The other reason why broadband in rural areas is particularly important is quality of life. It is not solely about improving business. It is also about improving people's access to television. We do not have proper transmitters in my part of the world. Everybody else, after the digital switchover, managed to get all sorts of channels, but most people in Suffolk Coastal and the neighbouring constituency managed to get only 15 channels, two of which were Gay Rabbit and Rabbit, which were not exactly wanted. However, the additional communications that come through allowed more residents to switch to internet TV and therefore enjoy the same channels that everyone else receives when they pay exactly the same licence fee. I am not going to start a debate on the licence fee, but considering we receive only about a quarter of the channels that other people do, it could be argued that we should only pay a quarter of the licence fee.

The point has already been made—I appreciate that this is a sensitive topic—that the Government are consulting solely on the fixed line broadband roll out. It is right that they are doing so. After the successful clearance of the state aid hurdle that was undertaken in recent weeks by the Secretary of State for Culture, Media and Sport, my right hon. Friend the Member for Basingstoke (Maria Miller), who built on the good work of her civil servants and her predecessor, my right hon. Friend the Member for South West Surrey (Mr Hunt), a county council such as mine, Suffolk, is ready to sign the contract soon. We hope to have people digging the ground in the next few months. It is right that the Government are focusing on fixed-line broadband.

Roberta Blackman-Woods: As the hon. Lady has returned to the issue of broadband, I have with me a picture that shows the size of a broadband cabinet in relation to a rather tall gentleman. She will see that it is, indeed, taller than he is. Does she accept that the clause allows for overhead cabling as well as for cabinets?

Dr Coffey: That may well be the case. My understanding is that Virgin Media, for its broadband deployment, wants to use its technology along existing overhead lines, so that it can put fibre into the home, whereas the BT solution is still to rely on fibre to a cabinet, then use either wireless or existing copper lines to ensure that people get broadband. We know that fibre to the house provides the superior experience. I do not see any particular issue there. I am not aware of any plans of the existing operators to erect more overhead lines to deploy fixed broadband. BT has never mentioned that to me in briefings.

On the issue of quality of life, I have been talking about TV, but one of the things that is coming up is the 4G auction. It is right that the Government are not making provision for that at this time in its consultation or its statutory instrument, but I hope that they will think ahead, and I have pressed this case. One of the things that 4G mobile broadband will bring to rural areas is liberation for public services. Instead of having to return to bases that may be an hour's drive away, it will be a great change to be able to work on the go. That will improve services for our residents. Given that Parliament has pressed for 98% coverage of 4G, at some point in the future—probably in 18 months' time—it would be right for the winning bidder to be able to come to the Government and say, "This is our deployment plan. Help us achieve it." I am sure the Opposition would welcome constructive talks on that. Indeed, those were referred to when the announcement was made on 7 September 2012.

I have had representations from Suffolk Coast and Heaths AONB about its concerns on why it sees the measure as the Government potentially opening the door to other changes coming through. My hon. Friend the Under-Secretary of State for Communities and Local Government, the hon. Member for Grantham and Stamford, is absolutely passionate in his love of the English countryside. He wants to see sensitive, appropriate development where existing brownfield sites may not be the solely suitable place for development. I am sure he is not proposing getting rid of the green belt or AONBs, so I am more than persuaded and fully endorse the Government's approach.

The Government are made up of constituency MPs who have AONBs and national parks in their constituencies. I know no Government Members more passionate about defending the quality of life in their constituency. I support the clause.

4.15 pm

The Minister of State, Department for Business, Innovation and Skills (Michael Fallon): The Chair is always right, but you, Mr Davies, were certainly right to allow a clause stand part debate. We have had a good and honest debate. There is clearly a division of opinion in Committee about the merits of the clause, but it is important to explore all the different areas. I thank my hon. Friends the Members for Halesowen and Rowley Regis and for Suffolk Coastal for their contributions, and I also thank the hon. Member for Edinburgh South.

I want to go back to the points made at the beginning by the hon. Member for City of Durham. She told us—I wrote it down, but I stand corrected if I am wrong—that local authorities were actively facilitating the roll-out of broadband. I am afraid that is simply not the case in many parts of the country. It certainly is not the case in the northern national parks where broadband coverage, as I have said to the Committee before, is extremely poor at less than 30%. If like me, the hon. Lady wants more visitors to the parks, how do people book their visits and their hotels and bed and breakfasts? Such enterprises require broadband coverage.

Roberta Blackman-Woods: The examples I gave were from national park authorities.

Michael Fallon: Indeed. That is where we want to see faster roll-out of broadband. The hon. Lady asked me about two specific points that I want to reply to. First, she asked why we have gone back on the commitment we made in the November 2011 consultation on overhead lines. The answer is simple. We have listened to the consultation. The responses showed that the proposed approach in the document would not work. It would be too costly and too onerous and it would have meant that more rural and remote areas would simply not have been served commercially.

Secondly, the hon. Lady suggested—I think inadvertently—that BT had not provided evidence to the Committee, but it provided written evidence. I can share one conclusion of that evidence, which is in front of the Committee. Under the current planning regime and deployment under current rules, BT stated:

"The net impact of this is that hundreds of thousands of customers will be at risk of being excluded from high-speed broadband services where planning constraints prevent deployment."

That is exactly what the Bill seeks to address.

The hon. Lady then got into fantasy territory. There was talk of people tripping over cabinets, banging their heads on overhead wires and not being able to see views of Snowdon or whatever. I cannot accept that the clause will result in any significant degradation of the countryside. It is not a free-for-all; there will be consultation and a code on siting practices. Local authorities, particularly those involved in the Government side of the roll-out, will be in a powerful position, because they will be doing the procurement and will be able to negotiate with individual providers.

Clause 7 contains an enabling power that allows secondary legislation in the form of the electronic communications code to be amended to contribute to delivery of the proposed relaxation of planning controls to speed up the deployment of fixed broadband. To support the power to make those regulations, clause 7 disapplies, as we have heard, the duties in national parks and areas of outstanding natural beauty legislation to have regard to environmental considerations, which simply aligns the legislation with the Communications Act 2003, as amended.

Several concerns have been raised, but as I have set out to the Committee and as the Committee heard when we took evidence, the need to provide broadband to people in areas that are not covered at the moment, and who would not otherwise be covered if we did not relax the planning controls, is real, and the benefit to local economies is clear. We are proposing to relax planning requirements for five years to allow street cabinets and new poles to be deployed without the need for prior approval everywhere except in sites of special scientific interest. Relaxing those controls will provide certainty for providers looking to invest, as well as reducing the cost of deployment, which is key given that up to 80% of the costs of rolling out superfast broadband are in the civil works. We do not believe that those changes will lead to a proliferation of overhead cables, as providers will be expected to explore sharing existing infrastructure before deploying new poles. Local authorities will also have the power, as I have said, to influence how services are deployed in consultation with the supplier when they are procuring projects under the Broadband Delivery UK programme.

We will be publishing the consultation before Christmas, detailing our plans for relaxing the requirements for broadband cabinet and new pole deployment in protected areas. It will be clear from that document that we do not intend to alter the existing statutory obligation for providers to consult local authorities on the siting of their apparatus and to minimise any impact. The providers are committed to working with other stakeholders, such as the LGA and the Planning Officers Society, to develop a code of best siting practice to assuage some of the concerns about whether our proposals would result in any kind of free-for-all. There will be no such thing, but we believe that action is necessary to ensure that we have a communications infrastructure that is fit for the 21st century, which will enable all parts of the country to grow and will allow as many households as possible to benefit from superfast broadband. That is why we need clause 7. If the hon. Lady wants to delete it, I urge my hon. Friends to support it.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 11, Noes 3.

Division No. 6]

AYES

Birtwistle, Gordon	Glen, John
Blackman, Bob	Howell, John
Boles, Nick	Morris, James
Bradley, Karen	Smith, Henry
Coffey, Dr Thérèse	Stunell, rh Andrew
Fallon, rh Michael	

NOES

Blackman-Woods, Roberta	Murray, Ian
Dakin, Nic	

Question accordingly agreed to.

Clause 7 ordered to stand part of the Bill.

Clause 8

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

Question proposed, That the clause stand part of the Bill.

Nick Boles: It is a real pleasure to serve under your chairmanship once again, Mr Davies.

Minerals are essential to our quality of life and to deliver the homes, roads and other infrastructure that this country needs. Yet we also recognise that mineral extraction can have an adverse effect on the environment and that that impact will change over the lifetime of extraction on a site. Clause 8 gives effect to schedule 3, which will allow mineral planning authorities in England greater direction as to whether to undertake a periodic review of the minerals permissions of sites in their areas and when. The measure will free mineral planning authorities from centrally set requirements, while potentially reducing the financial burden on the industry and on local authorities without any loss of environmental protection.

Clause 8 contains transitional provisions to make it clear that the changes to the review regime will apply to mineral permissions granted before the coming into force of schedule 3, but where a mineral planning authority has already served notice of a review, that review must be completed. The proposal is designed to help the current regime work better and more flexibly, so that reviews only take place when they are genuinely necessary. That is in line with our efforts to ensure that the planning system is simpler and faster while remaining effective.

Roberta Blackman-Woods: As the Minister pointed out, the clause deals with changes to the mineral planning regime to ensure that mineral planning authorities have more discretion over when permissions are reviewed. As the local planning authority will act as the mineral planning authority in a relevant application, it is good to see that there is at least one clause in the Bill that trusts the discretion of local authorities. It is hardly a huge step for localism, but it may be beneficial to local authorities to have more flexibility when they a review mineral planning permission.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Schedule 3 agreed to.

Clause 9

STOPPING UP AND DIVERSION OF HIGHWAYS

Question proposed, That the clause stand part of the Bill.

Michael Fallon: The clause amends section 253 of the Town and Country Planning Act 1990. It enables applications for a highway stopping-up or diversion order to be processed in parallel with the application for planning permission. Stopping-up orders are a form of non-planning consent, which are made to close or divert a road for development purposes. Once a stopping-up order is made, the carriageway and/or footway concerned ceases to be public highway and may be built on.

The clause removes the delay for a developer in getting on the ground after he or she has obtained planning permission, because currently only then can they start the application process to stop up or divert the affected highways. The developer will make stopping-up applications to the Department for Transport as now. The normal objection process will remain, and even after a planning application has received approval, the final highway stopping-up or diversion order will not be formally made until the planning permission has been granted. Work therefore cannot start on the highway until a stopping-up order has been made.

The clause enables but does not require developers to apply for a highway stopping-up or diversion order at the same time as they apply for planning permission. The clause is a deregulatory measure. The concurrent procedure for both applications will mean that developers make a valuable time saving of some weeks, especially where there are no outstanding objections to the stopping-up order.

Roberta Blackman-Woods: The Opposition feel that clauses 9 to 11 are uncontentious. They implement some of the recommendations of the Penfold review, and we support them.

Question put and agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Clause 10

STOPPING UP AND DIVERSION OF PUBLIC PATHS

Question proposed, That the clause stand part of the Bill.

Michael Fallon: The clause, similarly to clause 9, deals with the stopping up and diversion of public paths. The Town and Country Planning Act 1990 enables an authority with the power to grant planning permission to make a legal order to stop up and divert a public right of way if that is necessary to enable development to be carried out. Section 257 of the Act is the provision that enables the authority to do so, but it is framed in such a way that, currently, the authority can only make a rights of way order after planning permission has been granted.

Clause 10 therefore amends section 257 of the 1990 Act to enable the authority to make a rights of way order where it is satisfied that an application for planning permission has been made and that should that application be granted, it will be necessary to stop up or divert the right of way in order for the development to be carried out. The measure will enable the rights of way order to be considered alongside the planning application, instead of having to wait until after planning permission has been granted.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

DECLARATIONS NEGATIVING INTENTION TO DEDICATE WAY AS HIGHWAY

Question proposed, That the clause stand part of the Bill.

Michael Fallon: The Highways Act 1980 contains a mechanism whereby long use of a way may result in its deemed dedication by the landowner as a highway or right of way. The Act allows a landowner to come to such dedication by the deposit of a map and statement showing admitted highways, followed by a declaration that that landowner has no intention to dedicate any other part of the land as a public right of way. The provisions enable landowners to protect themselves against claims for public rights of way. They also enable landowners to allow people to use their land on a permissive basis, without the need for a formal agreement, and without the fear that such use could give rise to a public right of way. Good use is made of the provisions, and landowners consider them a valuable and effective mechanism.

Clause 11 amends the Highways Act to allow the Secretary of State to make regulations prescribing the form of such statements, maps and declarations, including provision for a statement or declaration under the Act to be combined with a statement made to counter town and village green registration, which clause 12 will introduce. The aim, therefore, is simply to minimise the administrative burden on landowners who wish to make statements both for highways purposes and for town and village green purposes. We want to ensure that the processes for rights of way and for town and village greens are as joined up and consistent as possible. We hope that will encourage landowners to allow access to their land without being concerned about either rights of way dedications or town and village green applications.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Clause 12

Registration of town or village green: statement by owner

Roberta Blackman-Woods: I beg to move amendment 94, in clause 12, page 14, line 15, leave out 'may' and insert 'must'.

The Chair: With this it will be convenient to discuss amendment 95, in clause 12, page 14, line 27, at end insert—

> '(e) for publicising the deposit of a statement under subsection (1) in the local area.'.

Roberta Blackman-Woods: Clause 12 allows a landowner to deposit a statement with the commons registration authority, providing a fairly pain-free way of ending the recognition of lawful recreation taking place on the land, thus allowing the possibility that the land could be registered as a town or village green. Amendment 94 would instead require the landowner to deposit a statement with the commons registration authority in order to bring an end to lawful recreation; amendment 95 would require the landowner to publicise the fact that he or she has deposited such a statement. Following that, under the Commons Act 2006, the local community would have a two-year grace period in which to register the land as a town or village green.

The CPRE and the Open Spaces Society support the amendments. The Open Spaces Society has said:

> "If the inhabitants are unaware of the deposit of the statement they will not be on notice that time has started to run and, after two years, their right to register will be lost. Paragraph 62 of the explanatory notes to the bill makes clear that there is no intention to deprive local inhabitants of the right to seek to register but that becomes meaningless if the inhabitants have no idea that the time has begun to run against them…The OSS regards it as imperative that the cessation is brought to the attention of local inhabitants at the same time as the statement is deposited with the registration authority. How it is done is a matter for discussion, but we believe that it would require, as a minimum, the erection of signs on the land and an advertisement in a local paper, advising of the deposit of the statement and of the two-year period."

That seems to be highly logical. It is localist, sensible and encourages problems to be aired as soon as possible, which will limit the expense incurred by developers and landowners.

4.30 pm

Amendment 95 would not make it easier for a piece of land to be registered following the grant funding application, nor would it enable vexatious applications of the type that we all want to stop, as those could be addressed with some of the triggers in schedule 4. It would, however, give communities a chance to protect land that otherwise they may lose. That is particularly important given that consultation on neighbourhood and local plans often leaves much to be desired. In many instances, a community will not know that a consultation is—or was—taking place. Therefore, to say that that is the only stage at which land can be safeguarded is overly idealistic and would necessitate a huge improvement in the consultation process that we have not seen to date, and which the Government do not appear to have considered.

That is not to say that it is not possible. I am a fervent believer in local and neighbourhood planning, but so far the Government have failed to set out funding for neighbourhood planning forums beyond those included in the front-runner programme and no long-term resource plan has been proposed.

At the same time, the cuts to planning departments hamper planning officers' ability to engage with the local community, which will increase the chances that the identification of community assets and designation of areas for local green space could be flawed.

I urge the Minister to consider seriously the amendments and to take on board the points on giving local communities a reasonable period in which to register their interest. I hope that he will accept the amendments.

Andrew Stunell (Hazel Grove) (LD): I was disappointed to hear the hon. Lady make that case and, in particular, the way in which she dismissed the provisions in the Localism Act 2011 and the neighbourhood planning system. It is rather unlikely that somebody who lives in a neighbourhood that has a neighbourhood plan would be unaware that that was happening, because there has to be a referendum of all residents. Even if the turnout is low, at least everybody should know that the referendum is happening. I think—

Roberta Blackman-Woods: Will the right hon. Gentleman give way?

Andrew Stunell: I might just finish my sentence. There is now a much better system in place for giving residents in a neighbourhood the opportunity both to register

[Andrew Stunell]

open spaces of value to them and to participate in a meaningful planning process, rather than one that was dropped on them.

The hon. Lady and I shared the experience of long hours in the Localism Bill Committee, in which we debated these matters, so I am disappointed that she did not find that a useful learning experience. More than 250 neighbourhood plans are under preparation, and she should have a little more faith in local communities.

Roberta Blackman-Woods *rose—*

Andrew Stunell: I am happy to give way to the hon. Lady. I apologise for not doing so earlier.

Roberta Blackman-Woods: Much as I would have loved to have sat on the Localism Bill Committee, alas, I did not because at that time I had a different shadow ministerial position. I want to correct the hon. Gentleman on a second point: there will not be a referendum on a neighbourhood plan unless the neighbourhood planning forum decides to have a neighbourhood development order, and it may not necessarily decide to do that. My understanding is that, to date, no referendums have been held.

Andrew Stunell: I very much apologise for mistakenly attributing membership of the Localism Bill Committee to the hon. Lady. She missed a treat. Had she been there she would have heard a lot more about how the neighbourhood planning system is intended to work and how it is working. She would have heard about the provision that there is for neighbourhoods and individuals to register open spaces of local significance in their area with their local authority and for those to be incorporated in the local plan and subsequently in the neighbourhood plan.

The provisions are necessary to tidy up a part of the law that has been on the statute book for a very long time and has taken on completely new uses in the hands of community campaigners. The Localism Act provides a much more sensible and measured way of going out about getting what we can call village greens, but which the Act refers to as open spaces of "local significance", recognised and incorporated into plans in a measured way that does not prove disruptive.

I draw the Committee's attention to some of the evidence that we received on this point. I do not usually pray in aid the Law Society, but I notice that it says it welcomes the provision enabling landowners to make a statement about their land and supports placing restrictions on the circumstances in which applications for registering land can be made. That is lawyers speaking so that is rather contrary to the usual way of things where lawyers like complex legal procedures with plenty of opportunities to earn fees.

I also draw attention to the evidence we received from the Local Government Association on the registration of town and village greens. I notice that the hon. Member for Edinburgh South has been happy to pray in aid what he has described as the Conservative-led LGA time after time. The last time he mentioned it he said that it was all-party. Indeed, it represents local authorities of all political stripes in England. Paragraph 27 of its evidence states:

> "The LGA welcomes the measures to align the town and village green regime with the planning system. This will ensure that discussions about the future of a site take place primarily and appropriately through the planning system."

Paragraph 28 states:

> "Town and village green legislation is too often used by opponents of particular schemes to block or stall development.

It is quite right that local communities should be able to safeguard community land that is of value to them. I would say to the Committee that that is precisely the mechanism that is in place with the Localism Act.

The National Housing Federation perhaps got to the heart of our problem. It said:

> "However the existing town and village green legislation is poorly drafted and has too often been abused by people opposing developments."

It is interesting that, apparently, what the hon. Lady's amendment would do—she may want to clarify this—is give an extended period of time for local communities to carry on using this poorly drafted scheme instead of engaging in neighbourhood planning and instead of approaching their local authority and getting their open space of local significance listed as it should be.

We received evidence from the Hastoe Housing Association, a specialist rural housing association which owns about 5,000 homes and works in partnership with more than 200 village communities. It said:

> "It is, and will remain, very simple to register land as a village green. Defra and a range of organisations such as the Open Space Society are constantly promoting the importance of registering village greens and providing advice and support."

Interestingly it supplied us with figures which showed just how many applications for village greens had been made over the years. I will just quote the figures given in its evidence for the first nine months of 2011. In that time, 84 applications on village greens were determined, of which 57 were rejected and 27 approved. In other words, almost two thirds of the applications were what we might best describe as spurious.

The housing association goes on to give us some evidence of the costs that have arisen as a result. It has quoted particular schemes, indicated the length of delay that has arisen and given the estimated cost. Not all the items have a full address, but I notice that a scheme in Gloucestershire was delayed for two years at a cost of £70,000, a scheme in Wakefield was delayed for two years at a cost of £10,000 and a scheme in Maldon, Essex has been ongoing since June 2011 and has an estimated cost so far of £1.2 million. Those are really significant sums of money, but also very significant lengths of time taken over this procedure.

The figures are in the evidence that Hastoe Housing Association has given, and, if approximately two thirds of the applications turn out to be spurious, it is surely right for the Bill to introduce proposals that simplify and rectify that. In the open spaces requirement in the Localism Act 2011, we have in place a good new mechanism that goes wider than village greens. Given that and the additional capacity that there is for neighbourhood plans, I believe that the hon. Lady's attempt to stretch the existing provision and delay its removal from the statute book is mistaken. I hope that she will listen to

the force of the arguments that other members of the Committee will make, and that I am sure the Minister will make, and, when the moment is right, withdraw her amendment.

Nic Dakin (Scunthorpe) (Lab): It is a pleasure, as ever, to serve under your chairmanship, Mr Davies. It is important that we are clear that there is a lot of agreement among Committee members. We have heard evidence about the need to ensure that vexatious applications for town and village greens do not get in the way of progress, and we welcome the thrust of the Localism Act. I had the privilege of serving on the Localism Bill Committee with the right hon. Member for Hazel Grove, so perhaps I was mistaken for my hon. Friend the Member for City of Durham.

Andrew Stunell: I have since got some new glasses.

Nic Dakin: I welcome that intervention, and the ability to see the world so much more clearly that the right hon. Gentleman now has.

On town and village green registrations, the issue is not the desire to bring things in line with the planning process and the new processes that the Localism Act has released. Rather, it is about recognising a way of doing that which does not disempower and disadvantage local communities. Although we heard evidence from a number of agencies about the "vexatious" concern, we also heard a considerable degree of evidence from organisations and individuals concerned about losing the opportunity for proper town and village green registration.

The right hon. Member for Hazel Grove may want to educate, for example, the Maidstone borough council Liberal Democrat group, which contacted us and said that it

"cannot support the proposals to limit the right to register land as a Village Green. This appears to be a solution in search of a problem and conflicts strongly with the stance on community assets taken by the Government in the Localism Act. At the very least the prohibition on registering land which has been included in a draft local or neighbourhood plan should be removed as this undermines part of the very rationale for developing and consulting on a local or neighbourhood plan in the first place."

It is important to recognise that organisations that are close to the ground, such as the Maidstone Liberal Democrats, have genuine concerns about how the intention of the clause is drafted. There is an opportunity to address that through the amendment tabled by my hon. Friend the Member for City of Durham, which does not alter the direction of travel, but gives protection to local communities. Sylvia Mason from Amber Valley says that the proposed changes to the process of village green applications on land already earmarked for building is another major setback for democracy. She goes on to say that this is

"top down decision-making—and runs counter to… the British way of life."

Those are genuine concerns by genuine people who are involved in their localities.

4.45 pm

Finally, let me refer to the evidence from Pauline Bradley in relation to the situation in Pucklechurch. She says:

"The villagers I have spoken to were not aware of the intention of the local council to put forward planning proposals (again) on the land in question prior to the posting of notices on the lamp posts and through a few letterboxes."

In a sense, she gets to the nub of the problem. Unless we advertise and draw attention to registration, neighbourhoods and individuals are not aware of it until it starts happening. When it starts happening, they knock on the doors of people and say, "What can we do about it?" Then they are told, "Well, actually, this was registered two, four, five years ago and you should have noticed what was going on then and done something about it." My hon. Friend's amendment provides protection for everybody by ensuring that proper advertising takes place at the point of registration, so that communities are alerted at the proper time. Two years is not too long a period, and it allows communities to exercise a desire if they so wish. That is not vexatious, but a proper and true way of improving the clause. Although the clause has been introduced for the very best of reasons, it could appear centralist without the localist flavour offered by the amendment of my hon. Friend the Member for City of Durham.

Michael Fallon: All three Members who have spoken have indicated their support for the change that is being made in clause 12, and their more general support for the proposal to align the town and village green legislation with the planning system more generally. The case for that was set out superbly by the right hon. Member for Hazel Grove, who deployed the broad arguments in favour of the clause far more eloquently than I could or indeed was going to try to do on clause stand part.

On the specific amendments that have been put before us, amendment 94 would require rather than permit regulations to be made on the issues that are set out in new section 15A of the Commons Act 2006. That includes how town and village green landowner statements and maps are provided and combined with Highways Act 1980 statements.

Amendment 95 adds that regulations also cover publicising and depositing a statement in the local area. In combination, the two amendments would require a statement to be publicised. I understand from what has been said that a key purpose behind the amendments may be to ensure that when a landowner makes a statement, notice is given to local people so that they are aware that the clock is ticking in terms of the period of time they have if they want to make a town and village green application, and I want to offer the Committee some reassurance on that. When a landowner statement is deposited with a Commons Registration Authority, we intend that that authority will be required to publicise it so that local people are made aware of the fact that a statement has been deposited. Indeed, subsection (6) immediately preceding the subsection that the hon. Lady is seeking to amend provides us with the power to make regulations to cover the steps that an authority must take, which include publicising statements in the way that she wants. Notice requirements are likely to include publication on the website of the Association of Commons Registration Authorities, as well as notification by e-mail of interested parties. Amendment 95 would, therefore, duplicate the provision under subsection (6), and it is our view that the publication requirements are best set out in the regulations under that subsection.

Roberta Blackman-Woods: I find the Minister's comments somewhat reassuring, but will he confirm that there will be something in the registration system and in the terms of the consultation that will alert local people to the fact that something that relates to their areas has been deposited? Will they then have a period in which to register an interest in the village green?

Michael Fallon: I can reassure the hon. Lady on both those matters. The whole point of notification is precisely as she described. It is not simply the sending of a notice, but to alert people to the beginning of the time period. That is the critical point. I hope that she will also accept that the regulations will make the whole process of submitting a landowner statement as easy as possible for landowners. It means that they can combine statements for town and village green purposes with those that are made for rights of way. The whole object of such a measure is to make sure that, as far as possible, we encourage landowners to allow recreational use of their land safe in the knowledge that they can, when necessary, prevent the registration of their land from being registered as a town or village green. Given my reassurances, I hope that she is persuaded to withdraw the amendment.

Roberta Blackman-Woods: As I said, I am somewhat reassured by the Minister's comments and, on that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Michael Fallon: Clauses 12, 13 and 14 will reform the system for registering new town and village greens, and it might be helpful if I set out the broader context of such provisions. The rising number of town and village green applications, which are free to applicants, is resulting in large costs to local authorities. When applications affect development, the town and village green registration system can undermine the democratically accountable planning process. Many applications fail in the end, but they nevertheless incur long delays, uncertainty and costs to local authorities and landowners. Some people, as the right hon. Member for Hazel Grove reminded the Committee, use the process simply to prevent or delay development that is needed and wanted by the wider community.

The key aims of the reforms are three: first, to prevent the registration system from being used to stop or delay planning development and to protect the ability of communities to promote development in their area through local and neighbourhood plan-making; secondly, to reduce the financial burden on local authorities in considering applications and the cost to landowners whose land is affected by those applications; and, thirdly, to remove unnecessary uncertainty and delays that are difficult for those affected in the community.

Applications can be made under section 15(1) of the Commons Act 2006 to register land as a town and village green. The criteria are that the land has been used, as of right, for lawful sports and pastimes by a significant number of local inhabitants for at least 20 years. The law on town and village greens is based on custom and assumes that, if a landowner did not challenge any recreational use of the land for over 20 years, he actually intended that local people use the land, so the registration of the land is therefore legal recognition of the right that they have established.

Among others, the Local Government Association, both in written evidence and in its appearance before the Committee, has been very supportive of the three clauses. As the right hon. Member for Hazel Grove said, the association described the clauses as

"essential to align the town and village green regime with the planning system."

These clauses, it said, will ensure that false claims are revealed swiftly, while genuine claims receive fair and robust consideration, and the primacy of the local plan is maintained. I could not have put that better myself, and I urge the Committee to support the clauses.

Bob Blackman (Harrow East) (Con): Can the Minister clarify one point that, despite the LGA's submission, may be contentious? It is that much of the land that is often subject to challenge is owned by the local authority in the first place, and there can be problems in relation to local people then seeking to register that land for the purposes of sporting or recreational use when the local authority intend to sell it for development use. Can he clarify what the position will be under this legislation once it is passed?

Michael Fallon: That is something that I am afraid I am not able to clarify immediately. At a later stage, I may be able to get back to my hon. Friend on that technical point about what happens when the local authority owns the land. I think that I have indicated the general arguments in favour of this set of clauses. I hope that clause 12 can now receive the approval of the Committee.

Roberta Blackman-Woods: I have a few comments to make about clause 12.

We find it strange that this clause is included in the Growth and Infrastructure Bill, especially as the Campaign to Protect Rural England has pointed out that there were only 185 applications for town and village green status last year, and that only a portion of those would be ruled out by the changes set out in the clause. The number of extra developments that would be brought forward as a result may be minimal. My question about the clause is whether it is really the central legislative priority for a Government in the midst of an economic crisis, when they could be taking much wider and much more sweeping steps to support economic recovery.

I know that the Minister said in our last meeting that he does not mind introducing clauses that may end up being useless; he is unconcerned about wasting the Committee's time. However, has he considered that the taxpayers, who he rightly points out keep us in this place, may prefer that he introduce some real growth measures for us to debate?

It is manifestly important that we ensure that vexatious applications do not stymie development, and a small number of examples have been put forward by the LGA to show that such applications are a problem. However, there have also been a number of protections of land that were not vexatious and that have been done in the spirit of the Commons Act 2006. That Act intended to protect land that was valued and precious to local communities, and over quite a long period of time.

As we have said before in this Committee, the purpose of planning is to balance competing interests. I am not exactly sure that the clause has got the balance completely right, and we will perhaps reflect on that matter again. We want to ensure that development can take place, but we also want to ensure that those very precious areas for local communities can be registered in a timely and efficient manner.

Nic Dakin: On this particular point, it is important to recognise the evidence of the Woodland Trust, the CPRE and a number of other agencies that are very concerned about the direction of travel without proper protections. In my own constituency, the Ashby Pond group has an issue exactly like the one that the hon. Member for Harrow East alluded to. There is an area of land in local government control that some want to see developed even though it has been used for recreation for many years. I am very interested to hear the Minister's response to the hon. Gentleman, because the issue that he raised is not merely theoretical but a very practical and true one.

5 pm

Michael Fallon: A couple of points have been made. I am sorry that the hon. Member for City of Durham has been so sniffy about the clause. Nobody is claiming that clauses 12, 13 and 14 will, in themselves, accelerate GDP or drive forward the economic recovery that we all want. I notice, in passing, that neither she nor her party has made any other proposals that might contribute to the growth of the economy. Equally, nobody has said that any of these clauses have no effect. Taken together, we hope they will provide a better balance in the system and encourage development that is wanted by local communities to go ahead.

I turn finally to the point raised by my hon. Friend the Member for Harrow East and repeated by the hon. Member for Scunthorpe about what happens to land that is owned by the local authority if it wants to sell it. I assure the Committee that local authority land is captured by town or village green legislation in exactly the same way as any other land. I hope that reassures my hon. Friend and the rest of the Committee.

I hope that, despite some of the reservations expressed about this change, the Committee will support clause 12.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

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

5.1 pm

Adjourned till Tuesday 4 December at five minutes to Nine o'clock.