

Telecommunications Masts (Planning Control) Bill

Order for Second Reading read.

12.50 pm

Mr. David Curry (Skipton and Ripon) (Con): I beg to move, That the Bill be now read a Second time.

The Under-Secretary of State for the Home Department, the hon. Member for Slough (Fiona Mactaggart), who is just leaving the Chamber, said of the Emergency Workers (Protection) Bill, which we have just debated—at a length that occasionally made me feel that curling offered unexpected excitements, after watching it during the Olympic games—that she did not like the Bill and it was unnecessary, but none the less she was willing to discuss it in Committee, because she thought that it could be a vehicle to make some useful amendments to the law.

I hope that the Minister who will deal with this Bill and I can negotiate on exactly the same basis. I expect him not to endorse my Bill, but to acknowledge that there are some serious difficulties with the way in which the system operates now. Therefore, let us find a means to discuss that together, so that people can feel that a transparent process is taking place, which will lead to the calming of some people's fears and passions.

Emily Thornberry (Islington, South and Finsbury) (Lab): There is huge support for the right hon. Gentleman's Bill from all sorts of quarters. A large number of my constituents believe that they are affected by such masts, and they certainly want the law to be changed to protect schoolchildren. So I have come here to support his Bill.

Mr. Curry: I am very grateful indeed to the hon. Lady for her support. There is huge concern throughout the country, and my view is very simple: when there is concern, the job of politicians is to try to find ways to deal with it. I hope that I have found a pragmatic way to deal with that concern.

The Bill is something of an old favourite. I plead guilty to what could be called parliamentary plagiarism: I am the third of the lone parents who have introduced such a Bill in succession. I pay tribute to my hon. Friend the Member for West Suffolk (Mr. Spring) and the hon. Member for Hazel Grove (Andrew Stunell) for beating the path along this road.

Mr. James Arbuthnot (North-East Hampshire) (Con): My right hon. Friend would be wrong to describe himself as a lone parent. This is more like the Child Support Agency: the Bill has more parents than one could possibly imagine. There is much support in the House for the Bill, so can we hope that the Minister will not talk it out?

Mr. Curry: I share that thought, although I have some caution about the analogy with the CSA, given its productivity and the Government's view of it, which is rather generally shared by hon. Members on both sides of the House.

Jim Dowd (Lewisham, West) (Lab): Reference has been made to three attempts to introduce such a Bill, but I point out to the right hon. Gentleman and other colleagues that there has been a wide variety of Bills on issues relating to phone masts. I introduced one myself—it was not the same as this Bill—in an attempt to place on a statutory basis the Mobile Operators Association's code of conduct. I have reservations about parts of the Bill, but even if not

through the opportunity that he is offering, the Government need to take a detailed look at the concerns about how the mobile network operators currently go about getting their planning permissions.

Mr. Curry: I am grateful to the hon. Gentleman for that intervention, and I agree with what he says. In referring merely to what one might describe as the Bill's direct line of descent, I would not wish to exclude all its relatives.

The concern has not abated; it has increased. I could bring pantechicians full of letters, petitions and submissions into the Chamber. Of course there will be a quota of cranks and obsessives, but a large proportion of the concern is being expressed by normal responsible citizens. There are two ways of dealing with that: by saying that the concern is uninformed, unjustified, unreasonable and plain wrong, or by saying, as politicians, that irrespective of the intrinsic validity of people's concerns, there is a problem to be dealt with and everyone benefits from our dealing with it. I have introduced such a Bill again, simply because the problem still exists.

I think that the Government share that point of view. Yesterday, by a happy coincidence, they published their review of the consultation procedures that are being carried out by the university of Reading and Arup. I read it in as much detail as I could in the time that I had, and it is a clear, concise document that expresses the concerns well. The industry shares my point of view. I met the Mobile Operators Association yesterday, and it said that there was more that the Government and industry could do. We have achieved a consensus in understanding that there is a problem to be addressed, which is the first step towards a consensual approach.

Lembit Öpik (Montgomeryshire) (LD): Does the right hon. Gentleman agree that one of the problems that we have had up until now is that many people who have raised concerns have felt patronised, to an extent by the mobile service providers and also, at a previous stage, by the Government? I held a one-day conference on the matter last year. In fairness, I must add that there were representatives from all the groups involved and the dialogue began to make meaningful progress, as had not happened before.

Mr. Curry: The paternity claims for these measures are spreading so rapidly that we will have to have some DNA testing at the end of the day. I agree with the hon. Gentleman that people are seriously concerned that the consultation procedure is not substantive, and that what they say makes no difference. I will talk about that in a little while.

My Bill is an invitation to the industry and the Government to engage in discussion and find a better planning and consultation framework. My proposals are not prescriptive, but an invitation to negotiate. I have been a Member long enough to know that the chance of Back Benchers producing Bills that meet all legislative requirements is quite small. After all, the Government cannot do that in their own Bills and it takes a great deal of amendment to get them right. This Bill would undoubtedly be little different.

Mr. Andrew Dismore (Hendon) (Lab): I support the principles behind the Bill, although I think that the right hon. Gentleman has made it a little complex, and the problem could be dealt with rather more simply. I am particularly concerned about 3G upgrades, because no planning consent is required to upgrade existing masts. Will the Bill deal with that? Although the right hon. Gentleman claims that there is great support for his Bill among Conservative Members, I am concerned that few of them seem to be present to back him up. If there is a vote on Second Reading, has he got enough support to carry it?

Mr. Curry: If no one decided to divide the House—I have not yet found anybody who says that they are hostile to the Bill—it would be immaterial how many hon. Members were present, as with the Emergency Workers (Protection) Bill. I have no doubt that the hon. Gentleman will persuade the Minister to envisage precisely those circumstances. I know that he is an aficionado of Friday sittings and I welcome his interventions—although, knowing a little about his track record, I should say that the briefer they are, the more I shall welcome them.

Susan Kramer (Richmond Park) (LD): Does the right hon. Gentleman agree that if mobile phone companies were to come to the community early to outline their needs and plans for the next few years, the community could help to identify appropriate sites? In my community, local residents negotiated with Kew gardens to have a site identified in the gardens for all mobile phone masts in the area. That was done only after direct action that included planting palm trees in locations where masts had been planned. Those palm trees are still there, but the mobile phone companies are happy to have their masts in the campanile. However, there is no methodology for ensuring that that approach has been captured for use in the future.

Mr. Curry: I have seen some amazing sights, including masts disguised as trees representing extremely rare flora from Latin America. I agree with the hon. Lady, but I would add merely that local authorities have a responsibility too. They should have proper planning frameworks and designate people to talk to the mobile phone companies. Those people should be willing to engage in dialogue, as should local councillors. Too often councillors wait until planning applications are received, and are not alert enough during the consultation process. There is an improvement to be made across the piece.

Kitty Ussher (Burnley) (Lab): Does the right hon. Gentleman agree with the organisation Together Against Masts in Burnley and me that, for the very reason that he gives, it is essential to revoke the provisions on permitted development rights? Unless we do that, the public simply will not know where the masts are likely to be located.

Mr. Curry: My Bill does not propose to revoke permitted development rights in quite as brutal a way as the hon. Lady mentions. What is important is that people should know what is happening and have a proper opportunity to make representations. When they make representations, they should be listened to. The range of considerations that a local authority takes into account should be broader than at present. There is currently a bias in the system against a local authority objecting, for reasons with which we will probably all be familiar.

Dr. John Pugh (Southport) (LD): The right hon. Gentleman prays in aid local authorities, but does he accept that a number of them have made representations to the Government asking for a review of primary legislation?

Mr. Curry: I do accept that. Indeed, I have the representations; I have a large file dedicated to representations from local planning authorities. The representations have come from across the piece—from lobby groups, individuals, organisations and local planning authorities.

Janet Anderson (Rossendale and Darwen) (Lab): Will the right hon. Gentleman clarify one point about permitted development rights? I understand that his Bill would revoke those rights in respect of antennae, which include satellite dishes. He will know that such rights have recently been amended to reflect changes in technology and support the demand for access to digital TV and broadband. Would not some provisions in his Bill make it more difficult for people to access those digital services?

Mr. Curry: The intention of my Bill is not to hamper or burden the industry or make it less able to operate, but to try to find a mechanism whereby it can operate with the consent of the people among whom it is necessarily implanted. That is why Committee stages are valuable; they enable us to tease out unexpected or unintended consequences, and also to reinforce consequences that are intended—another reason to grant the Bill its Second Reading.

When the planning framework was put in place in the 1990s and the mobile phone industry was in its fledgling form, there was a natural concern to nurture it. The industry has been nurtured well enough to provide a quite astonishing amount of money for the Chancellor of the Exchequer, but it has moved on. I suppose that it is now iconic; it is almost a new-age industry. It is not just an industry, but almost a culture as well. Its very pervasiveness has what has made it necessarily a much more political industry—a phrase I use with a small "p".

It is estimated that there are some 50,000 base stations in the country. One cannot get the precise figures from the Office of the Deputy Prime Minister, but one can see the number of non-domestic hereditaments shown in the rating list, which I happen to have discovered following an assiduous search. On 31 March last year, which is almost exactly a year ago, there were 20,930 hereditaments, and I have a list that breaks down among local authority districts the number of installations in existence. Of course, some districts have more than 300 installations.

To understand why there is concern, we must have what le guide Michelin calls "un peu d'histoire"—a little retrospective look at the situation. There are four broad categories of mobile phone installation. I immediately declare to the Minister that in the hierarchy of anoraks, I am an extraordinarily long way from the top and very close to the bottom, so I shall not speak in extremely technical detail.

First, ground-based masts of more than 15 m in height get the full planning permission. Secondly, at the opposite end of the scale, the very small boxes—I think that they are called pico boxes—that are often masked by shop signs could well be sited every 50 m along a main road. They are governed by de minimis rules. One up from that, we have small base stations, which are up to 4 m high and might sit on top of buildings. They come under the permitted development rules. No planning permission is required but there is a range of consultation processes, depending on the site.

The most sensitive category of mast, on which much of the argument focuses, is the ground-based mast up to 15 m high. Those masts are governed by a voluntary code, under which the site is rated. It is known as the traffic light method. Sites are rated red, amber or green and the rating triggers a specific consultation process.

Mr. Tobias Ellwood (Bournemouth, East) (Con): Does my right hon. Friend agree that it is perplexing that grading is done by the company that wants to install the mast? Would not it make sense for an independent assessor to do it?

Mr. Curry: One of the concerns about the consultation process is the lack of an arbitrator or referee. Indeed, the review of the consultation procedures that the Under-Secretary has conducted suggests that there is a case for instituting an arbiter. That would cover my hon. Friend's point.

It may not be in the operator's interest to have a system of red, amber and green, because red suggests some sort of danger to most people, whereas the ratings relate to the appropriateness

of the site rather than carrying a medical connotation. Perhaps it would be in everybody's interest to move to something more appropriate to the process.

Jim Dowd: The role of an arbiter or third party in assessing a site would be irrelevant, because the code of conduct has no legal force. It makes not an iota of difference whether operators choose to abide by it.

Mr. Curry: That is a good point, and I agree with the hon. Gentleman. The point is also made in the Under-Secretary's review. There would be no point in having an arbiter if there were no rules whereby he reached his judgment. There is a problem.

Lorely Burt (Solihull) (LD): My constituents feel strongly about the issue. Many of them believe that red, green and amber relate to the amount of upset that the siting of a specific mast is likely to cause in the local community. I should be grateful if the right hon. Gentleman commented on that.

Mr. Curry: I merely repeat what I just said: the system is not intended to denote upset, but it is generally assumed to do that. I shall be brief, because I believe that the hon. Lady is the promoter of the next Bill. Her intervention was therefore a heroic act of self-sacrifice—but we have all sacrificed a lot today already.

Mr. David Kidney (Stafford) (Lab): I am the promoter of the next Bill but one, but I would still like to ask the right hon. Gentleman a question. Does he agree that one unfortunate side effect of the grading system is that the same sites receive applications for more and more masts, so there is a concentration in a small area, which leads to fears and rumours—one never knows whether evidence will follow one day—about clusters of cancer cases?

Mr. Curry: I accept that, and I congratulate the hon. Gentleman on the diversity of his interests. He can move from telephone masts to breastfeeding in one sitting.

The local authority has eight weeks to object to a mast, subject to the traffic light system. The most frequent ground for objection is amenity, because health issues are not normally considered to be a valid ground. There are weaknesses in the procedure. As we all know, local authorities are often reluctant to refuse planning applications if they believe that they will end up going through an appeal procedure, simply because of the costs of an appeal. There are problems with the timing and relevance of the consultation. People feel that they are not heard, or that if they are heard, no account is taken of their views. There is no confidence in the traffic light system and, as the hon. Member for Lewisham, West (Jim Dowd) said, any arbiter would have no basis on which to make a judgment because compliance is voluntary.

Mr. David Evennett (Bexleyheath and Crayford) (Con): One of the concerns expressed to me by my constituents is that not only must they be vigilant about applications, but when one application is refused, another operator makes an application for the same site. My constituents consider that unfair, and even though the council may refuse the application, they feel strongly about the vigilance and time needed, and the unfairness.

Mr. Curry: I entirely agree. That is one of the major concerns that has been expressed. Of course, the concerns tend to focus on masts sited near schools and medical facilities.

Mr. Jeremy Hunt (South-West Surrey) (Con): I had a case in which Orange wanted to site a mast right outside a school in Farnham. Does my right hon. Friend agree that one of the problems with the current legislative framework is that it allows operators to be extremely

arrogant in their dealings with local residents? In that case, the response from Orange was, "If you don't want the mast outside your school, that's fine. Can you find us somewhere else to put it?" It is inappropriate for a mobile phone operator to be able to say such a thing. Does my right hon. Friend agree that we need to address that?

Mr. Curry: Indeed. Even where operators are required to issue a consultation—for example, to heads and governors of schools if they want to site a mast within range of a school—there is no control over the timing, so the consultation document can arrive on the day that the school packs up for the summer holidays, and by the time school starts again, the consultation period is almost over. Again, that is a loophole that sensible measures could put right.

I accept that there is no present evidence of harm. Sir William Stewart's report in 2001, which was updated in 2004, spells that out, but I have been around long enough to know that politicians and scientists can offer only current evidence. They do not deal in certainties or guarantees. The public increasingly ask for certainty and guarantees, and risk is a much more difficult political issue now than it was a generation ago. Having been at the Ministry of Agriculture, Fisheries and Food during the BSE crisis, I am familiar with the way in which that may work out in practice.

Mr. Arbutnot: Is this not a key point? The fact that there is no current evidence of harm does not mean that there is evidence of no harm. That is a very different issue, and we surely need to follow the precautionary principle, as the Stewart report suggests.

Mr. Curry: It is crucial that we understand what the Stewart report recommended. I have taken from the website—a technological feat in its own right, as far as I am concerned—the summary of the Stewart report from the National Radiological Protection Board. It recommends, for example, that

"particular attention be given to how best to minimise exposure of potentially vulnerable sub-groups such as children and to consider the possibility that there may be other sub-groups who may be particularly sensitive to radiowaves"

and calls for a continuing programme of research.

I recognise that Sir William Stewart's report was on a much wider subject than masts, but he stated:

"The fact is that the widespread use of mobile phones is a relatively recent phenomenon and it is possible that adverse health effects could emerge after years of prolonged use. The evidence base necessary to allow us to make firm judgements has not yet been accumulated. What we can say is that there is as yet no hard evidence of adverse health effects on the general public, but because of the current uncertainties we recommend a continued precautionary approach to the use of mobile phone technologies. This approach should be adopted by all involved in this area—including government, the mobile phone industry and all who choose to purchase a mobile phone for themselves, or their family, or their children".

What he is saying, which is entirely sensible, is that a case cannot be stacked up on health grounds, but sane people realise that that situation may not be permanent and we should build into our provision the possibility that that advice may change.

Mr. John Horam (Orpington) (Con): Is my right hon. Friend aware, given his European interests, that there has been research in both Germany and Sweden relevant to this matter, which shows instances giving rise to concern?

Mr. Curry: I am aware of that, which is why the evidence is a moving phenomenon, not fixed. That is why, as my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot)—one of the large delegation from Hampshire present today—said, the precautionary principle is the right one to apply. The Government are constantly applying the precautionary principle in a range of areas—in, for example, bioengineering plant and food technology, at both the European and the national level.

Sir George Young (North-West Hampshire) (Con): My right hon. Friend is making a powerful case for his Bill. Will he confirm that the regime he is promoting for England is already up and running in other parts of the UK, such as Scotland and Northern Ireland? The infant that he seeks to produce for England is already an active toddler elsewhere.

Mr. Curry: My right hon. Friend has taken the words out of my mouth, and it is perfectly possible to reform or modernise the rules without either the intention or the consequence of damaging the industry. Scotland requires full planning permission for the ground-based masts under 15 m, and there is a debate in Wales on which way to go. Indeed, in July 2004 the Scottish Executive commissioned from the university of Dundee a study entitled "Evaluation of Revised Planning Controls Over Telecommunications Development" on the consequences of the changes in Scotland.

I shall not quote from that study, but it states that the strengthening of the planning rules has been no impediment to the mobile phone operators, nor has it caused a burden for Scottish councils that they have not been able to discharge. It is right that within the quasi-federal system in the UK, different policies are being applied in all manner of regions across the country.

The Bill has three core provisions, which are familiar and inherited from the Bill introduced by the hon. Member for Hazel Grove. That, I think, was put together with a great deal of help from the technical expertise available in the House. The provisions are the precautionary principle, which must accompany the planning applications; the identification of the area and the range of the beam of the greatest intensity, as well as the characteristics of that beam, which then become part of the planning consideration; and the ability of local authorities to remove masts on land used for medical or educational purposes without compensation.

I repeat to the Minister that the Bill represents an invitation to negotiate and engage. We have a common interest in putting to rest vexations and persistent grievances. I know he will agree that we need a process of identification and analysis, followed by the addressing of the issues before us. His consultation document has started that process.

The Minister could stand up and say, "We've got it under control. We've had the consultation and the document has been published. We envisage new guidance and we'll consult on that. Then we will have dealt with the issue." I would say that there is a deep suspicion over this, which is not healthy. We need to proceed in such a transparent way that the industry feels its future is secure, and the constant local guerrilla wars no longer have to be fought. The public

must not feel threatened, intimidated or taken advantage of. Local authorities must not feel overburdened.

The best way to achieve all that is through the traditional procedure of taking the Bill into Committee and being open in the negotiations, to try to achieve what the Minister and I both want. At the end of the day, he and I will have a great deal less traffic from my constituents about concerns that I know are very real to them. Also, the industry will not feel that it is guilty of some local trespass all the time.

Mr. Jim McGovern (Dundee, West) (Lab): I do not know whether the right hon. Gentleman is a member of the all-party group on mobile communications, but I understand that the Bill is largely the result of a report from that group. I further understand that the group was criticised in the press last week as being misused by lobbying organisations. Does he share my fear that the concerns he has outlined, which are shared by all our constituents, are being misused by organisations that simply want to promote alternative forms of communication?

Mr. Curry: That may or may not be the case. I do not belong to the group; I feared that there might be a technical entry qualification, which I would be bound to fail, so I stood outside it.

My concern is simply that we should sort out the problem in a way that lets everybody see that it has been sorted out—clearly and openly. We would all be a great deal more comfortable as a result, whether we are trying to make the industry work or whether we want to feel that our home is not being threatened in any way. Colleagues across the House would then increasingly feel able to concentrate on the easy issues in their constituency burden, such as the future of the Child Support Agency or the Government's tax credits system, which are already taking up a great deal of our time. In that spirit, I commend this measure to the House.

1.19 pm

Mr. Andrew Dismore (Hendon) (Lab): I congratulate the right hon. Member for Skipton and Ripon (Mr. Curry) on introducing his Bill. He will be pleased to hear that I support it, so I do not intend to speak at great length. I want to find out about one or two points, however, because this subject is a major issue in my constituency.

I have been checking my records, and I see that in the past 12 months, in one ward in my constituency, Mill Hill, and in its immediate neighbouring planning districts, there have been 14 different applications and issues relating to mobile phone masts. Orange is probably the main culprit, closely followed by T-Mobile and Vodafone. They seem to try to wear down communities and their opposition—and local authority planning departments—through repeat applications and continuing appeals. Something must be done about it. There was even an application for a mobile phone mast to go on top of Barnet hospital, which, I am pleased to say, the hospital authorities came to their senses about and decided not to allow.

The worst case involved a mast upgrade, which does not need consent, for Copthall school. The application was to put a 3G mast on the roof of the school, and there seems little that the school can do about it other than negotiate. To put the matter in context, I have a pile of correspondence about that one mast—not objections, but merely correspondence between the council, school and mobile phone company. We must find ways of dealing with the matter other than hoping for good will from the mobile phone companies.

There is a general problem with 3G upgrades, which has led to the huge upsurge in applications. The issue first arose several years ago with the previous generation of mobile phone masts, and then it went quiet. Suddenly, it has become a major issue all over again.

Mrs. Maria Miller (Basingstoke) (Con): On the issue of new areas of housing development, of which I have a lot in my constituency of Basingstoke, does the hon. Gentleman agree that more planning in advance of houses being built could allow sites to be set aside for mobile phone operators to use to ensure better coverage in those new areas of housing? At the moment, new houses are built without any consideration for the mobile phone coverage that those areas might require.

Mr. Dismore: The hon. Lady makes an important point. My constituency contains one of the fastest-growing neighbourhoods in London, with potentially 10,000 extra households over the next five to 10 years. The more general point is that developers tend to overlook the whole impact on public services, whether mobile phones or otherwise. It is difficult to devise a strategy whereby mobile phone masts can be erected safely on some of those dense new developments.

The Bill seems rather complex. I am concerned about who will draft the precautionary principle statement. If it is not done independently, I suspect that mobile phone companies will be pleading in their own cause. I am also concerned about who will produce the beam of greatest intensity certificate. Will that be done independently? If it is done by the mobile phone companies, where is the guarantee of independence?

The Bill should be a lot simpler. Mobile phone masts should go through the full planning process to allow people to object. There should be full planning processes for replacement 3G masts—they should not be seen as permitted development simply because a mast is already there. We should have much stronger powers to take into account precautionary principles beyond the code of practice, which is simply not enough. Public concern, most of all about health, must be reflected in those considerations. I know that the scientific evidence is somewhat ambivalent, but the problem is that a clear guarantee cannot be given, and until and unless one can be given, local communities will be concerned, and they are entitled to have those concerns recognised.

If there is a vote on the Bill, I shall vote for it. In Committee, however, I hope to adopt the philosophy of the right hon. Member for Bromley and Chislehurst (Mr. Forth). Some big changes are needed to make the Bill less complex and more straightforward and to address the concerns of the public.

1.24 pm

Andrew Stunell (Hazel Grove) (LD): I am delighted to support the Bill. The right hon. Member for Skipton and Ripon (Mr. Curry) generously gave me credit for an earlier version, and indeed I consider this an important subject. I also thank the right hon. Gentleman for the measured way in which he put his case. He made very clear that his Bill did not constitute an attempt to disable the mobile phone industry or to close mobile phone networks. I do not want to do that either. I have a mobile phone, as the House will unfortunately have heard earlier today, so I cannot possibly say anything against them. However, I am glad that the issue has returned to the House. I hope that the Minister will not just be sympathetic, as I know he always is, and will not just be emollient, as I know he always is. I hope that he will say "Let us give the Bill some serious examination at the next stage", because that is plainly what the public want and what Members want.

The problem goes back to the Telecommunications Act 1984, which—as the right hon. Gentleman explained very clearly—exempted masts from planning rules, and from the subsequent reiteration by Governments that all matters relating to health were subject to national Government rather than local government decisions. That means that all health aspects have been removed from consideration, as have a wide range of base stations.

The difficulties have been compounded by the oppressive contracts that mobile phone companies arrange with those who permit masts to be placed on their property. That first came to my attention when a secondary school in my area, Marple Hall, agreed to a mast being placed on its property in the early days of telecommunications masts. Following a fair amount of protest from parents and others in the neighbourhood, the school rescinded its decision, only to find that the contract that it had signed did not entitle it to have the mast removed. It had signed away its rights to such an extent that the company could install any replacement mast that it chose, and could carry out any repairs, maintenance or alterations that it wished to undertake. In fact, the school had completely forgone its property rights.

In another case in my constituency, a mast was alleged to be less than 15 m high and thus not to require permission. Again there were bitter objections. Someone went to the trouble of measuring the mast, which proved to be not less than 15 m high, but 16 m high. The local authority took action against the company for installing a mast above the permitted height, on valid planning grounds. Those grounds were challenged by the company. The Secretary of State's inspector upheld the council's decision, and ordered that the mast be removed. The company's response was very straightforward: it said "We will take the 16 m mast down, cut 1 m off and put it back." It is that sort of response—waving two fingers at the law and the intention of the law—that has so deeply angered Members and their constituents.

The right hon. Gentleman covered the health issue very well. It is a question not of manifest and apparent danger, but of a suspicion that it will come to light in future that there were hazards that were not taken properly into account. That is what Sir William Stewart addressed in his two reports.

I hope the House will note that the two other parties in the House are committed to changing the present system. During the debate on the earlier version of the Bill on 18 March, the hon. Member for Bexhill and Battle (Gregory Barker)—speaking, I assume, on behalf of the Conservative party—said

"the next Conservative Government will require all phone masts, regardless of size and proposed site, to be subject to the full planning permission process".

I am delighted that, at least then, that was Conservative policy. I am not sure whether the policy has been subjected to a U-turn or has been reviewed in the meantime; perhaps the Minister will tell us later.

In that same debate, some election literature from the hon. Member for Birmingham, Hodge Hill (Mr. Byrne), who is a Labour Member, was read into the record. He said that Labour would

"do everything we can to ensure that there are no more phone masts near schools and hospitals".—[*Official Report*, 18 March 2005; Vol. 432, c. 570, 568.]

I concede that that was only election literature and that, like manifesto promises on ID cards and other matters, it could have changed since, but I hope that the Minister will say that that is the intention of the Labour Government.

Dr. Pugh : The hon. Member for Birmingham, Hodge Hill (Mr. Byrne) is a Minister in the Department of Health at the moment, is he not?

Andrew Stunell: I am sure that what I think they call collective Cabinet responsibility will mean that what the Minister says to the House today will bind all his colleagues at all levels. I hope that that will be the case. I hope that what he says will bind the Chancellor of the Exchequer, the new constituent of my hon. Friend the Member for Dunfermline and West Fife (Willie Rennie). The Chancellor is, I suspect, the person who is least likely to be happy with the Bill, because he may face some angry phone companies asking whether they can have their £30 billion back. That is the elephant in the room, because fantastic sums of money are involved in the promotion of the industry. Clearly, any constraint on trade is viewed by the industry with the utmost suspicion and it fights against it.

Every Member of Parliament to whom I have ever spoken on the issue has a significant case load of difficult and aggravating planning consents and disputes about the installation of masts. There is no way that the current planning exemptions can be justified. Arguably, they were right to get the industry started, but it is now 60 million customers strong. It is capable of coughing up £30 billion for its next generation of installation. The idea that it needs special help to proceed is outdated and wrong.

The health risks are an additional factor. I am pleased that the Bill deals with that by requiring what amounts to an individual MOT health certificate for those masts that are close to and beaming on health facilities and schools.

Mr. Hunt: On the health issue, does the hon. Gentleman agree that there is particular concern about technologies such as terrestrial trunked radio, the use of which is not as widespread and which operates on different frequencies? With those different frequencies, which are not used by ordinary mobile phone users, but are used by the police, ambulance services and others, the health concerns are much greater. Is not that also a good reason for the precautionary principle to be incorporated into planning laws in respect of mobile phone masts?

Andrew Stunell: The hon. Gentleman makes an important point. The problem with the TETRA masts is that they are new. To some extent, we have learned to live with whatever is coming out of the previous generations of masts and become a little more familiar with them, but the new TETRA networks are an increasing concern. Those concerns could be met—indeed, the industry says that they will be met very easily—by stating specific precautionary principles in the Bill.

It is generally said—I was interested in what the hon. Member for Hendon (Mr. Dismore) said—that the Bill could be simplified, strengthened and generally improved. I am happy to believe that all those things are true, but none will happen unless it receives a Second Reading. I urge the House to allow that so that the matter may be discussed further, our constituents' concerns may be properly addressed and the interests and anxieties of many hon. Members may be dealt with.

1.34 pm

Nia Griffith (Llanelli) (Lab): I would like to draw the House's attention to the Christmas-tree effect. As my hon. Friend the Member for Hendon (Mr. Dismore) said, what do we do where there is legitimate permission for a mast? I refer to one in my constituency on Bigyn hill, which was erected in the early 1960s for police use. That mast has begun to look like a Christmas tree whose loving tenders have bought an enormous number of decorations. One apparatus after another is tagged on, with each adding to the grotesque look of the mast and to the immense concern of the parents of children at the primary school just underneath it. The Bill could deal not only with the masts themselves but with the additional equipment that is tagged on to them.

The second issue that concerns me is how on earth these companies can pick a very densely populated urban area such as Dafen in my constituency and suggest putting up a mast there, right next to Prince Philip hospital, when there are wide open spaces not far away. The people who will be affected in their homes, schools and hospitals must be taken into consideration so that companies do not pick such areas when there are clearly alternatives.

We are all—let us be honest—users of mobile phones. We all need and want the technology, and it would be hypocritical to say that we do not. However, there are alternatives to sticking masts right in the middle of places that are full of people living and working as opposed to emptier areas. We must make that message extremely clear. Masts are clearly being deliberately put in places that are unsuitable when there are more suitable places available. I ask the Minister to give serious thought to the multiple use of masts and to the initial consideration of planning applications.

1.36 pm

Mr. David Evennett (Bexleyheath and Crayford) (Con): I rise to speak in strong support of the Bill and to congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on presenting it to us. His speech was rational, reasonable and effective. The cross-party support that the Bill has received is very encouraging. This is the third or fourth occasion on which such a measure has been before the House, and it is a pity that we have not made a great deal of progress to date. I hope that the Minister, who is a reasonable man and is listening hard, will take on board the view shared by many of us that it would be good for the Bill to go into Committee so that these matters can be discussed at greater length and in greater detail. As we have heard, this issue concerns many of our constituents.

Of course, we all use mobile phones. Like my right hon. Friend, I am rather challenged when it comes to some aspects of technology, and I came rather late to using mobile phones, but they are absolutely vital to the work that we do and the lives that we lead. However, technological developments always have consequences. These masts are not only an eyesore and a nuisance but a potential health risk.

I want to highlight the situation of residents who are constantly battling with mobile phone operators who keep applying for an opportunity to have a mobile phone mast in an area close to residential properties. When one operator has been refused, another comes along and goes through the same procedure. In parts of my constituency, including Iris avenue, West Heath road and Woolwich road, people have had two or three different operators make the same application once one has been rejected. That creates worry for residents and means that they have to give up a lot of their time in being vigilant and ensuring that they are on the ball as regards what is going on. Often they do not receive notification from the phone company or the local authority because the consultation has taken place in such a narrow area that they are just

outside it. I welcome the opportunity that the Bill gives us to discuss how we could make masts subject to the full planning application.

This morning, I met Alan Eaton and the Orange Squash Group, who got together a petition of 750 local residents in the northern part of my constituency. They support the Bill, and I urge Members to enable consideration of it in Committee, so that their concerns about locating such masts in the vicinity of schools or other sensitive sites can be aired, we can establish a new modus operandi and everyone can be happy with where these masts are being located.

I accept that the health issue, which many of us are concerned about, is a very difficult one. As we heard from my hon. Friend the Member for Orpington (Mr. Horam), reports from Sweden and elsewhere show that the location of such masts does give rise to serious health concerns. The danger to health remains unproven, but the fear of those who feel that they and their families will be affected in the long term by the locating of masts near to their schools and homes is very real.

Dr. Pugh : There is also the unresolved issue of electro-sensitivity: in other words, even though there may be no effect on people in general in a given area, individuals could be substantially affected by something that does not affect the majority.

Mr. Evennett: I am very grateful for that intervention and I endorse entirely what the hon. Gentleman says; it is important to bear in mind that such problems could be specific, rather than general.

Many of the mobile phone masts in Bexley could have been located more sensitively, away from schools, hospitals, old people's homes and residential areas. We urge phone companies to locate them away from such areas, but so far, we have been spectacularly unsuccessful, even though there are plenty of open spaces—motorways, for example—that might be more appropriate locations.

Mr. Hunt: I wholeheartedly agree with what my hon. Friend is saying. Does he agree that some residents are concerned about the effect on property prices of placing mobile phone masts in residential areas, and that many such fears could be allayed if mobile phone companies had to go through the proper consultation process that the Bill requires? A resident in my constituency, in consultation with an estate agent, has estimated that erecting just one mobile phone mast in his area would impact on property prices to the tune of some £1 million. Does my hon. Friend agree that that is another reason why we should support the Bill?

Mr. Evennett: That is a very fair and important point and it is another reason why the Bill should proceed to Committee.

This is a worthwhile Bill and it deserves further consideration and discussion. We hear all too often that politicians do not listen to their constituents, but today we have found cross-party support for action on this issue. This is an opportunity for us to take on board our constituents' concerns and to do something about them. I very much hope that when the Minister winds up, he will agree that we should proceed along these lines, have further discussions and support my right hon. Friend's Bill this afternoon.

1.43 pm

Ms Celia Barlow (Hove) (Lab): I, too, want to begin by thanking the right hon. Member for Skipton and Ripon (Mr. Curry) for introducing this Bill, which deals with an area of planning

policy that is challenging to policy makers and is important to many people. The issues to which the placement of mobile phone masts gives rise are significant to many people, and particularly to those in my Hove and Portslade community. I have received a lot of correspondence on this subject, and I have been approached in person by many concerned residents and been made aware of a number of local campaigns. Several forums have recently been held, at which all the stakeholders involved—members of the local authority, residents and representatives of the telecommunications industry—engaged in reasonable debate. As would be expected, the meetings rarely reach a consensus, but they are highly productive. The educative value of the meetings has led to more informed debate on the subject in my constituency. During the election campaign, I also made a commitment to the people of Hove and Portslade to investigate the concerns about mobile phone masts and to act on them when appropriate. I am grateful for the opportunity to do so today.

In 2002, the Government, in conjunction with the mobile phone industry, pledged £7.4 million for research into the safety of mobile phones. I am pleased also that the Government continue to remain committed to investing resources into examining the impact of mobile phone technology on our everyday lives. Ministers are also committed to reviewing current planning procedure for mobile phone masts—a policy that I wholeheartedly support. I applaud right hon. and hon. Members for taking seriously the concerns of our constituents about the issue and I am satisfied that public health remains paramount in the consideration of any current or future policy.

However, given the regulatory framework on the placing of telephone masts, the public still have cause for confusion and concern. That is clearly supported by the continued presence of the issue at the top of many people's local agenda, as many hon. Members are well aware. Indeed, the interesting article written recently by the right hon. Member for Skipton and Ripon for his local paper confirms that that is true for Members on both sides of the House. For example, there is a consensus among the scientific community that mobile phone emissions pose no direct health risk to users of phones or those situated near masts, but masts are no longer situated near schools on the recommendation of the Stewart report. If the Government believe the Stewart Report evidence that phone masts pose no threat to public health, why recommend such a measure? Such contradictions have fostered hostility towards phone masts in the general public, who sense uncertainty among policy makers on the issue.

It is understandable that concerned constituents, many of whom have young children, seek clarity and reassurance on the issue. It is important that we are able to work together across the House to reach the clarity and consensus that is needed on the matter. Mobile phones have undoubtedly become an essential part of everyday life. It is important that we are able to strike a balance between the needs of many to use mobile phones and the suspected potential health concerns for some of our constituents.

During my surgeries, many constituents have raised the issue of the need for the further installation of the more powerful 3G telephone masts, which has formed part of the debate today. Again, it is a question of balance. One possible solution to the problem is the suggestion that the number of mobile phone relay stations could be reduced by having mobile phone companies share potential installation sites. I am pleased that the Government are looking at that option further as it would greatly reduce the need for other mast sites throughout the country.

The other area that should be investigated before any further legislation is made is the point at which perception of risk to general health translates into actual damage to health caused by the stress of the installation of a telecommunications mast in the vicinity of people's homes or

schools. It is not sufficient to say that such effects are merely subjective, and I encourage the Government to consider the effects that constant stress can have on a family with young children. As a mother myself, I understand the concerns that other parents may have about the health of their families. However, that is not to say that my constituents do not understand the ever-growing need for mobile technology in our day-to-day life.

My constituents are understandably concerned when scientific reports recommend restricted phone use by younger children. My constituents do not believe that such recommendations tally with the telecommunications industry assertion that there is nothing to fear from the emissions caused by masts. My constituents' concern is that the scientific evidence gathered so far is not conclusive. Although the Stewart report stated that there was no threat to health, the recommendation that installation sites should not be near schools sends parents a contradictory message. Many of my constituents conclude that if it is not recommended that mobile phone masts be installed near a school, it should not be acceptable for such a mast to be erected in a residential street where many young children live. Whether or not there is a scientifically accurate basis for not installing mobile phone masts near schools, it is on that apparent contradiction that many of my constituents have formulated their stance on the issue.

The report has continued to cause much stress and anxiety, which could in certain instances lead to tangible medical conditions. Constituents' concerns are real and deep-felt and cause genuine distress to all those affected. As legislators, it is our obligation to take their worries into consideration, and I am pleased that Labour-led Brighton and Hove city council has always given high priority to the concerns of local residents.

I am also greatly encouraged by the Government's continued commitment to that field of research following publication of the Stewart report—the most comprehensive study to be commissioned by any Government in the developed world. The report states that there are gaps in our scientific knowledge about mobile phones, and I encourage my hon. Friend the Minister and the mobile phone industry to continue their commitment to pursue an active and forward-looking programme of research to seek answers to those gaps in our knowledge.

On 3G telephone mast installation, I recommend that we err on the side of caution, especially when children are concerned. We already know that our children are more susceptible than adults to the effects of mobile phone emissions. It is, therefore, reasonable that we take a more considered approach to the further installation of the new generation of more powerful 3G telephone masts.

I am eager not to take up too much time, as other Members want to speak, but I am pleased to have been given the opportunity to raise my concerns on this most important of issues. The health of our children should be brought more to the fore, as it transcends the boundaries of party politics. As their elected representatives, it is important that we maintain a dialogue with our constituents and that the results of further scientific studies are made more easily accessible to those who are affected the most.

Again, I highlight my appreciation for the Government's continued commitment to examining the health concerns of those affected by mobile phone masts, and I once more express my appreciation to the right hon. Member for Skipton and Ripon for initiating this timely debate.

1.52 pm

Mrs. Maria Miller (Basingstoke) (Con): I, too, congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on this excellent Bill. I hope that the Minister will see fit to let it proceed to Committee, as the issue is important for all our constituents. It is especially important in north Hampshire, as is evident by the attendance of several north Hampshire MPs at the debate. The Bill gives us the opportunity to debate a subject that is not only of concern in the minds of many of our constituents, but generates a lot of casework. By sorting out the problem, the Minister will do much to help us all.

Many Basingstoke residents feel that planning rules favour the interests of network operators over the legitimate concerns of local residents. They feel that their concerns are in many ways ignored by central Government, yet cannot be taken into account by local authorities, whose planning powers are severely restricted in the present system. As well as my right hon. Friend's Bill, I should like to consider whether other measures could be added, as I intimated in an intervention earlier.

Twenty-seven per cent. of all phone calls are made on mobile phones, but there is no requirement for developers to take mobile phone coverage into account when seeking planning permission for new developments. In Basingstoke, many new developments are a cause of concern in that regard. Hundreds of homes are being built in places such as Sherfield park and Popley fields, yet no analysis was carried out before the area was developed to assess whether there was sufficient coverage for mobile phone masts—whether more needed to be built and whether more land would be needed for that.

If indeed there is a need for increased coverage in the area, surely it would be easier and more sensible to provide that by planning in mobile phone coverage in the same way as we plan in many other utilities in advance of house building. Perhaps in that way we could also take account of the point that my hon. Friend the Member for South-West Surrey (Mr. Hunt) made about the impact of mobile phone masts on house prices, which is a concern in my constituency too.

I am pleased that my local authority, Basingstoke and Deane borough council, in support of the Bill today, passed a motion on 16 February which reiterated residents'

"particular concern over the siting of masts near to schools, hospitals, and residential properties";

the widely held perception that

"legislation is weighted in favour of mobile phone companies";

and the deep frustration that local authorities

"currently"

have

"little power to act on"

their

"residents' concerns."

Residents urged us to take part in today's debate, which I am pleased to be able to do.

Although there is a code of conduct for operators, there are too many examples of where residents' real concerns simply cannot be taken fully into account. In Basingstoke we have had numerous problems in that respect, including an operator wanting to site a new mobile phone mast right next door to a school for children with special needs, in the centre of a residential area, with the local council and local residents feeling almost powerless to stop it. The Bill would address many of those concerns by clarifying and firming up the current rules, thereby making the whole system more transparent and building confidence for local residents.

The Bill would help residents' concerns to be heard about the health effects of mobile phones. It would require any mast application to include a statement describing any threats to health or the environment, as well as a description of where the radiation emitted by the masts would fall—the so-called "beam of greatest intensity certificate". Both are eminently sensible measures which would increase accountability, transparency and, importantly, confidence in our planning system. The Bill would also help local residents have more say in where masts are sited by removing the automatic right to erect a mast below 15 m in height, and prevent the use of compulsory purchase powers by landowners to acquire certain sorts of facilities.

For those reasons, I shall support the Bill today, and hope that the Minister uses this opportunity to be seen to be listening to the concerns of my constituents, and the constituents of other hon. Members in the House today, to make changes in this important area.

1.57 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): I am grateful to be called to speak in this important debate and I congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on introducing the Bill. I do hope that it has more success than its predecessors, which ran into the ground, and I am slightly concerned by the inch-high stack of papers that the Minister has on the Dispatch Box in preparation for his summation. I encourage him to take the first and the last sheets and to save the rest for Committee.

I fully support the Bill. It empowers local authorities, gives greater transparency to the planning process and improves consultation with residents. This legislation is well overdue and it is interesting to hear that we are now playing catch-up with Scotland. We have heard that to date there is a national roll-out from the five mobile phone companies of about 45,000 masts, and I understand from reports that we are about halfway through; we are looking at a total of about 100,000 masts, and that is with the third generation network. Nowhere is that more evident than in Bournemouth, where every month or so we have a new application for a mast. We still require another 40 masts in the Bournemouth area.

It could be argued that because we all have mobile phones in our pockets, we should stomach the fact that we need mobile phone masts. Well, we all use cars and we all use electricity, but we still have proper regulation of where roads and power stations are put. The same should apply to mobile phone masts.

We have experienced a litany of problems in the Bournemouth area: poor consultation, and confusion in the interpretation of permitted development, which has led to demonstrations and petitions by the residents. I take my hat off to Bournemouth council for going some way to take steps to support the Bill and to try to rectify the problems that we have encountered. However, I would encourage the council to go slightly further and open up council land to mobile phone masts use—something that is not currently allowed. We still have another 40

masts to go, and there is still an awful lot of confusion about where they are supposed to be placed. If the Bill passes all the relevant stages, it will certainly provide a more palatable, open, transparent and fair process—something with which the whole House would agree.

Mr. Hunt: I thank my hon. Friend for texting me on my mobile phone this morning, thus allowing me to get back from my constituency in time for the start of the debate. He talks about transparency in the planning process. Does he agree that the point of that process is to balance the interests of commercial operators with those of the residents—it is not intended to side with one or the other, but to balance those interests—and that it is for the Government to justify any exemption to that planning process, not for us to argue why that exemption should be lifted?

Mr. Ellwood: My hon. Friend makes a very important point, and I thank him for making it into the Chamber in order to do so. It is vital that we arm local authorities with the necessary powers to deal with such issues appropriately, and that should start here in the Chamber.

I should like to go further than the Bill. If it is debated in Committee, I shall be keen to pursue a new clause to consider the possibility of introducing a single mast network. That may seem a little strange at first. However, we have a single network for water, but people can apply to many companies for their water. There is a single network for domestic gas, but people can get their gas supply from a number of companies. The same applies to landlines—whether from BT, NTL or any other service provider—as they all share the same system. Why cannot we have the same process for mobile phone masts? That happens in other countries; it could be easily introduced here.

Clearly, there would be some technical challenges, and such a change may well have to wait until the fourth generation roll-out of masts. However, we must start somewhere, the Bill could be the place to do so. I should certainly like such a new clause to include the idea that the Government would report back to Parliament on a feasibility study to find out whether the technical hurdles that would be encountered could be overcome.

Concern has been raised about the cost of the licences. Clearly, the company representatives to whom I have spoken seem very keen to pursue the issue. Of course, they want to protect the money that they put in during the licensing auctions that took place a number of years ago.

It is worth remembering that more than 100 years ago we had a rather confusing telegraph system, with independent companies set up in London and a spaghetti network of wires going across the city's rooftops. Eventually, the Government said, "This is too much"—the sprawl of wires was getting out of control—"Let's have a single system." That is exactly what we could have with the introduction of one network for mobile phone masts, thus reducing the number of mobile masts by about two thirds. That gets to the very heart of the problem that we are discussing.

In conclusion, I fully support the Bill. It would provide local authorities with more power, which they require, and local residents with more say in the planning process. I hope that it will allow us to take the first steps in considering a nationwide mast network.

2.3 pm

Nick Herbert (Arundel and South Downs) (Con): I, too, will be very brief. Like other hon. Members, I should like to hear what the Minister has to say about the Bill. I congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on introducing the Bill. Mobile phones are important to all our lives, but the growth in their use has, of course, been phenomenal. There are more than 62 million mobile phone subscribers now, compared with 9 million when the Government first came to power in 1997, and 85 per cent. of households now have mobile phones.

The background to the Bill is a concern of which all hon. Members are aware from their constituencies. In the eyes of our constituents, masts can affect people's health, particularly when they are sited close to schools and medical facilities, without any proper consultation with local communities. As my right hon. Friend the Member for Skipton and Ripon and other Members have explained, the problem is that the siting of such masts is effectively outside the planning process. No proper consultation with communities therefore takes place and people feel disfranchised from the decisions that are taken. The Government's own expert committee urged that a precautionary approach be taken to the siting of masts. That is reflected in the Bill, which would ensure that new masts—not existing ones—would be subject to full planning permission and that health considerations could be taken into account when applications were considered.

The precise detail of the proposals will need to be examined and scrutinised—I hope in Committee. We will need to consider their impact on the number of applications and the extension of 3G coverage. The number of planning applications would certainly increase. All those aspects can be dealt with.

The principle of the Bill—that local communities should be properly consulted over the location of masts—must be right. For too long there has been a creeping attitude that the Government know best and a process whereby too many decisions are, in effect, taken out of local control and away from local communities. We have seen that in a number of areas of our lives where the say of local communities has been taken away and responsibility has been moved to a regional level—in relation to the police service, the fire service, planning decisions and so on—or to Government. The idea that it is wrong to consult local communities and involve them in such decisions and that no objections to the siting of masts may be brooked simply because the Government have judged that mobile phones are good for us all is profoundly anti-democratic.

The Labour manifesto for the last election stated, perfectly reasonably:

"People want a sense of control over their own neighbourhood."

If that is to be adhered to and applied, the Government should support the principle behind the Bill and at least be willing to examine the Bill and discuss with us in Committee how it might operate.

Concern about the issue will grow. One suggestion is that 3G technology will require up to four times as many masts as at present. That would mean 135,000 more masts in the country—more than 200 for every constituency. The issue will not go away and it is no longer acceptable to sweep the concerns of local people aside. We must be capable of achieving a sensible balance.

I have left plenty of time in which the Minister can respond without talking out the Bill. If he is still speaking at 2.30 pm, the House will know that the Government's real intention is not to support the Bill. The Bill has had support from hon. Members on both sides of the House and I hope that the Government will therefore allow it to go into Committee so that it can be discussed further.

2.7 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): I, too, congratulate the right hon. Member for Skipton and Ripon (Mr. Curry) on securing a place in the ballot for private Members' Bills and using the opportunity to debate this significant topic. As he knows, the subject is important to the Government and is of widespread interest and concern to hon. Members and the public.

The hon. Member for Arundel and South Downs (Nick Herbert) suggested that there was going to be subterfuge by talking out the Bill, but we are quite clear that we do not support the Bill—we are quite happy to say that. However, where the Government agree with the right hon. Member for Skipton and Ripon—I commend him on the tone in which he introduced the Bill—is in recognising that we have to move the situation on and that there is concern and fear because of a perceived health risk, although all the evidence shows that there is no such risk. I will come on to that. I apologise to the hon. Member for Arundel and South Downs if it will cause him offence if I am still talking at 2.30 pm, but I have a lot of information to put across.

We published our latest report this week, as the right hon. Member for Skipton and Ripon was generous enough to acknowledge. It runs to some 40 pages, but expresses matters concisely and precisely. We are advised that the latest data from the research commissioned as a result of the paper will be with us by the end of April. We are determined to move the issue on in order to reassure the public and deal with the legitimate concerns that are being expressed by hon. Members. I accept entirely that this matter will not go away. The Government are not making any attempt to say that the issue does not need attention. It does need attention, we are giving it attention and we will give it a lot more in the months ahead.

Before I get into the substantive matters addressed in the clauses, I should like to set this discussion in the wider context, which has been referred to piecemeal by hon. Members over the past couple of hours. It has been one of the Government's objectives to create the most dynamic, competitive communications industries in the world, ensuring universal access to a choice of diverse services of the highest quality and that citizens and consumers are safeguarded.

The UK is at the forefront of the service provision of electronic communications technology. It is estimated that, in 2004, the UK communications sector contributed £47.4 billion to the UK economy, forming about 4.1 per cent. of UK GDP. However, it is a fact that if we want our mobile phones to work, there is a need to be within a few hundred metres of a base station. To enable us to send and receive signals from our handsets, some sort of relaying apparatus is needed. The technology of base stations means that each one can handle only a certain number of calls. The more that people use mobile phones, the greater the need for base stations.

The coverage of a cellular system is provided by a network of radio base stations, each with a certain coverage area or cell. A base station is a facility that provides transmission and reception for radio systems. There are three types of cells. Macro cells provide the main structure for the base station network. The base stations for macro cells have power outputs of tens of watts and communicate with phones up to about 22 miles distant. Micro cells are used

to infill and improve the main network, especially where the volume of calls is high. They are sited in places such as airports, railway stations and shopping malls. The micro cell base stations emit less power than those for macro cells and their range is considerably shorter. Pico cells have a lower power output than that of micro cells—it is a few watts—and are generally sited inside buildings.

Communication systems are obviously driven by demand. Increase in the use of mobile phones has meant that operators are continually expanding their networks to accommodate customer requirements of service and quality. However, the base stations need to be where the users are. Consequently, the greatest need for base station sites is usually in built-up areas where there is the highest density of mobile users, and within a mile or two of main roads, where demands on network capacity are greatest.

The size of each cell is determined by a number of factors, but particularly the number of subscribers expected to require access to the system during the peak usage period. In areas where call traffic density exceeds the limits of the network, capacity can be expanded either by introducing new sites—macro or micro cells—or by splitting existing cells, thus effectively doubling capacity. Cell splitting requires the erection of additional antennae at the base station site or a new base station site.

The location of transmitter antennae is important. Obviously, signals from one cell will interfere with nearby cells on the same frequency. To avoid blind spots from buildings and hills, antennae must usually be placed high up. In urban areas antennae are often best placed on existing buildings. However, in rural areas, a lattice mast is often required. Technically, that is all a mast is—a tower structure.

There are currently about 45,000 base stations in the United Kingdom. The right hon. Member for Skipton and Ripon referred to a higher figure, and I am sure that he has the latest data, given his research for this morning's debate. The Mobile Operators Association estimates that the number of base stations will increase to at least 50,000 by the end of 2007. That does not mean 50,000 sites or 50,000 masts, because many of these base stations will be installed on existing structures or be collocated with the apparatus of another operator. If we do not have this infrastructure the handsets will not work at the service level that users expect.

Despite the undoubted popularity of mobile phones, however, there is significant disquiet about the infrastructure necessary to support them. A proposal for a new mobile phone mast is often accompanied by protests and objections, sometimes with justification and sometimes without, often because local communities are not sufficiently well informed.

The Government are sensitive to the public's concerns about the mobile network infrastructure. We acknowledge that many hon. Members and the public generally are concerned about the health and environmental impact of mobile phone base station developments. We recognise that there is a balance to be struck between the regulations and guidelines that facilitate the growth of the mobile phone network and the need to keep its environmental impact to a minimum and address public health concerns. The right hon. Gentleman covered those aspects widely in his introductory speech. The Government believe that the current arrangements broadly strike the right balance.

Mr. Ellwood: How does striking the right balance affect one village in Bournemouth, where a population of 50 to 60 is made to have five mobile phone masts from five different companies?

Jim Fitzpatrick: I acknowledge that there are anomalies around the country and I hope to consider the detail of protection and improvements to procedures that relate to planning controls and consultation arrangements for local communities later. However, the hon. Gentleman will have to be patient for a little because I want to deal with the impact on health.

First, let me assure hon. Members that the Government take seriously the need to protect the public from health risks. Indeed, we have spent considerable amounts of time and money on researching whether mobile phone technologies present a genuine health risk. Approximately 25,000 articles have been published in the past 30 years about the biological effects and medical applications of non-ionising radiation. Scientific knowledge about the matter is arguably more extensive than for most chemicals.

In the United Kingdom, we have held two major reviews of the total experimental and epidemiological evidence for health effects due to exposure to radio-frequency transmissions, including those associated with mobile telephone handsets and base stations.

The first report was published in 2000 by the Independent Expert Group on Mobile Phones and is commonly known as the Stewart report. It concluded that

"the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines."

However, the Government acknowledge that it also said

"that it is not possible at present to say that exposure to radiofrequency radiation even at levels below national guidelines, is totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach".

The hon. Member for Basingstoke (Mrs. Miller) referred to that.

Part of the precautionary approach recommended by the group was the adoption of the International Commission on Non-Ionising Radiological Protection—ICNIRP—guidelines for public exposure. The Government have introduced standards to ensure that all base stations meet those guidelines, which are five times tougher about public exposure than the National Radiological Protection Board guidelines, which were used previously. Those guidelines are adopted in the majority of other countries in the European Union.

The second major review of the total experimental and epidemiological evidence was undertaken by the then National Radiological Protection Board advisory group on non-ionising radiation and was published in January 2004. That report fulfils the recommendation of the first Stewart report that the issue should be reviewed in three years. It also concluded:

"Exposure levels from living near to mobile base stations are extremely low and the overall evidence indicates that they are unlikely to pose a risk to health".

Seventeen similar reviews have been conducted internationally. They were undertaken by organisations such as France's Commission for Consumer Safety, the Health Council of the Netherlands, the Swedish State Radiation Protection Authority, the Royal Society of Canada Expert Panel, the ICNIRP and the World Health Organisation. They all concluded that current evidence does not confirm the existence of any adverse health consequences from exposure to low-level electromagnetic fields.

The Government are not complacent, however, and we have established the mobile telephone health research—MTHR—programme, which is costing around £8.8 million and is funded jointly by Government and industry. The programme is being directed and overseen by an independent management committee led by Professor Lawrie Challis OBE and is made up of leading UK and international experts. It is carrying out research into the effects of mobile phone technology on health and encompasses emerging radio-based technologies. The process will ensure that Government and the public are kept up to date with new research findings.

The programme management committee has been responsible for the selection of proposals to be funded. The programme is funding only research of the highest quality that meets the research requirements suggested by the World Health Organisation and follows its criteria for good laboratory practice. It fits with similar work done in other countries and with the EU framework projects in this area. The programme has funded 25 projects so far.

Work already funded by the programme includes studies of mobile phone users to investigate whether the use of mobile phones can affect the risk of developing brain cancer or leukaemia, studies investigating the effects of mobile phone signals on brain function and the behaviour of exposed people, studies examining how mobile phone signals could produce biological effects as evidenced by changes in exposed cells, and a study investigating ways in which mobile phones affect the performance of drivers.

On 20 March 2003 the MTHR announced the first proposal to be supported, which is concerned with mobile phone base stations and is one of the first such studies in the world. The epidemiological study addresses public concerns about possible health risks from exposure to emissions from base stations. The study was selected in recognition of the public concern about the proliferation of mobile phone masts, and of the need for research to investigate whether they could have health effects. The study will also investigate whether people may differ in their sensitivity to radio-frequency emissions.

I shall not go into further detail about health issues now, since those will come up again as I go through the clauses of the Bill. However, I stress that the Government are not complacent. We are committed to keeping the mobile phone technologies under review. In the light of such studies and international research programmes, I can assure the House that if the scientific advice changes, the Government will act.

Mr. Hunt: The Minister said that the Government are not complacent and are keeping the health issues under review. Will he therefore confirm that the Government's decision not to support the Bill is not the result of any deal with mobile phone operators to keep their exemptions from planning requirements in return for the large amounts that they paid for 3G licences?

Jim Fitzpatrick: I can wholly reassure the hon. Gentleman that that is not the case. If I get the opportunity later, I shall deal with previous allegations of deals between Government and mobile phone operators. We have evidence to demonstrate that that is a scurrilous allegation and totally without foundation. We are working with the mobile operators. As the right hon. Member for Skipton and Ripon said, having had a meeting with them this week, the operators acknowledge that there is a gap and that progress can be made, and they are keen to co-operate. I hope that is adequate reassurance for the hon. Member for South-West Surrey (Mr. Hunt) that no skulduggery is going on in any way, shape or form.

Let me set out the Government's record in terms of the planning regime and managing the environmental impacts of communications developments. The Government have strengthened

the planning regulations twice, in 1999 and in 2001. In 2001 the regulations for prior approval were strengthened so that in effect they are very similar to the arrangements for full planning permission. The current planning arrangements have therefore been given very careful consideration.

The Stewart report on mobile phones and health published in 2000 recommended that telecommunication development should be subject to the normal planning process in order to improve local consultation. The Government considered that recommendation in detail and accepted the importance of ensuring that effective public consultation takes place.

As a result, the changes in 2001 significantly strengthened the planning arrangements for such developments. We increased the time for authorities to deal with prior approval applications from 28 and 42 days to a uniform 56. Public consultation requirements on prior approval procedures were strengthened so that they became exactly the same as those for applications for planning permission. Fees were increased from £35 to £190 to enable authorities to carry out full public consultation.

Our revised arrangements for prior approval applications have the same consultation requirements as for applications for planning permission. Therefore, we have met the concerns that led the Stewart group to make the recommendation for full planning permission. The Government have also published revised planning policy guidance, which provides more information on their expectations for standards of consultation with local communities on new communications developments, particularly where the development would be near a school.

In November 2002, we also published the code of best practice on mobile phone network development. The code was produced jointly by central Government and local government and the mobile phone industry. It provides detailed guidance on consultation procedures between operators, local authorities and local people. The Government attach great importance to securing good design in development generally and the code's advice on good siting and design of new communications developments has helped to direct development to the most appropriate locations and to minimise environmental impact and visual intrusion.

Mention has already been made by right hon. and hon. Members of the review that the Office of the Deputy Prime Minister and the Welsh Assembly Government commissioned the university of Reading and Arup to undertake in September 2004. Their independent study was designed to assess the impact that the code of best practice on mobile phone network development has had since its introduction, how local authorities have implemented the code and how the public perceive its operation.

The review was completed in March last year. The ODPM is considering the findings and recommendations set out in the report and how we should take them forward within the context of the wider review of planning arrangements for telecommunications developments. We took a decision to publish the report this week to inform today's debate, which has been mentioned by several colleagues.

Before I talk about the content, I want to address some criticisms that have been made of the Government's handling of the report. The review was carried out in consultation with stakeholders, and representatives from local authorities, the industry and Mast Action UK were on the steering group. Its conclusions were reasonably widely known.

Those Members who have had the opportunity to read the report will have seen that it is not negative; it is balanced. The general conclusion is that, where the code works, it works well,

but that there is room for improvement, which is where the recommendations focus. That is where the Government will be focusing their attention.

We are keen to ensure that every community that is affected by a development proposal for a telecommunications apparatus can be assured that it will have the opportunity to comment and that the decision-making process is open, fair and consistent.

Allegations have been made:

"By not publishing the report the Government is allowing telecommunications companies to continue to erect phone masts while openly flouting Government guidelines and codes of best practice and ignoring the wishes of local communities affected by masts."

That is simply not true. I have already outlined how the Government have, since 1997, twice strengthened the consultation requirements to ensure that local communities have an opportunity to express their views on telecommunications developments. Although there has been considerable improvement, the Government think there is still more to do. I can assure the House that we are looking at this issue closely and will continue to do so to determine the best way forward. The recommendations of the report will assist in that process.

Another allegation that has been made is that the £22 billion paid for third generation licences put the Government under an obligation to let the industry do what it wants. That is ridiculous, as I said a few moments ago in response to the question asked by the hon. Member for South-West Surrey. The licences were auctioned in April 2000. In August 2000, the Government strengthened the planning regulations, and if we decide we need to strengthen the regulations further, we will.

The rate of development of new base stations is determined by the industry and influenced by licence requirements and market forces. The rate of development has slowed now that 2G networks are rolled out. The licence requirement for 3G networks has to be met by the end of 2007, but clearly development will not stop then as demand continues to grow.

The Government recognise that this issue will not go away. That is why it is so critical that any changes we make to the planning arrangements are effective and proportionate in the longer term.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 10 March.