

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Ninth Delegated Legislation Committee

INSPIRE (AMENDMENT) (EU EXIT)
REGULATIONS 2019

Tuesday 29 October 2019

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Saturday 2 November 2019

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

† Afriyie, Adam (*Windsor*) (Con)
 † Bruce, Fiona (*Congleton*) (Con)
 † Burden, Richard (*Birmingham, Northfield*) (Lab)
 † Courts, Robert (*Witney*) (Con)
 † Davies, Glyn (*Montgomeryshire*) (Con)
 † Fitzpatrick, Jim (*Poplar and Limehouse*) (Lab)
 † Johnson, Gareth (*Dartford*) (Con)
 † Law, Chris (*Dundee West*) (SNP)
 † Morden, Jessica (*Newport East*) (Lab)
 † Morris, James (*Halesowen and Rowley Regis*) (Con)
 † Pollard, Luke (*Plymouth, Sutton and Devonport*)
 (Lab/Co-op)

† Pow, Rebecca (*Parliamentary Under-Secretary of
 State for Environment, Food and Rural Affairs*)
 Powell, Lucy (*Manchester Central*) (Lab/Co-op)
 † Prisk, Mr Mark (*Hertford and Stortford*) (Con)
 † Snell, Gareth (*Stoke-on-Trent Central*) (Lab/Co-op)
 † Sturdy, Julian (*York Outer*) (Con)
 † West, Catherine (*Hornsey and Wood Green*) (Lab)

Kenneth Fox, *Committee Clerk*

† **attended the Committee**

Ninth Delegated Legislation Committee

Tuesday 29 October 2019

[MR LAURENCE ROBERTSON *in the Chair*]

INSPIRE (Amendment) (EU Exit) Regulations 2019

8.55 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I beg to move,

That the Committee has considered the INSPIRE (Amendment) (EU Exit) Regulations 2019 (S.I., 2019, No. 1352).

It is lovely to see you here bright and early this morning, Mr Robertson. I am delighted to be serving under your chairmanship again. The regulations were laid before the House on 15 October. INSPIRE is a framework directive that has been in effect since 2009, and it requires EU member states to operate a national spatial data infrastructure, using common standards for spatial data and spatial data services. In case anyone is worried about what spatial data is, let me explain that it is data that identifies the geographic location of features, boundaries and events, which means natural features such as rivers, elevation and marine, constructed features such as roads, buildings and wind turbines, and events such as noise levels, air quality and industrial emissions.

The use of common standards means that spatial data is interoperable and can be easily found, used and combined with other data. The rationale for the INSPIRE directive is to improve environmental policy making at all levels of government. The regulations update two sets of earlier EU exit regulations relating to INSPIRE to ensure that the UK spatial data infrastructure can continue to be effective and operable on leaving the EU.

The first legislative update is to the INSPIRE (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 12 December 2018. Those regulations brought most of the INSPIRE directive, and its directly applicable implementing rules, into legislation covering England, Wales and Northern Ireland. Scotland has its own INSPIRE regulations and made its own amending legislation in 2018.

The second legislative update is to the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019. Those regulations brought the remainder of the INSPIRE directive into UK legislation. They were debated in this House on 17 July and made on 15 October.

Mr Mark Prisk (Hertford and Stortford) (Con): I do not want to appear too much of a digital mapping geek, but perhaps the Minister could tell me what role the Geospatial Commission, which has a co-ordinating role in Whitehall, would have in terms of the sub-national bodies that she refers to.

Rebecca Pow: That was a timely intervention. My constituency, Taunton Deane, is hoping that the geospatial hub that is currently being commissioned will be based

in Taunton; I am not trying to influence the debate, but the UK Hydrographic Office is in Taunton. It deals with most of the world's shipping maps, so it is already a specialist in that space, in marine data. It makes great sense to link up such things. There are other spatial hubs, for other things. The Ordnance Survey relies on one that I think is based in Southampton. Interestingly, the Geospatial Commission, which I just mentioned in relation to the hub for Taunton—I hope—is due to publish its geospatial strategy next spring. The Department for Environment, Food and Rural Affairs will work with the commission as required, to help to develop the strategy.

The legislative functions regulations transferred to the appropriate authority the functions of the European Commission in the EU INSPIRE directive and other directives. The functions transferred by those regulations in respect of INSPIRE are for the appropriate authority to make new sets of implementing rules and to revoke implementing rules that are no longer needed.

As the SI being debated today amends the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019, it must be debated under the affirmative procedure. It corrects a reference to an implementing rule that is no longer needed and replaces it with a reference to a new implementing rule, Commission implementing decision 2019/1372, which was made in August 2019. At the request of the Scottish Government, similar amendments are made to the INSPIRE (EU Exit) (Scotland) (Amendment) Regulations 2019.

To be clear, the SI we are debating is specifically about incorporating into UK law new arrangements for monitoring and reporting on the use and implementation of the INSPIRE spatial data infrastructure. I stress that there are no policy changes in the new arrangements, which are to simplify monitoring and reporting of the use and implementation of the INSPIRE spatial data infrastructure.

I should say that officials from my Department persuaded the Commission to introduce the new arrangements. The previous arrangements for reporting on implementation and use were unhelpful because they did not allow comparisons to be made between member states' efforts on INSPIRE so as to ensure a level playing field. The new system for reporting requires the Commission to write and publish a "country fiche" assessment on how INSPIRE is being implemented and used in each member state. The country fiche highlights progress on the various areas of INSPIRE implementation and presents an outlook of planned actions for INSPIRE implementation. It is a high-level assessment. Our officials, who spotted the issue in a meeting with all their EU colleagues, should be thanked for their perceptiveness. Member states are required to check their report at least once a year and to update it as necessary.

Using the same system as our European neighbours to report on INSPIRE implementation after the UK has left the EU will mean the UK can consider our efforts on INSPIRE against those of our neighbours. As colleagues will be aware, environmental matters do not respect borders. Continuing to use the common standards of the INSPIRE spatial data infrastructure will make it easy for the UK to track and compare data from our neighbouring countries on, for example, marine matters—I know those are very important to the shadow Minister—and pollution.

In summary, the purpose of the SI is to update earlier amendments to UK INSPIRE legislation to ensure that an operable legal framework is in place on EU exit day. There are no policy changes. For those reasons, I commend the regulations to the Committee.

9.2 am

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank everyone for turning up bright and early to discuss this inspiring piece of spatial legislation. [HON. MEMBERS: “Oh!”] I always try to get a good one in early; sadly, that was not a good one.

The Minister will be pleased to hear that the Opposition have no intention of opposing this change. I am pleased that the House has already legislated to stay in line with the INSPIRE regulations, and that we are still committed to sharing our spatial information after we leave the European Union and to creating our data in a way that makes it possible to share it with our EU friends and further afield.

Working together and sharing information on energy, groundwater, air quality, transport networks, water quality and a whole host of other datasets has come in handy on more than one occasion, most notably after the volcanic eruption in Iceland, which saw planes grounded and ash cover in the air. Sharing information on air quality and transport was useful then, and we must continue sharing that data with our EU friends. I do not believe that sharing spatial data has yet appeared on the hit list of our hard Brexiteer chums, who want us to have unique ways of doing things. In an interoperable, globalised data world, which the INSPIRE directive effectively contributes to, we must ensure that we keep pace with our EU friends.

I am grateful to the Minister for setting out the success of UK officials in persuading the EU to update its regulations. I wonder what will happen after our exit. As we have seen, Macron and France are taking advantage of our exit. Will the Minister set out how, in using these standards, we will be able to have an influence and to correct and highlight errors such as those she mentioned? It is important that we maintain data integrity and robustness to ensure not only that we are in compliance but that the regulations we follow, even though we do not necessarily have a seat around the table, are suitable for the needs of UK industry and science.

I am pleased that we are committed to the INSPIRE set-up and the framework around it. This amendment makes updates in line with the EU regulation and decisions taken since we last discussed the INSPIRE regulations. I would be grateful if the Minister could set out, in relation to the regulations that she mentioned that are being corrected by these regulations, which amendments are being removed and replaced with the August committee decision from the EU. I think we need to ensure that we continue to share data with our EU friends and, as a result, the Opposition have no problem with the way this is going.

You will know about this issue, Mr Robertson, because I have talked about it in many Committees, including, I think, a Committee with you; it relates to the explanatory notes. I understand that DEFRA will shortly be bringing back SIs that we have already passed, because of errors in the explanatory notes. We look forward to their arriving back with us in due course. On page 4 of this

explanatory memorandum, under the heading “Impact”—I still make this case and will do so each and every time until the Government, I hope, adjust the language—paragraph 12.1 states:

“There is no, or no significant impact on business, charities or voluntary bodies”

as a result of the regulations. No impact and no significant impact are two very different things. I would be grateful if the Minister, who I hope will tire of my saying these things in SI Committees, would use her good offices to persuade the House authorities, which the Government control, to adjust the language, because those are two very different things.

As we have seen from the number of SIs that the House is being asked to correct because they contain errors that could have effects in the wider economy, we need to understand whether there is no impact or no significant impact, because for certain businesses and our precious environment, a small impact could still have a very big impact on biodiversity and climate change.

9.6 am

Rebecca Pow: I thank the shadow Minister for pretty much agreeing that we are going to agree and for making, as ever, some perceptive comments. He raised a couple of points that I will touch on. One was about how we will ensure that we keep up with this system. The point is that we have all signed up to it; it is an EU-wide policy, on which we have already had major influence. There is absolutely no way at all that we would not be keeping up with it. It is in everybody’s interest. Actually, it is global, realistically. If there are various spatial commissions in which we want to play a major role, it is crucial that we keep updating the agenda and that we are part of this.

The directive requires member states and us to report on the use and implementation of this national spatial data infrastructure continually. The country fiche, which is the reporting mechanism asking for the data, is a baseline. It was made in 2016. DEFRA will be publishing its reports, most likely on the website, so we will be able to see what is going on and keep up with it. There is no absolutely no intention whatever of not keeping up with it, because it is in everybody’s interest in widely diverse areas.

The shadow Minister asked about the regulations that this measure has replaced. They were the 2018 amendment regulations, which were made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the EU. They relate to the categories of deficiency in retained EU law specified in various sections. What I could do is share the information that I have with the hon. Gentleman. There are a lot of numbers, letters and names, and I would be very happy to give him the information, which he is right to ask for.

That brings me to a close. I thank the shadow Minister and other colleagues very much for their input. As we prepare for the UK to leave the EU, it is obviously important that we have operable legislation in place to allow the UK spatial data infrastructure established by the INSPIRE directive to continue to operate. Maintaining

[Rebecca Pow]

equivalent reporting on the use and implementation of our national spatial data infrastructure to that of EU member states, particularly that in our neighbouring countries, will allow easy comparisons to be made.

I hope that hon. Members now fully understand the need for these regulations. As I have outlined, the SI updates earlier amendments made to UK INSPIRE legislation to reflect the new arrangements for monitoring and reporting on use and implementation. It does not make policy changes. In fact, it simplifies and creates a less

onerous set of arrangements for monitoring and reporting. The SI ensures that on EU exit day the UK will have an operable legal framework for INSPIRE that is equivalent to that of the EU member states.

I am not sure whether I have inspired anyone here this morning, but I thank all colleagues for their time and thank you, Mr Robertson, for chairing our Committee.

Question put and agreed to.

9.10 am

Committee rose.

