

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT INSPIRE (AMENDMENT) (EU EXIT)  
REGULATIONS 2020

*Wednesday 9 September 2020*

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**The Committee consisted of the following Members:**

*Chair:* †STEWART HOSIE

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|--|--|
| † Bhatti, Saqib ( <i>Meriden</i> ) (Con)                     | † Jones, Fay ( <i>Brecon and Radnorshire</i> ) (Con)   |
| Byrne, Liam ( <i>Birmingham, Hodge Hill</i> ) (Lab)          | † Jones, Ruth ( <i>Newport West</i> ) (Lab)  |
| † Campbell, Sir Alan ( <i>Tynemouth</i> ) (Lab)              | † Morris, James ( <i>Lord Commissioner of Her Majesty's Treasury</i> )                                   |
| † Clarke, Theo ( <i>Stafford</i> ) (Con)                     | † Pow, Rebecca ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> ) |
| † Colburn, Elliot ( <i>Carshalton and Wallington</i> ) (Con) | † Sambrook, Gary ( <i>Birmingham, Northfield</i> ) (Con)   |
| † Griffith, Andrew ( <i>Arundel and South Downs</i> ) (Con)  | Thompson, Owen ( <i>Midlothian</i> ) (SNP)   |
| Hendrick, Sir Mark ( <i>Preston</i> ) (Lab/Co-op)            |  |
| Hill, Mike ( <i>Hartlepool</i> ) (Lab)                       | Peter Stam, <i>Committee Clerk</i>   |
| Hopkins, Rachel ( <i>Luton South</i> ) (Lab)                 |  |
| † Hunt, Jane ( <i>Loughborough</i> ) (Con)                   | † <b>attended the Committee</b>  |
| † Jenkinson, Mark ( <i>Workington</i> ) (Con)                |  |

# Seventh Delegated Legislation Committee

Wednesday 9 September 2020

[STEWART HOSIE *in the Chair*]

## Draft INSPIRE (Amendment) (EU Exit) Regulations 2020

9.25 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 draft INSPIRE (Amendment) (EU Exit) Regulations 2020.

If anyone has a sense of *déjà vu* about this debate, that is not surprising, because we have debated this provision before. For one reason or another, it did not get through its due processes in Parliament, which is why we are here today. These regulations were laid before the House on 15 June 2020. I know that a great many statutory instruments come past your desk, Mr Hosie. I am not sure that many of them do inspire you, but we have the word “INSPIRE” in the name this time, so if we have done nothing else, we have ticked that box.

The origin of the UK INSPIRE—infrastructure for spatial information in Europe—regulations is an EU framework directive. The regulations have been in effect in the UK since 2009. The INSPIRE regulations established a UK spatial data infrastructure using common standards for spatial data and spatial data services. Spatial data, which is also and often referred to as geospatial data, is data that identifies the geographic location of features, boundaries and events. Just for clarity, so that members of the Committee reflecting on that know exactly what we are talking about, I point out that it includes data about natural features, such as rivers, elevation and marine features; 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 regulations is to improve environmental policy making at all levels of government. Interestingly, there are 34 different categories of data that should be recorded under the regulations.

The amendments to the INSPIRE regulations before the Committee today are introduced purely to update two earlier sets of EU exit regulations relating to the operation of INSPIRE. The point of the update is that we ensure that the UK spatial data infrastructure continues to be effective and operable, having left the EU.

The first legislative update is to the INSPIRE (Amendment) (EU Exit) Regulations 2018, which were laid in the House on 12 December 2018. Those regulations brought the majority 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. The regulations were debated in the House on 17 July 2019 and made on 15 October 2019. The regulations concerning legislative functions 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.

This SI amends the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019, which means that the SI must be debated under the affirmative procedure. As I am sure everyone realises, that is because it amends a power to legislate. The amendment to those 2019 regulations is to correct a reference to an EU implementing rule that was directly applicable and is no longer needed. That reference is replaced with a reference to a new implementing rule, Commission implementing decision EU 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.

The amendments in today’s SI will incorporate into UK law new arrangements for monitoring and reporting on the use and implementation of the spatial data infrastructure established by the INSPIRE regulations. So, we have finally got to the bit, Mr Hosie, that tells us what is new and why the regulations are being updated. It is all to do with the new arrangements for monitoring and reporting. There are no policy changes in the new arrangements, which are designed to simplify monitoring and reporting of the use and implementation of the spatial data infrastructure, and to bring the UK legislation in line with that in the EU.

I should say at this juncture that it was actually officials from my Department—the Department for Environment, Food and Rural Affairs—who persuaded the EU Commission to introduce these new, simpler arrangements. Indeed, during our membership of the EU, the UK was considered the leading member of INSPIRE.

The previous arrangements for reporting on implementation and use of the INSPIRE spatial data infrastructure had many faults. The report format was long and required an unnecessary level of detail, which had a cost in time and resources. Every year, our officials had to write a report on how our reporting was going and it was something like 40 pages long. That process is all being simplified.

Even when completed, the previous reports did not allow easy comparisons between member states’ efforts on INSPIRE, so as to ensure a level playing field. The new system for reporting requires the Commission to compile and publish a country fiche assessment on how INSPIRE is being implemented and used in each member state. The country fiche highlights the progress on the various areas of INSPIRE implementation and presents an outlook of planned actions for INSPIRE implementation. It is a short high-level assessment. Member states are then 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 that the UK can consider our efforts on INSPIRE against those of our European neighbours. As all members of the Committee know, environmental matters respect no borders, and by continuing to use the same common standards of the INSPIRE spatial data infrastructure, it will be easy for the UK to track and compare data from our neighbouring countries on, for example, marine matters and pollution.

The purpose of this SI is to update earlier amendments made to UK INSPIRE legislation to ensure that an operable legal framework is in place now that the UK has left the EU. There are no policy changes, and for those reasons, I beg to move the measure.

9.37 am

**Ruth Jones** (Newport West) (Lab): Thank you, Mr Hosie for calling me to speak. It is good to be with you this morning to discuss the draft INSPIRE (Amendment) (EU Exit) Regulations 2020, and to speak for Her Majesty's Opposition for the first time as the new shadow Minister for the natural environment and air quality. Of course, I should briefly pay tribute to my predecessor, my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle), who took a passionate interest in these important issues and who no doubt would have relished the opportunity to be here in Committee Room 14 at 9.25 am on a Wednesday.

As the Minister will know, this is not the first time this legislation has been laid for debate in the House. The first version was laid last year, but fell due to the Dissolution of Parliament ahead of the December 2019 general election, which meant we lost important time to consider the myriad decisions and regulations required ahead of the end of the transition period on 31 December this year.

We then had a second iteration of this legislation, which was tabled and then pulled earlier this year. It would be helpful to hear from the Minister why it was pulled, so that the House is aware of the smooth operation of this Government's business. The people of the UK deserve competence and good government, and if the Conservative party does not want to provide those things, I know that my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) will.

I suspect that all hon. Members saw the media reports this past weekend that Ministers seek to undermine their own legislation by overriding the withdrawal agreement. I have to say that many Labour Members hope that this SI and many others like it do not suffer the same fate.

The Minister and, I suspect, Government Back Benchers present will be pleased to know that Her Majesty's Opposition have no intention of opposing this SI, but I want to speak briefly to it and to share a word of caution with the Minister. As my hon. Friend the Member for Plymouth, Sutton and Devonport (Luke Pollard), the shadow Secretary of State, noted when this business was last considered, those on our Benches welcome the fact that legislation has been passed to ensure that the UK stays in line with the INSPIRE regulations and that we are still committed to sharing our spatial information once the UK leaves the EU. Furthermore, we recognise the important need to create our data in a way that

makes it accessible to, and able to be shared with, our friends and allies across the EU and, indeed, further afield.

The Opposition are proud of having internationalist values, and our collective commitment to solidarity, which bind us together as a party and form the basis of our vision for the country and the future of our planet and natural environment. We believe in working together and sharing information. We believe in being good neighbours and taking whatever steps are necessary for a sustainable future for all of us.

Members will know that sharing information has its benefits, whether it is information about energy, water, transport networks and accessibility or—and this is of course important to me as the shadow Minister for air quality—air quality and pollution. There have been many examples over the years where sharing information and data has saved lives, informed responses, and tackled problems. It is of some small comfort to me, and, I suspect, to the Minister, that the biggest cheerleaders of a hard Brexit have yet to move their focus to the sharing of spatial data. I hope that their lack of attention is a recognition of the vital nature of that important area.

Like many who pay attention to such issues, the Opposition are clear that as we move forward it is vital that the country should keep pace with the EU in various areas, including the one we are considering. It is vital that Ministers indicate properly and clearly how we will do that. When the UK had a seat at the table, with a voice, vote and veto, it could improve and influence the standards that we rely on and ensure that important data were shared effectively. Ministers need to ensure that we progress only forward, and that we improve. There can be no slippage and no going back. That goes for science and industry, farming and agriculture, access to water and air quality, and how the House does its job. The Opposition reiterate their commitment to the INSPIRE set-up and the framework and guidance around it, and we encourage Ministers to make all efforts to ensure that there will not be a slip in our approach and standards with our departure from the EU.

Lastly, I restate our concern at the Government's approach to taking legislation through the House, and their wider approach to our departure from the EU. Government by statutory instrument cannot be the default, and neither can Ministers leave major pieces of legislation until the last minute. We stand ready as a proactive and objective Opposition to work with Ministers where we need to, and I hope that our approach to the SI today demonstrates that, but I caution the Minister that we will continue to hold her and her colleagues to account every step of the way.

9.37 am

**Rebecca Pow:** I, too, very much welcome the new shadow Minister and look forward to working together on many issues with regard to the environment. I thank her for her remarks. The amendment in the statutory instrument ensures that we have operable legislation in place to allow the UK spatial data infrastructure established by the INSPIRE directive to continue to operate. Maintaining reporting on the use and implementation of our national spatial data infrastructure equivalent to that of EU member states, and particularly our neighbouring countries, will allow for easy comparisons.

[Rebecca Pow]

I am glad about, and welcome, the shadow Minister's comments about the importance of environmental data. The very fact that the UK has led on spatial data, and played a great role, indicates how important we believe it is. It is geospatial data that is referred to in the SI, but what I am saying applies to all environmental data.

I will disagree with the hon. Lady on one point: she suggested that perhaps not enough time had been given to considering the matter, but I assure the Committee that all the time necessary has been given to thinking about it—the roll-over and all the attention needed—because it is so important. Indeed, that time was devoted to the matter in October, and everyone has had a re-look at it to bring it back to the Committee this time.

We are debating it today, as I explained in my opening remarks, purely and simply because the legislation did not quite get through all its processes. That is why we are back here today. It was stopped by the election and

coronavirus, and the delays that they caused, but that did not have any impact on the scrutiny the measure has received. I assure the shadow Minister that that is absolutely the case.

To wind up, I hope that Members fully understand what we have been debating today and the need for the regulations. As I outlined, the SI updates earlier amendments made to UK INSPIRE legislation to reflect new arrangements for monitoring and reporting on use and implementation. It does not make any policy changes. The SI ensures that the UK will have an operable legal framework for INSPIRE on EU exit day, which will be equivalent to the EU member states'. I am not sure whether we have inspired you or not, Mr Hosie, but on that note I commend the regulations to the Committee.

*Question put and agreed to.*

9.40 am

*Committee rose.*



