

Agenda Item No. 4(c)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

22 March 2016

Report of the Strategic Director – Economy, Transport and Environmental

**CHARGING FOR THE PROVISION OF INFORMATION CONTAINED
WITHIN THE HISTORIC ENVIRONMENT RECORD AND FOR DATA
RELATING TO THE LANDSCAPE CHARACTER OF DERBYSHIRE
DOCUMENT**

(1) **Purpose of Report** To seek the Cabinet Member's approval to charge for the provision of data from Derbyshire's Historic Environment Record, The Landscape Character of Derbyshire digital information held in Map Info, and to agree the schedule of charges.

(2) **Information and Analysis** At a meeting on 11 February 2014, the Cabinet Member - Jobs, Economy and Transport (Minute No. 26/14 refers) approved a report which recommended that the Cabinet Member:

- *"Agrees in principle that the County Council institutes a system of licensing commercial users and other users as appropriate, for the reuse of historic environment information.*
- *Notes that details of the proposed charges and terms and conditions of the HER licensing scheme will be reported to the next Cabinet Member meeting."*

It has become apparent that there are similar issues relating to the digital information developed by Derbyshire County Council to support the Landscape Character of Derbyshire.

Historic Environment Record

Derbyshire County Council maintains, on behalf of Derbyshire the Historic Environment Record (HER), a comprehensive record of the historic environment of Derbyshire, comprising digital and paper documentary sources. This has been compiled over a period of 30 years at significant cost to the Authority in terms of Officer time and the cost of purchasing and maintaining specialist software. The information has been collated and edited from a large number of sources and projects which provides significant added value to the record.

All planning authorities are required to have access to a HER.

For many years the County Council, in common with most other holders of HERs, charged for providing information from the HER for commercial users of the information. These were mainly applicants for planning permission or their archaeological consultants or contractors and privatised utility companies. The information is used in the preparation of environmental statements, heritage statements and the production of desk top assessments of the potential impacts of development on archaeological and other heritage remains, and the production of mitigation strategies.

Often the cost for the search is passed onto the client by the consultant, even though the largest part of the work has been undertaken by the HER Officer, currently at no cost, diverting them from other core work.

Access to the information held on the HER is free to members of the public and researchers by appointment at the County Council's Shand House office.

Landscape Character of Derbyshire

The Landscape Character of Derbyshire (LCoD) is freely available on the County Council's website and can be downloaded as PDFs.

In developing the document the units that build the LCoD are held in MapInfo the County Council's GIS (Geographic Information System) software.

From time to time consultants ask the Conservation and Design Section for a 'clipped' area of the information held in MapInfo to save them from having to digitize the boundaries themselves when compiling visual impact assessments as part of planning applications or environmental impact assessments. Again, like the searches of HER, the cost of this request is passed onto the client commissioning the work.

Proposed Charges

For both the searches undertaken by the HER Officer and the 'cropping' exercise undertaken by the Landscape Technician, it is unlikely that even the simplest request will take less than an hour. The charge needs to reflect the actual cost. Although it is considered that on average, a request will take 2 hours, the charging system needs to be flexible so it can be waived/amended as appropriate. Where a request will not take 2 hours, the charge will need to be reduced, or where it takes longer, it can be increased. It is suggested that this charging regime is monitored annually to ensure the charge is reasonable and reflects the actual costs incurred but the Council in compiling the information.

The HER Officer is Grade 9 and the Landscape Technician is Grade 7. However, the landscape data requires the input of a Landscape Architect in the Conservation and Design Section. Both Landscape Architects are Grade 11 officers. To this end it is suggested that the cost recovery rate of a Grade 9 officer is used to calculate fees.

Two hours of a Grade 9 Officer would be £70.02. Half a standard working day at full cost recovery would be £129.54.

From previous experience, the vast majority of searches will be at the standard rate. In order to release the information, a simple, free, license would need to be signed and accompanied by the fee. The licence would outline that the information remains copyright protected and should not be used for any other purpose.

(3) **Financial Considerations** The hourly rate that will be used to calculate charges is £35.01 and will be included in the charging scheme to reflect requests that do not take 2 hours to complete. It is difficult to give an exact figure for the revenue that will be generated by implementing a charge for the time taken to compile information from the HER and LCoD but, based roughly on last year's enquiries, on an average of 2 hours, it is thought the following could be used as a guide:

	No.	Unit Cost	Total Cost
Standard commercial searches of the HER	120	£70.02	£8,402.40
Complex searches of the HER	10	£129.54	£1,295.40
Standard LCoD requests	15	£70.02	£1,050.30
Complex LCoD requests	2	£129.54	£259.08
Estimated overall annual income			£11,007.18

(4) **Legal Considerations** Charging for the provision of environmental information is permitted in accordance with Regulation 8 of the Environmental Information Regulations 2004 (EIR). Regulation 8(8) EIR requires a schedule of charges to be published and made available, and to detail the circumstances in which a charge may be made or waived. Charges must be reasonable and must not have a deterrent effect. The requester must be informed within 20 working days of receipt of the request that a charge is made and the amount required before the request will be processed (Regulation 8(4) EIR).

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(4) **Key Decision** No.

- (5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.
- (6) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details - Adam Lathbury, extension 39791.
- (7) **OFFICER RECOMMENDATIONS** That the Cabinet Member approves charging for the provision of information contained within the Historic Environment Record and for 'clipping' the data relating to the Landscape Character of Derbyshire as set out in this report.

Mike Ashworth
Strategic Director – Economy, Transport and Environment