



Horsham District Council

Horsham Transport Study Model (Horsham District Local Plan)

Protocol and Schedule of Fees for Third Party Access to Data

Date of Issue: xx xx 2022

DRAFT

1. Introduction

- 1.1. This protocol and fees schedule has been produced in order to provide a resource for use by those who are promoting development sites. Provision of elements within this resource is made either free of charge or charged for cost recovery where appropriate.

2. Intellectual Property Rights

- 2.1. The Horsham Transport Study Model (HTSM) for Horsham District Local Plan is a local transport planning asset which is being developed from a previous strategic model for West Sussex in addition to updated surveys and strategic model information. It has been developed from the West Sussex Strategic Transport Model (WSCTM) by an external consultant Stantec (the 'modelling services provider') commissioned by Horsham District Council under the technical review of West Sussex County Council (WSCC).
- 2.2. The intellectual property rights (IPR) for the model asset rest with Horsham District Council (HDC), however West Sussex County Council (WSCC) and the modelling services provider (Stantec) will also have full access to model files and new data collected for the updated model. The IPR for the Mobile Network travel data (MND), used to construct the HTSM model, is retained by Telefonica and has been used under a non-exclusive license held by WSCC. The MND is not available to third party purchasers.
- 2.3. The modelling services provider (Stantec) is only permitted to make changes to the model, including the base year model and the forecast model upon obtaining the full written agreement of Horsham District Council, in consultation with WSCC, to the proposed changes.

3. Pre-application advice

- 3.1. Development site promoters within the model study area should seek appropriate pre-application advice from HDC and WSCC. This is particularly important for developments deemed large enough to require a full transport assessment to assess the impact of their development. Further information on the County Council's highways pre-application advice process and charges is available at <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/>

- 3.2. Requests for third party access to the HTSM shall be considered by HDC, in consultation with WSCC, according to this protocol.
- 3.3. Where the model is used to assess the impacts on the SRN, third parties will follow the guidance 'The Strategic Road Network: Planning for the future: A guide to working with Highways England on planning matters' September 2015. In particular, third Parties should consult with National Highways to agree how the model will be used before any work is undertaken.

4. Fees for model access, documentation and traffic data

4.1. The following documents can currently be made available to those promoting strategic sites, to enable consistent application of key technical metrics:

- GIS model zone plans: free of charge (subject to the signing of a Public Sector End User Licence Agreement)
- Modelling Validation Report & Network Plots: free of charge (report available at <https://www.horsham.gov.uk/planning/local-plan/local-plan-review-evidence-base>)
- Model Forecast Report on transport impact of sites: free of charge (report available at <https://www.horsham.gov.uk/planning/local-plan/local-plan-review-evidence-base>)
- Raw traffic data collected, excluding mobile phone data, 20% of the collection cost of the data requested, when purchased without or in advance of full model access. This provides a price of

£182.30 per Automatic Traffic Count site

£374.30 per Manual Classified Count / JTC site

(Map of survey locations are provided in Annex A)

4.2 Access to the full transport model is now available. The fee is calculated as a percentage of the full cost of the model to HDC which was **£114,000** for the base model construction, traffic data procurement and initial scenario testing. This figure excludes additional sensitivity tests carried out in the course of the Horsham District Local Plan evolving. There is a sliding scale of fees for different amounts of time that is required for model access. The fee is known as the Royalty (Access) Charge. This is payable to the District Council, and shall be applied for all third party access to the Horsham Strategic Transport Model, comprising:

4% of HTSM model development cost for **6 months** access, **OR**
6% of HTSM model development cost for **12 months** access, **OR**
10% of HTSM model development cost for **36 months** access

The royalty fee attracts VAT at the standard rate.

4.3 Payment of the royalty fee enables the supply of access to the model as existing, including base year model and latest Reference Case forecast models along with electronic copies of the reports listed in section 4.1 of this document.

4.4 The modelling services provider (Stantec) will waive the royalty charge for access requests by **public bodies and publicly owned companies** where deemed, by HDC, to be in the public interest. This includes use by WSCC and National

Highways , but excludes use where the public organisation is considered to be acting as a development site promoter.

4.5 After a period of five years or more has elapsed from completion of the model data collection programme, WSCC may determine that the base model requires updating, such that the outputs may continue to be relied on.

4.6 At such time as the HTSM is subsequently updated or revised, this Access and Charging Protocol will also be subject to review, including revision of royalty (access) fees and prices for supply of documentation.

5. Cost of Modelling Services Provided

5.1 This shall be a matter solely between the party granted (or seeking) access and the modelling services provider and distinctly separate from the above royalty charge.

5.2 The scope of modelling required will have been agreed first with HDC and WSCC and will typically include modelling of development scenarios reflecting the new site(s) being promoted, to compare against the reference case scenario. Further scenarios based on emerging local and neighbourhood plan allocations may be agreed as appropriate, through discussion with HDC and WSCC.

5.3 Whilst it is preferred that modelling is undertaken by the modelling services provider who built the model, due to their knowledge of the model, it will be possible for the party granted (or seeking) access to request that the modelling services can be provided by an alternative supplier procured by themselves, provided that WSCC is fully satisfied that the alternative supplier has the relevant expertise and experience in transport simulation modelling using the relevant software to run and interpret the HTSM correctly. In such cases, the alternative modelling services provider will also be bound by the clauses of this protocol.

5.4 Neither HDC nor WSCC, nor any of their officers, shall intercede in agreements nor disputes between third parties granted (or seeking) access and the modelling services provider.

6. Conditions of data sharing

6.1. Principal data sets are made available to a transport consultant commissioned by a third party; this party will not gain any intellectual property rights over the data.

6.2. No chargeable data provided under this protocol shall be divulged to any (other) third party without prior HDC approval, in consultation with WSCC.

6.3. The user/consumer must satisfy themselves (and agree with the appropriate approving agency/officers etc. as necessary) that the data is fit for the intended purpose. No liability is accepted, nor approval conferred, by the modelling services provider (Stantec), HDC or WSCC in this respect.

7. Requesting Access

7.1. Requests for third party access to the HTSM and its supporting data and documents as referred to in Section 4 of this document shall be considered by HDC, in consultation with WSCC, according to this protocol.

7.2. Requests to the District Council for access shall be supported by a short statement, in the form of a letter from a senior person, to include all the following points:

- Concise description of the project.
- State who it is on behalf of/client.
- Confirm agreement to pay the appropriate royalty/access charge – state value plus VAT.
- Confirmation of acceptance of access protocol conditions.

HDC/WSCC (HTSM Client Project Team) xx/xx/22

Annex A - Locations of Manual Classified Counts (MCC) and Automated Traffic Counts (ATC) undertaken for the Horsham Transport Study in May 2019

