North Yorkshire County Council

Business and Environmental Services

Executive Members

12 November 2021

Department for Transport/Office for Zero Emissions Future of Transport Regulatory Review: Electric Vehicles

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

1.1 To seek approval from the Corporate Director, Business Environmental Services (BES) in consultation with the BES Executive Member for Access to provide a response to the Department for Transport (DfT) and Office for Zero Emission Vehicles (OZEV) Future of Transport Regulatory Review: Electric Vehicles

2.0 Background

- 2.1 Section 1 of the Climate Change Act 2008 sets out the Government's target for reducing emissions of greenhouse gases by 2050. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 amended section 1 in June 2019 so that the target is for net zero greenhouse gas emissions to ensure the UK ends its contribution to climate change. In November 2020, the Government committed to ending the sale of new petrol and diesel cars and vans by 2030, with all vehicles required to have a significant zero-emissions capability (for example, plug-in and full hybrids) from 2030 and to be 100% zero emissions from 2035. The Government has committed £2.5 billion to support consumers to make this transition.
- 2.3 The Office of Zero Emission Vehicles (OZEV) is seeking views on new primary legislation that would give the government powers to introduce requirements in 4 areas. They are asking for views on whether to introduce:
 - a statutory obligation to plan for and provide charging infrastructure
 - requirements to install chargepoints in non-residential car parks
 - new powers to support the delivery of the Rapid Charging Fund
 - requirements to improve the experience for electric vehicle consumers
- 2.4 The consultation is the third iteration of the regulatory review and is aimed at helping Government ensure that there is a sufficient charging infrastructure and appropriate consumer protections in place to meet the needs of electric vehicle (EV) drivers. It aims to address areas of transport regulation that are outdated, a barrier to innovation, or not designed with new technologies and business models in mind.
- 2.5 Officers have therefore drafted a response for the consultation, which is due for submission by 22 November 2021.

3.0 Consultation Response

3.1 A full copy of the consultation response is attached as **Appendix A**, however, the key points are highlighted below.

- 3.2 <u>Statutory obligation to plan for and deliver a charging infrastructure</u>
 It is highlighted in the response there should be a statutory duty to plan for and make provision of infrastructure for residents, businesses and visitors. It is suggested that Local Authorities should have legal responsibility to plan for and make provision of electric vehicle charge points (EVCP's) to meet the needs of residents and visitors, however, central Government should have legal responsibility for businesses.
- 3.3 This enables a more coordinated approach to delivery, working with subnational transport bodies and neighbouring authorities to understand how best to deliver EVCP to meet the needs of residents and visitors. It enables alignment with local transport plans and other local planning policies. It also means that an LA can take a balanced approach to investment, inviting private investment but retaining control.

3.4 Charge points in non-residential car parks

We have responded that the government should seek powers to set a minimum level of EV charging infrastructure for all non-residential car parks which should include both publically accessible and not publically accessible (but provided for the use of a particular group for example workplace car parks) car parks. We have suggested that there should be 1 chargepoint per 10 spaces which supports current evidence which suggests there is 1 chargepoint available per 10 electric vehicles subject to regular review. We have suggested that exemptions should be made in cases where:

- Costs to install EVCP's are excessive
- 2. There is insufficient electricity supply
- 3. In car parks with less than 10 spaces
- 4. In parking locations with a maximum 30 minutes stay
- 3.5 The new powers will provide government with the option to intervene to ensure there is sufficient charging infrastructure to support the transition to EVs although Government do not have immediate plans to use these powers and will continue to monitor the delivery of charging infrastructure, using the powers if they deem it appropriate. It is expected the private sector will increasingly install chargepoints in their car parks as the EV transition accelerates, without the need of these regulations. If Government seek to introduce requirements and use these powers, they would have to introduce secondary legislation and run a further consultation.

3.6 Making the Rapid Charging Fund

The Rapid Charging Fund is a new £950 million fund to future-proof electrical capacity at motorway and major A road service areas to support the phase-out of petrol and diesel cars and vans. The fund will support the cost of providing additional or upgraded electrical connections at motorway and major A road service areas. The fund will be administered by an independent delivery body. There is a legal risk to the fund because the majority of motorway service areas in England have an exclusive provider of open access chargepoint services. This could lead to any funding being challenged on state subsidy or other grounds. Government are considering taking new powers to make the exclusive elements of existing chargepoint service arrangements void and unenforceable. To ensure long-term competition is maintained at such sites Government are considering requiring service area operators and large fuel retailers to tender chargepoint service contracts openly and to have a minimum of two different chargepoint operators which operate open access charging at a particular site.

- 3.7 We have responded that Government should have the power to mandate more competition between operators, remove existing exclusivity clauses and offer open access charging across all sites. Open access charging should be defined as "the ability to 'plug and play' at any chargepoint in the country using a single application/access card". We have also suggested that Government should be able to act as freeholder of an electricity connection for such sites.
- 3.8 Improving the experience for electric vehicle consumers
 Government are already introducing regulations to improve reliability and ease of payment on the public charging network. However, current legislation does not cover the full spectrum of EV consumer needs so they are proposing new primary powers to ensure that:
 - Inclusively designed chargepoints are available for all
 - Consumers feel safe when charging on route
 - Consumers have rights to redress if something goes wrong.
- 3.9 Government are seeking primary powers to:
 - Ensure adequate consumer protections when encountering issues using public chargepoints
 - Set accessibility (inclusive design) and safety requirements at public chargepoints
 - Mandate aspects of chargepoint design such as familiarity, look and feel and which will include accessibility and safety features.
- 3.10 We agree that Government should implement a consumer protection service including the option for financial redress. We agree that accessibility standards for public and private residential chargepoints should be mandated to make charging inclusive/accessible for all.
- 3.11 We agree that Government should mandate industry participants to provide a safe charging experience at public chargepoints and this might include, but is not limited to, provision of appropriate lighting, security and information on who to contact if you feel unsafe on/near the charge point.
- 3.12 We disagree that Government should mandate the recognisable design of chargepoints given that some market towns, heritage sites and national parks, for example, have environments where chargepoint design should be forgiving of their nature.
- 3.13 Call for Evidence; we have been asked to supply any data or evidence we have about any of the proposals discussed that we think would positively or negatively impact on individuals with protected characteristics. We looked for any reports of any incidents involving people with impaired hearing and electric vehicles as a result of their quieter engines. Additionally, we sought to identify any customer calls relating to footways being blocked or partially blocked by someone charging their vehicle on the street, for example, a wheelchair user or parent with a child in a pushchair. We do not have any evidence of either.
- 3.14 It should be noted that where a response states we "don't know" it is because we do not feel the Local Authority can answer these questions.

4.0 Equalities

4.1 Consideration has been given to the potential for any adverse equalities impacts arising from the recommendation in this report. It is the view of officers that the recommendation included in this report does not have any adverse impacts on any of the protected characteristics identified in the Equalities Act 2010 or NYCC's additional agreed characteristics. The completed Equalities Impact Assessment Screening Form can be found at **Appendix B**.

5.0 Finance

5.1 There are no financial implications arising specifically from this report as it is providing a response to a consultation. There could be financial implications for NYCC in the future arising from any changes to legislation as a result of the consultation. Any financial implications would be highlighted in a further report for a decision at the appropriate time.

6.0 Legal

6.1 Consideration has been given to any legal implications in submitting a consultation response and none appear to arise at this stage but it is acknowledged that legal implications may arise at a future date.

Proper consideration as outlined in section 4 is being given to equalities issues that are pertinent to ensure due regard to the Public Sector Equality Duty.

7.0 Climate Change

7.1 There are significant funding programmes aimed at reducing carbon emissions and improving the environment. See **Appendix C**.

8.0 Recommendation(S)

8.1 It is recommended that the Corporate Director, BES in consultation with the BES Executive Member for Access approves the response to the consultation to be submitted to the Department for Transport and the Office for Zero Emission Vehicles by 22 November 2021 as detailed in Section 3 and Appendix A.

BARRIE MASON Assistant Director - Highways & Transportation

Author: Keisha Moore

Background documents: None

Future of transport regulatory review: zero emission vehicles Introduction

Thank you for responding to our survey your views will assist in making new primary legislation that would give us powers to introduce requirements to ensure that there is a sufficient charging infrastructure and appropriate consumer protections for electric vehicle drivers.

Closing date is 22 November 2021.

View all the questions

The survey provides questions based on user choice, a <u>full copy of the questions is available</u> (opens in a new window).

Print or save a copy of your response

At the end of this questionnaire, you may either print or save a copy of your response. The option appears after 'Submit your response'.

Save and continue option

You have an option to 'save and continue' your response at any time. If you do that you will be sent a link via email to allow you to continue your response where you left off.

It's vital you enter your correct email address as a mistake means you won't receive the link.

Accessibility statement

Read our accessibility statement for SmartSurvey forms (opens in a new window).

Confidentiality and data protection

This Department for Transport (DfT) consultation is about gathering views to in making new primary legislation that would give us powers to introduce requirements to ensure that there is a sufficient charging infrastructure and appropriate consumer protections for electric vehicle drivers.

We are asking for:

 your name and email address, in case we need to ask you follow-up questions about your responses (you do not have to give us this personal information, but if you do provide it, we will use it only for the purpose of asking follow-up questions)

- whether you are representing an organisation or yourself
- whether as an individual you own an electrical vehicle and the type of vehicle to better understand your personal implications
- the type of work of your organisation in order to better understand your relationship with the issue

Your consultation response and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. DfT will, under data protection law, be the controller for this information. DfT's privacy policy (open in new window) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Your personal data is processed on behalf of DfT by Smartsurvey, with respect that they run the survey collection software only, your personal data will not be shared with any other third parties, even those employed for the purpose of analysis.

We will not use your name or other personal details that could identify you when we report the results of the consultation. Any information you provide through the online questionnaire will be moved to our internal systems within 2 months of the consultation end date. The information will be kept securely and destroyed within 12 months of the closing date, with the exception of information and evidence of the Public Sector Equality Duty.

You

1. Your	(used for contact purposes only):
name?	Keisha Moore
email?	Keisha.moore@northyorks.gov.uk
2. Are y	ou responding: *
а	s an individual?
	n behalf of an organisation? (Go to 'Organisational details')?
Indi	vidual details
3. Do y	ou own:
n	o type of electric vehicle?
a	n electric car?

	an electric van?
	an electric motorcycle?
	another type of electric vehicle?
[After	answering go to 'Zero emission vehicles']

Organisational details

4. Yo	ur organisation is:
	a chargepoint manufacturer?
	a chargepoint operator?
	a chargepoint installer?
	a local authority?
	a vehicle manufacturer?
	a consumer group?
	a non-governmental organisation?
	a motorway service area operator?
	a car park operator?
	a landlord or car park owner?
	a large fuel retailer?
	another type of organisation?

Zero emission vehicles

We have committed to phasing out the sales of new petrol and diesel cars and vans by 2030 so that all new cars and vans will be fully zero emission at the tailpipe from 2035.

The rollout of charging infrastructure is critical to achieving this ambition.

We are seeking views on new primary legislation that would give us powers to introduce requirements in 4 areas to ensure that there is:

- 1. a sufficient charging infrastructure
- 2. appropriate consumer protections in place to meet the needs of electric vehicle (EV) drivers

We would consult on the detail of any secondary legislation to use these powers.

The 4 areas are:

- 1. local authorities and charging infrastructure
- 2. chargepoints in non-residential car parks
- 3. supporting the delivery of the Rapid Charging Fund (opens in a new window)
- 4. improving the experience for electric vehicle consumers

A statutory obligation to plan for and create charging infrastructure

Planning and delivering EV infrastructure that meets the current and future needs of residents, businesses, and visitors is critical to making the government's 2030 and 2035 phase out dates and levelling up across the country. EV infrastructure is particularly important for the <u>8</u> million households (opens in a new window) who cannot install a home chargepoint, as well as businesses and visitors needing access to chargepoint infrastructure while travelling.

Currently, local charging infrastructure provision (on-street and rapid hubs) is installed at the discretion of local authorities (LAs). Many LAs have taken positive steps towards planning for this infrastructure provision. However, others are yet to begin identifying what is needed and many risk not meeting the current and future needs of their communities. LAs primarily deliver charging infrastructure where it is expected that private chargepoint operators may not invest due to current low demand and a lack of commercial viability. Delivery is particularly focussed on onstreet locations. However, as the EV transition accelerates it is expected that there will be increasing viability for chargepoint operators to deliver at these locations. In this scenario, we expect there would be an important role for LAs to plan for the best locations for chargepoint operators to install, to support their residents.

Due to varying population densities, the mixture of urban and rural areas, and the nature of local economies, there is unlikely to be a single chargepoint provision solution that meets the needs of every LA area. Further, local communities will rightly expect to be closely involved in the planning and delivery of EV infrastructure in their areas. As the pace of the transition to EVs increases, charging infrastructure provision needs to be available, affordable, and secure, right across the country. Doing so will reduce the country's impact on climate change, improve air quality and create economic opportunities.

What requirements are we consulting on for England and Wales?

We are seeking views on introducing a statutory duty to plan for and provide EV infrastructure. Ahead of any secondary legislation to introduce the statutory requirement, we will consult on the duty, including any relevant definitions, metrics, and other measures applicable.

One option is to place this duty on the LAs in England and Wales. This would help ensure that measures align with wider local transport planning and that local resident and stakeholder views are embedded in the process. Other options include placing the duty on chargepoint operators themselves, or energy companies.

5. Do you agree or disagree that there should be a statutory duty to plan for sufficient provision of electric vehicle chargepoints to meet the needs of:							
geogra busine geogra visitors	nts in a given aphical area? sses in a given aphical area? in a given aphical area?	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
	ou agree or dis				tory duty to	provide su	ıfficient
geogra busine geogra visitors geogra 7. Who	nts in a given aphical area? sses in a given aphical area? in a given aphical area? o, in your view, to vehicle charge						
	Local authorities	epoints to ii	icet the he	eus of resid	ents in a giv	en geogra	pinicai area :
	Chargepoint ope Energy sector A specific part of		sector, or ar	nother body:			
8. Who, in your view, should be legally responsible for planning sufficient provision of electric vehicle chargepoints to meet the needs of businesses in a given geographical area?							
	Local authorities						
	Chargepoint ope	rators					
	Energy sector						
	A specific part of Central Governr		sector, or ar	nother body:			

electr	o, in your view, should be legally responsible for planning sufficient provision of ic vehicle chargepoints to meet the needs of visitors in a given geographical area?
	Local authorities
	Chargepoint operators
	Energy sector
	A specific part of the energy sector, or another body:
	ho, in your view, should be legally responsible for providing sufficient electric le chargepoints to meet the needs of residents in a given geographical area?
	Local authorities
	Chargepoint operators
	Energy sector
	A specific part of the energy sector, or another body:
	ho, in your view, should be legally responsible for providing sufficient electric
	ho, in your view, should be legally responsible for providing sufficient electric le chargepoints to meet the needs of businesses in a given geographical area? Local authorities
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	e chargepoints to meet the needs of businesses in a given geographical area? Local authorities
	Local authorities Chargepoint operators
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vehicles 12. W	Local authorities Chargepoint operators Energy sector A specific part of the energy sector, or another body: Central Government ho, in your view, should be legally responsible for providing sufficient electric le chargepoints to meet the needs of visitors in a given geographical area? Local authorities

13. How might placing this statutory requirement on the organisations you have selected affect:

provision of
chargepoints?

There will be a need for additional resource/cost
A requirement for acceleration of existing activities such as strategy/policy
development and EVCP rollout.

chargepoint investment?

It means that an LA can take a balanced approach to investment, inviting private investment where they want it but retaining control. More, funding allocations that are less specific would be required to be released by Central Government. If the funding does not take into account the size/nature of the area, it could be difficult for larger areas to rollout at the required scale. In the case of County Councils, it would enable a LA wide procurement strategy delivering better value for money. Savings could also be made by freeing up LA owned land.

14. What views do you have on how the statutory duty to:

plan for sufficient chargepoints should be enforced?

An independent body should be used to enforce statutory duty to plan for sufficient EVCP's (a division OZEV/DCLG?)

provide sufficient chargepoints should be enforced?

An independent body should be used to enforce statutory duty to provide sufficient EVCP's (a division of OZEV/DCLG?)

15. In your view do other obligations placed on the organisations you've selected:

complement with the proposed duties?
conflict with the proposed duties?

Explain why?

LA's are already responsible for statutory planning in relation to relevant items such as development control, building control, street parking and traffic regulations. LA's also have active, interested and committed members of the public to become members and represent their constituents ensuring solutions to local problems/challenges are met, EV Charging is an item we are now receiving increasing requests to address.

16. What, in your view, are the:

benefits expected as a result of introducing a statutory duty to plan for and ensure adequate charging infrastructure provision in a given geographical area?

A requirement for an LA to plan for and provide EVCP's enables a more coordinated approach to delivery. Working with subnational transport bodies and neighbouring authorities will help LA's knowledge share and understand where demand is greatest. It also enables alignment with local transport plans and other local planning policies.

The statutory requirement implies a need to develop a strategy/policy to recognise the number of charge points, barriers to delivery and locations to deliver for the individual authority, which means there approach is not piecemeal.

It also means that an LA can take a balanced approach to investment, inviting private investment but retaining control. In the case of County Councils, it would enable a LA wide procurement strategy delivering better value for money. Savings could also be made by freeing up LA owned land.

costs expected as a result of introducing a statutory duty to plan for and ensure adequate charging infrastructure provision in a given geographical area?

Don't know

17. What level of additional resource would be needed to plan for and provide sufficient charging infrastructure and how does this vary depending on who this obligation is placed upon?

At least two dedicated officers responsible for planning for and delivery of EV's who would be responsible for establishing a working group to avoid siloed work streams. Leads for residents, fleet and public transport would also be required.

Chargepoints in non-residential car parks

A strong attraction of electric vehicles is that they can be charged wherever they are parked provided there is a suitable chargepoint. Drivers without off-street parking at home are restricted to the use of public chargepoints on:

- streets
- the wider road network
- car parks

We propose to require landowners in England to provide a minimum level of EV charging infrastructure in existing non-residential car parks and also new non-residential car parks not covered by other legislation.

This would build upon <u>our proposals consulted on in 2019 (opens in a new window)</u> to require new residential and non-residential buildings with car parks to have EV charging infrastructure.

18. Should, in your vie infrastructure for all n	•	•		um level of	EV charging	J
Strongly agree (0	Go to 'Charg	epoints in n	ion-residentia	l car parks')		
Agree (Go to 'Ch	argepoints i	n non-resid	ential car parl	ks')		
Neither agree no	r disagree(Go to 'Char	gepoints in n	on-residentia	al car parks')	
Disagree						
Strongly disagree	е					
Don't know? (Go	to 'Chargep	oints in nor	n-residential c	ar parks')		
Continuing in parks	n charç	gepoin	ts in no	n-resid	dential	car
19. Why not?						
N/A						
20. As you are agains proposal, you may no		sal, and otl	ner question	are about i	mplementati	on of that
continue answer	ing question	s about cha	rgepoints in o	car parks?		
go to the next on	the Rapid C	Charging Fu	nd? (Go to 'M	laking the R	apid Chargin	g Fund')
Chargepoint	s in no	n-resid	dential	car par	ks	
21. Should, in your vie	ew, these po	owers appl	y to all car p	arks that ar	e:	
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
publicly accessible (for example retail, leisure and healthcare car parks)?						
not publicly accessible but provided for the use of a particular group						

Neither Stronaly Stronaly Don't Agree agree nor Disagree disagree know? agree disagree (for example as a workplace car park)? We will consider whether there will be exemptions to installing chargepoints in non-residential car parks in certain circumstances. For example, exemptions may be considered where: costs to install are excessive where there is insuffienct electricity supply We will also consider whether there should be a minimum number of spaces in a car park before the regulations apply for example only in car parks with more than 10 parking spaces. 22. Should, in your view, there be exemptions to the requirements for chargepoints in car parks? Yes No (Go to 'Chargepoints in non-residential car parks') Don't know? (Go to 'Chargepoints in non-residential car parks') **Exemption groups and types** 23. In your view which groups, types of car park or circumstances should be exempt from the requirements?

Circumstances:

- 1. Where costs to install are excessive
- 2. Where there is insufficient electricity supply

Types of car park:

- 1. In car parks with less than 10 parking spaces
- 2. Parking locations with a maximum 30 minutes stay

Chargepoints in non-residential car parks

We are not currently specifying a proposed minimum level of infrastructure, this will be considered at a later stage taking into account consultation responses.

24. What, in your view, would a suitable minimum provision of charging infrastructure be in non-residential car parks (for example one chargepoint for every 10 spaces)?
1 charge point to every 10 spaces to be reviewed as soon as 2025.

We are proposing that the duty to provide EV chargepoints will fall on the landowners of the car park. Landowners would be able to work in collaboration with:

- leaseholders
- car park operators
- developers

share cost depending on their contractual arrangements.
25. Should, in your view, the landowner of the car park be responsible for ensuring there is the required level of charging infrastructure provision?
Yes (Go to 'Chargepoint implementation')
No
Don't know? (Go to 'Chargepoint implementation')
Alternative to landowner
26. Who would you have responsible instead of the landowner?
Chargepoint implementation
If we use these powers, we would seek to identify an appropriate enforcement body that can
operate at a local level to monitor compliance with the requirements. For example, we are currently considering <u>local weights</u> and <u>measures</u> authorities (opens in a new window) or <u>Local</u>
Authority Building Control bodies (opens in a new window). It is proposed that enforcement
bodies will be able to apply a scheme of penalties.
27. Who, in your opinion, would be an appropriate body to operate at a local level to enforce the proposals?
Local Authority Building Control
28. Do you agree or disagree that the requirements be enforced with a scheme of penalties?
Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly Disagree

• other bodies to install and manage the EV infrastructure

Don't know?
Why? Yes, because otherwise there are no consequences for non-compliance.
Penalties should be considered with exemptions mentioned at Q23 in mind.
Chargepoint impact assessment 29. What, in your view, are the benefits expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?
We believe it should be the developer that is legally responsible, however, the benefits are the reduced burden on the Local Authority to deliver chargepoints in new car parks/developing areas. Installation in all new developments could future-proof and provide charge points of at least the minimum standard.
It would be necessary to assess the demand continually to ensure not over providing.
30. What, in your view, are the costs expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?
don't know
31. How many current non-residential car parks, are there in the UK?
don't know
32. How many new non-residential car parks, not associated with a building and not falling under our building regulations proposals, do you think will be built over the next 10 years in the UK?
don't know

We are suggesting using the <u>2019 consultation impact assessment (opens in a new window)</u> which was an analysis on non-residential chargepoint regulation impacts for future impact assessment.

33. Do you agree with the costs, assumptions and impacts set out in the impact assessment?

	Yes (Go to 'Chargepoint impact assessment evidence')
	No
	Don't know? (Go to 'Chargepoint impact assessment evidence')
	sagree with impact assessment Why not?
	argepoint impact assessment evidence Provide any supporting impact assessment evidence.
[Attac	ch any evidence to your response]
Caman	manta.
Com	ments:

Making the Rapid Charging Fund

The <u>Rapid Charging Fund (opens in a new window)</u> is a new £950 million fund to future-proof electrical capacity at motorway and major A road service areas to support <u>the phase-out of petrol</u> and diesel cars and vans (opens in a new window).

The fund will support the cost of providing additional or upgraded electrical connections at motorway and major A road service areas.

The fund is England-only as the provision of transport infrastructure is devolved.

The fund will be administered by a delivery body, which will:

- accept funding applications from motorway and major A road service areas
- examine the applications to ensure the requested connection size is based on robust estimates of expected demand from a 100% zero emission vehicle fleet
- potentially act as the owner of the new/upgraded connection, leasing capacity to applicants

There is a legal risk to the fund because the majority of motorway service areas in England have an exclusive provider of open access chargepoint services. This could lead to any funding being challenged on state subsidy or other grounds.

The Competition & Markets Authority completed <u>a study of the EV charging market in July 2021 (opens in a new window)</u> and decided to open an investigation into these existing agreements at 3 of the major motorway service operators under the <u>Competition Act 1998 (opens in a new window)</u> we await the outcome of this investigation.

Because of the strategic importance of these sites, and to avoid any delay to the Rapid Charging Fund, we have concluded we will need to act to reduce any potential risk to the fund in the future.

We are considering taking new powers to make the exclusive elements of existing chargepoint

service arrangements void and unenforceable.

To ensure long-term competition is maintained at these sites, we are considering requiring service area operators and large fuel retailers to:

- tender chargepoint service contracts openly
- have a minimum of 2, and at some sites more than 2, different chargepoint operators at any particular site

The effect of this will be create more competition between chargepoint service providers at these sites for the benefit of consumers, and to reduce the legal risk to the fund.

We are considering requiring existing providers of chargepoint services at motorway service areas to make their chargepoints open access rather than only open to an exclusive network or group of networks or manufacturers. This would also extend to existing agreements for such services, which would be rendered void and unenforceable if the network were not to be opened.

In order to ensure there is sufficient chargepoint availability at these strategically important sites on the network, we are considering further extending the powers of government to mandate that service area operators and large fuel retailers must meet minimum chargepoint numbers at specific sites, and at increasing levels over a period of time.

36. Do y	ou agree o	r disagree	that we	should	have th	e power	to mandate	e more	competit	ion
between	n chargepo	int operato	rs at:							

Maithar

	Strongly agree	Agree	agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?						
arge fuel retailers?						
Comments:						
37. Do you agree or dexclusivity clauses b				ower to rem	ove existing	
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?						
arge fuel retailers?						
Comments:						

38. How might	restrict	ions on exc	lusivity at	large fuel re	tailers and	service area	s affect:
chargepoint investment?	Could s provide won't w	support servi	ce operato evelop relace cause the s	iting better Va r/fuel retailer i tionships with service operat	elationship new supplie	with existing ers i.e. existin	g retailer
provision of chargepoints at these locations?	Provide	s greater rel	iability of c	harge points f	or customer	'S	
other issues?							
39. Do you agre operators to of				I have the po	wer to requ	uire chargep	oint
		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?							
large fuel retaile	rs?						
Comments: This will reduce means they do						e longer journ	eys. It also
40. How do you						The definition	on of onen
Consumers sho access charging single application	g should	be "the abili					

41. Do you agree or disagree that we should be able to act as the freeholder of an electricity connection for:

Appendix A

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?						
large fuel retailers?						
Comments:						
42. Do you agree or o	disagree that	we should	d he able to r	make a hody	v to adminis	ter onerate
and own these conne		we snoun	a be able to i	nake a boa	y to dumino	tor, operate
Strongly agree						
Agree						
Neither agree n	or disagree					
Disagree						
Strongly Disagr	ee					
Don't know?						
Comments:						
43. Do you agree or of increase in the number				ower to requ	uire a progre	ssive
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?						
large fuel retailers?						
Comments:						

This will enable the operator/fuel retailer only having charge points with older/outdated technology, investment for additional future chargers can be made in newer technologies when it

becomes available at the recommended progressive intervals.	

44. What do you think are the costs expected as a result of getting powers to: mandate more competition between Don't know chargepoint operators at service areas? mandate more competition between Don't know chargepoint operators at large fuel retailers? remove existing exclusivity clauses between Don't know chargepoint operators and service area operators? remove existing exclusivity clauses Don't know between chargepoint operators? remove existing exclusivity Don't know clauses between large fuel retailers? require a progressive increase the Don't know number of chargepoints provided at service areas? require a progressive increase the number of Don't know chargepoints provided at

large fuel retailers?

require chargepoint operators to offer open access charging at service areas?	Don't know
require chargepoint operators to offer open access charging at large fuel retailers?	Don't know
45. What do yo	u think are the benefits expected as a result of getting powers to:
mandate more competition between	
chargepoint operators at service areas?	Prevents monopoly demonstrating better Value for Money
mandate more competition between chargepoint operators at large fuel	Prevents monopoly demonstrating better Value for Money
retailers? remove existing exclusivity	
clauses between chargepoint operators at service areas?	Prevents monopoly demonstrating better Value for Money
remove existing exclusivity clauses between chargepoint operators at large fuel retailers?	Prevents monopoly demonstrating better Value for Money
require a progressive	
increase the number of	Investment is staggered Prevents facilities having outdated charge points, investment for additional future chargers can be made in newer technologies when it becomes available
require a progressive	Investment is staggered

increase the number of chargepoints provided at large fuel retailers?	Prevents facilities having outdated charge points, investment for additional future chargers can be made in newer technologies when it becomes available
require chargepoint	
operators to offer open access charging at service areas?	Prevents monopoly demonstrating better Value for Money Ensures a more reliable service by providing a 'backup option' Reduces range anxiety
require chargepoint	
operators to offer open access charging at	Prevents monopoly demonstrating better Value for Money Ensures a more reliable service by providing a 'backup option' Reduces range anxiety
large fuel retailers?	
46. What in yo access chargin	ur view are the costs, including operator costs, of implementing open ng at:
large fuel retailers?	Don't know
service areas?	Don't know
	ur view, are the likely costs that will be incurred by mandating 2 or more hargepoint operators at:
retailers?	Don't know
service areas?	Don't know
48. What in you chargepoint op	ur view are the likely consumer price impacts of mandating two or more perators at
large fuel retailers?	Don't know
service areas?	Don't know

Improving the experience for electric vehicle consumers

We propose to improve EV consumers' experience and ensure there are appropriate consumer protections for users of public charging infrastructure. It is essential that as the charging network expands and evolves, consumer needs are kept central.

We know from the <u>consumer experience at public chargepoints consultation (opens in a new window)</u> that there are emerging issues which can negatively affect consumers. We are already

introducing regulations to improve reliability and ease of payment on the public charging network. However, current legislation does not allow us to cover the full spectrum of EV consumer needs and we are proposing new primary powers to ensure that:

- inclusively designed public chargepoints are available for all
- · consumers feel safe when charging on-route
- consumers have rights to redress if something goes wrong

Our starting assumption is that these powers are needed for UK public chargepoints, but we also see a case for strengthening provisions for private charging and welcome views on this.

A chargepoint is a <u>"public chargepoint" if it is provided for use by members of the general public,</u> as per the Alternative Fuel Infrastructure Regulations 2017 (opens in a new window).

Ahead of introducing secondary legislation, we would consult on any proposed approaches, including provisions relating to:

- standardised definitions and specifications
- any exemptions

We hope these provisions will improve the individual user's experience and increase wider public engagement with EV charging.

What requirements are we proposing?

We are seeking primary powers to:

- ensure adequate consumer protections when encountering issues using public chargepoints
- set accessibility (inclusive design) and safety requirements at public chargepoints
- mandate aspects of chargepoint design such as familiarity, look and feel, and which will include accessibility and safety features

Ensure adequate consumer protections when using public chargepoints

We would take powers to require financial redress for consumers and penalties if bodies breach requirements. When developing supporting secondary legislation we will consult on arrangements for complaints and redress management. These arrangements would include a mechanism for an enforcement body to impose penalties and sanctions on industry participants for poor consumer service. The energy market is a useful comparison of where consumers can escalate complaints to an independent body able to require financial redress. In the energy market a regulated body found in breach can be penalised.

Setting accessibility and safety standards at public chargepoints

We would take primary powers to require operators and installers to mandate accessibility (inclusive design) and safety standards for UK public chargepoints, including around the parked vehicles and chargepoints. This includes the requirement that:

- adequate, accessible, standardised signage and information is provided at all public chargepoints
- chargepoints are situated in safe locations and/or that mitigations are provided, such as adequate lighting and weatherproofing

Mandating aspects of chargepoint design

To ensure chargepoints are easy to use, recognisable and provide a consistent consumer experience, we propose taking a primary power to mandate certain aspects of chargepoint design.

Consumer protections

Consumers should be able to contact a complaints service easily if something goes wrong while using public charging infrastructure. The current legislative framework does not allow us to ensure that EV consumers have adequate rights to redress when experiencing issues charging their vehicle. We are therefore seeking views on how we might strengthen protections for consumers of public charging infrastructure.

o you agree or disagree that we should implement a consumer protection service ding the option of financial redress to consumers?
Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly Disagree
Don't know?
hould, in your view, there be a mechanism for an enforcement body to impose lties and sanctions on chargepoint operators for a poor consumer service?
Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly Disagree
Don't know?

51. What, in your view, are the cost implications of establishing a new consumer protections system, including complaints and redressing services (whether government-led or an independent entity)?
Don't know
52. What, in your view, do you think will be the financial cost to the consumer of these consumer protection powers?
don't know
Accessible, inclusively designed chargepoints
We want all EV consumers to be able to easily locate and use public charging infrastructure. We are therefore seeking views on how to ensure that inclusively designed chargepoints are available so that all consumers, including those with visible and non-visible disabilities, can easily charge their vehicle. This could take into account aspects such as height of chargepoint, kerb height, cable weight and space between bollards.
53. Do you agree or disagree that we should mandate accessibility standards for public chargepoints that includes the area around the parked car and the chargepoint?
Strongly agree
Agree
Neither agree nor disagree (Go to 'Accessible, inclusively designed chargepoints')
Disagree (Go to 'Disagree with accessibility standards')
Strongly disagree (Go to 'Disagree with accessibility standards')
Don't know? (Go to 'Accessible, inclusively designed chargepoints')
Agree with accessibility standards 54. What, in your view, are the benefits to mandating accessibility standards?
Charging is inclusive/accessible for all. It supports the ambition to encourage the widespread uptake of EVs.

[After	answering go to 'Accessible, inclusively designed chargepoints']
	agree with accessibility standards hat, in your view, are the constraints to mandating accessibility standards?
N/A	
	cessible, inclusively designed chargepoints your view, what are the costs of mandating accessibility standards?
Don't	know
	what extent do you agree that we should mandate accessibility standards for the residential chargepoints? Strongly agree Agree Neither agree nor disagree
	Disagree Strongly agree
	Don't know?
We was	rsonal safety at chargepoints ant all consumers to feel safe when using public charging infrastructure. We are therefore ng views on how we might ensure that consumers do not feel their personal safety is at risk charging their vehicle. This would include considerations as to where chargepoints should uated and the provision of mitigations such as adequate lighting and weatherproofing.
	o you agree or disagree that we should mandate industry participants to provide a charging experience at public chargepoints?
	Strongly agree
	Agree

Disagree (Go to 'Disagree with mandating industry participants')
Strongly disagree (Go to 'Disagree with mandating industry participants')
Don't know? (Go to 'Personal safety at chargepoints')
Agree with mandating industry participants
59. What, in your view, are the benefits to mandating industry participants to provide a safe charging experience?
It will encourage widespread uptake of EVs. It could encourage use of charge points when costs of electricity are cheaper i.e. during the night, when people might ordinarily avoid charging if they do not feel safe accessing their vehicle.
[After answering go to 'Personal safety at chargepoints']
Disagree with mandating industry participants 60. What, in your view, are the constraints to mandating industry participants to provide a safe charging experience? N/A
Personal safety at chargepoints 61. In your view, what are the costs to implementing any mandatory requirements on industry participants to provide a safe public charging experience?
61. In your view, what are the costs to implementing any mandatory requirements on
61. In your view, what are the costs to implementing any mandatory requirements on industry participants to provide a safe public charging experience?

on industry participants to provide a safe charging experience for private residential chargepoints?
Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree
Don't know?
Recognisable chargepoint design
Consumers should be able to easily recognise public EV chargepoints and have a consistent experience when using the public charging infrastructure. To ensure chargepoints are easy to use, recognisable and provide a consistent consumer experience, we would take a primary power to mandate aspects of chargepoint design.
64. Do you agree or disagree that we should have the power to mandate the entirety of, or defined aspects of, the recognisable design of public chargepoints?
Strongly agree (Go to 'Agree with recognisable chargepoint design')
Agree (Go to 'Agree with recognisable chargepoint design')
Neither agree nor disagree (Go to 'Equalities information')
Disagree
Strongly disagree
Don't know? (Go to 'Equalities information')
Disagree with recognisable chargepoint design 65. Why not?
Some market towns, heritage sites and national parks, for example, have environments where designs of charge points should be forgiving of their nature.
66. What, in your view, are the constraints to mandating a recognisable design?
Some market towns, heritage sites and national parks, for example, have environments where designs of charge points should be forgiving of their nature.
[After answering go to 'Equalities information']

Agree with recognisable chargepoint design

67. Which, if any, aspects of the design should we be able to set (for example size, colour, form and shape)?

N/A	
68. What, in your view, are the benefits to mandating a recognisable design?	
N/A	
69. In your view, what are the costs to implementing any recognisable design?	
N/A	
70. Do you agree that the mandated recognisable design should apply to all public chargepoints in:	

Equalities information

The <u>Public Sector Equality Duty (PSED) (opens in a new window)</u> requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

As a part of this duty we are asking for any evidence on the potential impacts of these zero emission vehicle proposals on individuals or groups within society. The <u>Equality Act (opens in a new window)</u> lists the protected characteristics of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This evidence will be anonymised and retained after the retention period of this consultation information.

think would positively or negatively impact on individuals with protected characteristics.
[Attach any evidence to your response]
Comments:
Final comments

72. Any other comments?

All statutory regulations should be established in partnership with central government. Where statutory regulations affect businesses i.e. their need to plan for charge points the LA should work with/offer support and guidance to the businesses in the planning process. There needs to be co-ordination with sub national transport bodies and enterprise partnerships where possible.

Initial equality impact assessment screening form

(As of October 2015 this form replaces 'Record of decision not to carry out an EIA'-)

This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate	Business and Environmental Services				
Service area	Highways and Transportation				
Proposal being screened	Response to the consultation to be submitted to				
	DfT/OZEV Future of Transport Regulatory				
	Review: Electric Vehicles				
Officer(s) carrying out screening	Keisha Moore				
What are you proposing to do?	Respond to the consultation to be submitted to				
	DfT/OZEV Future of Transport Regulatory				
	Review: Electric Vehicles				
Why are you proposing this? What	To help Government ensure that there is a				
are the desired outcomes?	sufficient charging infrastructure and appropriate				
	consumer protections in place to meet the needs				
	of electric vehicle (EV) drivers.				
Does the proposal involve a	No				
significant commitment or removal					
of resources? Please give details.					
· · · · · · · · · · · · · · · · · · ·					

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.

Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristic	•	•	
People in rural areas		✓	

People on a low income		~	/		
Carer (unpaid family or friend)		~	/		
Does the proposal relate to an area where there are known	The consultation outcomes of the				
inequalities/probable impacts (e.g.	positively or negatively impact on individuals				⁄iduals
disabled people's access to public	with protected characteristics and seeks any				
transport)? Please give details.	data or evidence we have to support this.				
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding	No				
criteria, etc.). Do any of these					
organisations support people with					
protected characteristics? Please					
explain why you have reached this					
conclusion.					
Decision (Please tick one option)	EIA not	,	Continu		
	relevant or	✓	full EIA:	•	
-	proportionate:				
Reason for decision					
Signed (Assistant Director or	Barrie Mason				
equivalent)					
Date	03/11/21				



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission

Environmental Impact Assessment

Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	DfT/OZEV Future of Transport Regulatory Review: Electric Vehicles Consultation Response
Brief description of proposal	To provide Members with outline details of the Department for Transport (DfT) and Office for Zero Emissions (OZEV) Future of Transport Regulatory Review: Electric Vehicles response proposed to be submitted by the County Council.
Directorate	BES
Service area	Highways and Transportation
Lead officer	Keisha Moore
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	26/10/2021

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

None, no funding is being requested as a result of this report however, the Corporate Director – BES and BES Exec Member for Access may wish to use the report to consider the opportunities to deliver the Council's climate change objectives and when prioritising investment.

Appendix C

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation. Minimise greenhouse gas emissions e.g. Minimise greenhouse gas emissions from Explain why will it have this effect and over what timescale? Explain why will it have this effect and over mitigate any negative impacts. Where possible/relevant please include: Changes over and above business as usual Explain how you plan to Explain how what timescale? Where possible/relevant please include: Explain why will it have this effect and over mitigate any negative impacts. Where possible relevant documents Explain how you plan to Explain how what timescale? Where possible relevant documents Explain how you plan to Explain how what timescale? Where possible relevant documents Explain how you plan to Expla	
N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation. Where possible/relevant please include: • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO ₂ e • Links to relevant documents	w you plan to
Minimise greenhouse gas emissions e.g. Links to relevant documents Links to relevant documents	ny positive
Minimise greenhouse gas emissions e.g. Links to relevant documents Links to relevant documents	as far as
Minimise greenhouse gas emissions e.g. Links to relevant documents Links to relevant documents	
Minimise greenhouse gas emissions e.g. Links to relevant documents Links to relevant documents	
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Minimise greenhouse gas emissions e.g. Solution Company Com	
Minimise greenhouse gas emissions e.g. Emissions from travel	
Minimise greenhouse Emissions gas emissions e.g. from travel	
Minimise greenhouse Emissions X gas emissions e.g. from travel	
gas emissions e.g. from travel	
reasoning enhancions nem [Liniosions A	
travel, increasing energy from	
efficiencies etc. constructio	
n	
Emissions X	
from	
running of	
buildings	
Other X	
Minimise waste: Reduce, reuse, X	
recycle and compost e.g. reducing	
use of single use plastic	
Reduce water consumption X	

Appendix C

-					_	Appendix C
How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	tive impact se a X in the box below where	oact a X in	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: Changes over and above business as usual Evidence or measurement of effect Figures for CO ₂ e Links to relevant documents	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise pollution (including air, land, water, light and noise)	Positiv (Place	X	Negá (Plao			
Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		X				
Enhance conservation and wildlife		X				
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape		X				
Other (please state below)		X				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal is a second of the secon	proposal meets those
standards.	
J/A	

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This consultation is aimed at helping Government ensure that there is a sufficient charging infrastructure and appropriate consumer protections in place to meet the needs of electric vehicle (EV) drivers to ensure that we reach net zero greenhouse gas emissions and the UK ends its contribution to climate change.

Sign off section

This climate change impact assessment was completed by:

Name	Keisha Moore
Job title	Transport Planning Officer
Service area	Highways and Transport
Directorate	BES
Signature	K Moore
Completion date	26/10/2021

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 03/11/21