



Future of Transport regulatory review: zero emission vehicles Joint STB response

- 1.1 This is the joint submission from the Seven Sub-national Transport Bodies (STBs)¹ in response to the Future of Transport regulatory review consultation call for evidence in relation to Zero Emission Vehicles.
- 1.2 The role of STBs as set out in the enabling legislation² is to identify and prioritise larger scale transport investment schemes in their areas to facilitate sustainable economic growth. They bring a strength of partnership among their membership to speak to government with one voice. Sub-national bodies can offer significant benefits from consolidating and facilitating multi-agency activities, evidence and analysis on an integrated regional scale, and the decision-making to deliver an evidenced solution which is right first time. Further, the DfT Transport Decarbonisation Plan (2021) makes reference to "STBs can support the government's decarbonisation objectives by joining up local plans across a wider geography, to capitalise on economies of scale and ensure coherence across local authority borders", and the Transport Select Committee Inquiry into Zero Emission and Road Pricing states "the Government must support STBs and LAs to deliver a range of practice and accessible charging solutions to suit local needs, so that no area is left behind".
- 1.3 In view of the timescales for the response deadline, this response has been prepared by senior officials in the STBs.
- 1.4 This document outlines the response to the four areas for which OZEV are seeking views on new primary legislation for the introduction of government powers.

2. Our Response

- 2.1.1 STBs are supportive of Governments ambitions to electrify the vehicle fleet and agree that there is a need to review and update the regulatory framework in relation to ZEV's and welcome the opportunity to respond to this consultation.
- 2.1.2 STB's are uniquely placed to work with Government, local authorities (LAs) and the private sector in ensuring value-for-money, funding and strategic decisions regarding transport are informed by our local knowledge, expertise, and needs. Supported by government funding, we work collectively to develop robust evidence on the transport needs of our communities, identifying transport investment to support our shared

¹ Outside London the seven STBs covering England are: Transport for the North, Midlands Connect, England's Economic Heartland, Transport East, Western Gateway, Peninsula Transport and Transport for the South East.

² The Local Transport Act 2008 (as amended)



ambitions for sustainable and inclusive economic growth, decarbonisation, and identifying levelling up opportunities across all localities in the regions we represent.

2.1.3 The DfT has recently asked STBs to submit proposals to support LAs in achieving greater uptake of EVs for their areas to support the roll out of the soon to be published national Electric Vehicle Infrastructure Strategy. This can support the development of regional assessments of current and future EV infrastructure needs, which some STBs have begun to develop. The STB approach can provide a 'bottom up' evidence base (from MSOA level), providing further local intelligence around chargepoint demand, type and location of demand, to support local authorities and energy system stakeholders in planning infrastructure provision. This can then be drawn up to regional level to help mitigate the risk of inefficient and duplicate planning and delivery, but also support the scaling of opportunities and the commercial attractiveness to operators and investors. Whilst more ambitious, this is vital considering that many of the trips made across the UK are medium to long distance, or transboundary (across LAs) in their nature. STBs will have a key role in assisting LAs in the rollout of EV charging infrastructure.

2.1.4 The following sections outline our collective STB response to the Future of Transport consultation.

2.2 Statutory obligation to plan for and deliver charging infrastructure

2.2.1 The proposal outlined in the consultation document does not specify which organisation(s) the statutory obligation could be applied to but does refer to LAs, charge point operators and energy companies. The STB response to this proposal predominantly focuses on the views of STBs if the statutory obligation were to be applied to LAs to plan for charge point provision, with energy providers and charge point operators responsible for delivering the provision.

2.2.2 STBs are actively engaged with their constituent partners and have a solid understanding of the aspirations of LAs and the challenges which they face in achieving them. STBs are supportive of the stated importance of local leadership and delivery, with STBs and LAs across the country developing evidence and planning for EV charging infrastructure based on local knowledge. We believe that Government should set national policy & regulations, we look forward to the publication (Q1 2022) of the OZEV infrastructure strategy. Within this framework we believe STBs can play a pivotal role in providing a regional evidence base, facilitate collaboration / sharing of good practice, and LA's should lead on ensuring EV infrastructure is delivered in the right locations in their areas.

2.2.3 It is essential that the correct funding, delivery and enforcement mechanisms are provided in conjunction with any additional responsibility



for planning and/or delivery. Any statutory duties should be outcome focused, based on local evidence on the number and type of charging infrastructure required. This should also be informed by national guidance, for example on minimum requirements, LA's should have discretion to deliver the best outcomes for their locality – not be driven by outputs and targets. There are a number of challenges around trip-end parking in places with an absence of off-street parking; and the statutory duty, plans or funding needs to account for this and ensure these communities are not left behind. The role of private sector providers needs to be taken into account as they will continue to have a significant impact on level of provision over which LAs have no control. LA's need to be adequately funded to support EV roll out, through an evidence led funding stream which is not based on competitive bidding and should include revenue support to build capacity in regions, as well as capital for infrastructure. Additional responsibility for LAs without adequate funding and resource being provided risks an inconsistent roll out of the availability and quality of EV charging infrastructure across England. It may be helpful if a statutory body could enforce statutory duty to plan for sufficient charging points, noting that this would need to fit alongside Ofgem's statutory role.

- 2.2.4 The consultation document makes little / no reference to responsibilities around the maintenance of chargepoints once installed, and STBs request that any maintenance responsibility, minimum standards and associated financial costs and safeguards are clearly outlined and consulted on before the responsibility is assigned. This clarity on responsibility should also be extended to cover the sustainable management of assets, including consideration on how they can be upgraded, repaired and recycled in line with the principals of a circular economy, and also the costs and best practice of decommissioning assets. The introduction of legislation for private car park owners to provide EV infrastructure should be considered, as a means to ensuring the private sector contributes to funding the transition to electric vehicles.
- 2.2.5 If LAs are to be assigned greater responsibility in the planning and delivery of EV infrastructure, there is a risk that efforts and expense could be duplicated across LAs. STBs could have a coordinating role in this instance, providing a regional resource of evidence and expertise facilitating coordination between neighbouring authorities and delivering better value for money from public investment. Through the STB regional evidence base, STB's are able to support LA's in developing integrated transport investment programmes – considering all modes and cross boundary trips.
- 2.2.6 Reference is made within the consultation document to the expected benefits of introducing a statutory duty to plan for and ensure adequate charging infrastructure provision in a given geographical area. STBs would expect the approach of a single overall plan to provide some clarity of expectations, however this will require a clear outline of responsibilities, particularly when combining public and private sector decisions and delivery. STBs are aware there have been various instances in LAs relating



to permitted development and charge points being installed by the private sector with little engagement with the local strategic planning authority which risks the development of a sporadic and unreliable network. This issue needs to be considered within plans for the regulatory framework. 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 the 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.

- 2.2.7 With most vehicle kilometres occurring on the Strategic and Major Road Networks, the consideration of such trips in the planning and implementation of EV charging infrastructure is key. STBs have tools available, or are in the process of developing tools, which could greatly assist in identifying current and future EV charging demand, locations for charge points and its impact on the electricity network. STBs offer a regional perspective and can deliver a robust and consistent evidence base providing data on current and forecast demand for EV charging at a local scale whilst also accounting for the EV charging infrastructure needed to support longer cross-boundary trips.
- 2.2.8 A strategic regional plan can ensure resilience of EV infrastructure network decisions. Planning at this scale will support mass adoption of EVs across all place types that is inclusive of all users and will ultimately deliver our decarbonisation goals. A common understanding of relative costs and impacts for our different places will be critical in exploring the optimum timing and distribution of EV infrastructure delivery to meet our decarbonisation targets, through adopting a whole network approach. This also helps to communicate policy certainty and an attractive investment environment for charge point operators and investors to develop and embed sustainable and inclusive long-term commercial models. This requires a coordinated approach with Distributional Network Operators (DNOs) to ensure that:
- Electric charging infrastructure is accessible to all, regardless of household type
 - Decisions on electric charging infrastructure are part of a whole system approach to improving transport networks
 - This supports an integrated approach to strengthening and decarbonising electricity networks
 - Ensuring that charging infrastructure roll-out supports a rapid move to zero carbon transport.

Case Study: Transport for the North Regional Steering Group (LAs, OZEV, DNOs).

TfN lead a regional EV Steering Group for LA partners, Distribution Network Operators, National Highways, Network Rail, the Energy Saving Trust and National Grid. This provides a forum for partners to shape TfN and partners EV strategies and evidence bases, discuss EV-related issues, share experiences and gather feedback from other local partners.

As part of TfN EV work, TfN have developed an Electric Vehicle Charging Infrastructure (EVCI) model. The EVCI model translates regional travel demand and land-use data (travel patterns, car population, socio-demographics, household types etc) from TfN's Analytical Framework to EV charging infrastructure requirements. This predicts a likely level of supply of EVCI required to meet a given level of demand and usage. Outputs are generated at an MSOA level, providing partners with an enhanced chargepoint demand evidence with which to draw from. It also produces a DNO focused output targeted at presenting the linked electricity demand on the grid, to help enhance our energy partners planning and delivery. There is a risk that funding allocation based solely on modelling will favour more affluent areas where there is greater wealth and car ownership, particularly given the focus on SRN sites in the consultation document. The TfN EVCI model factors in social and sustainability elements which would assist with ensuring there is a balance in the provision and contribute to Government ambitions on levelling up.

The TfN model outputs can be altered to test outputs under different Future Scenarios, and to reflect different rates of EV uptake or changes in travel and charging behaviour, such as higher levels of home working. This allows LAs to understand levels of demand for future charging infrastructure, providing agility and managing the future uncertainty of social, spatial and sustainability decisions impacting on car use and resulting EV demand. This will provide further clarity on how a variety of factors may impact the levels of EV charging infrastructure required, including assessment towards the optimum balance of charge points to support decarbonisation and inclusivity, as well as road network efficiency, quality, and resilience. Since the model is built using open data, the model outputs can be shared with TfN partners. The structure and build can also be shared with the other STBs (as part of a common Analytical Framework) and allow them to apply their own regional datasets to influence the model outputs.

- 2.2.9 Government should intervene with economic regulated industries – specifically telecommunications and energy generation/supply. Government already has the power to give a direction to an independent economic regulator where that can be justified on grounds of national need/policy. Government can and should act to stimulate investment in infrastructure that supports/enables change by directing the regulators in



a co-ordinated manor, to mandate that EVCPs need to adapt / work with the grid rather than the grid adapting to EV demand.

2.3 Requirements to install charge points in non-residential car parks

- 2.3.1 Through STB engagement with our local authority partners, STBs have a strong understanding of the barriers which LAs are facing in responding to demands for charging infrastructure. A current major barrier is delivering charging infrastructure for residents without off-street parking. There is currently little private sector investment in on-street charging and a number of issues to address, including potential for street clutter, trailing wires, and a lack of consistency in the quality and availability of on-street charging. This issue requires further guidance on standards and principles for on-street parking, whilst recognising the need for agility to varying place types. Further insight and methodology will be required as to the intended targets or requirements any legislation would set, something which was previously outlined in the 2019 Government consultation on electric vehicle charging in residential and non-residential buildings³.
- 2.3.2 The requirement for charge points to be installed in non-residential car parks is encouraged as this could increase the availability of accessible charging points for those without off-street parking access, and also for charging access as part of a longer journey. However there is a risk that those using the EV chargers without off-street parking may be required to pay more per charge and the requirement therefore needs to consider the wider social impacts as it is developed further. Without this consideration, there is a very significant risk of widening the gap between poverty and affluence especially as/when policies come into force to deter use of fossil fuelled vehicles. Further, Government should provide guidance on minimum standards for EV charging infrastructure, with LA's to implement their own policies for EVCI standards / charging policies. This would support the ambition of equal charging infrastructure rollout across England.
- 2.3.3 The previous consultation in 2019 for new non-residential buildings to install charge points proposed that every building with more than 10 car parking spaces should have 1 charge point. The output of the 2019 consultation has not yet been published. STBs would offer the support of their EV models and evidence base to help forecast potential requirements based on varying user behavioural assumptions. This would provide agile planning and inform the minimum requirements which should be set since the evidence behind the proposed 1 charge point per 10 spaces is not fully available. As the adoption of EVs increases, more charge points will be required and plans therefore need to include provision for adding to charge points over time, noting requirements for power supply etc.

2.4 New powers to support the delivery of the Rapid Charging Fund

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf



- 2.4.1 STBs welcome the new powers to support the delivery of the Rapid Charging Fund, particularly around creating greater market competition and cost reductions. STBs also welcome the availability of funding and emphasise the need to ensure that the funding is released within the original timescales considered by DfT and for there to be no reduction in funding.
- 2.4.2 The evidence base and (where available) the models produced by STBs are available to support Government with identifying locations for the rollout of charging infrastructure on the Major Roads and Strategic Roads Networks as part of the Rapid Charging Fund. However we would remind the Government that a whole network and whole system approach to EV charging infrastructure should be maintained to deliver optimum and cost-effective results. This is a view that STB evidence and partnerships can provide to support our shared goals.
- 2.4.3 STBs can support the Government with identifying priority locations for charging points in their STB areas. STBs are well placed to lead on development of regional EV infrastructure plans, in doing so reducing resource demands on individual LA's and delivering better value for money for the public purse. This approach would support long term EV infrastructure planning based upon evidence of need and remove the need for inefficient competitive funding rounds which risk delivery of an inconsistent regional and national EV charging network. Funding allocation decisions should be aligned with local net zero policies, for example those LAs with active travel as means of carbon reduction in their plans should have less need for EV charging infrastructure than those authorities where medium or long distance travel is more of an issue and there is less scope for mode shift to mitigate this.

2.5 Requirements to improve the experience for electric vehicle consumers

- 2.5.1 STBs are supportive of proposals for more inclusively designed charge points, consumers feeling safe when charging on-route, and consumers having rights to redress if something goes wrong. The interoperability of charge points is key if a consistent rollout of charging infrastructure is to be achieved alongside the interchangeability of technology and payment systems.
- 2.5.2 STBs would encourage these standards to be in place for both public and private charging points, since this is required for there to be a consistent standard of charging points across the UK, ensuring compliance with the Disability Discrimination Act and the Equality Act 2010. If these standards were only applied to UK public charging points, there is a risk that those areas with predominantly private charging points would receive a below standard level of charging provision. Further, given that one of the proposed new powers is focused on inclusive design, by only applying this power to public charge points risks some areas being socially excluded.



- 2.5.3 For the suggested powers to be applied, there is a requirement for adequate funding to be provided to the responsible body for monitoring and enforcing charge point standards. Further, the necessary enforcement powers need to be in place for the responsible body to ensure that the new standards for charge points can be monitored and fully enforced.
- 2.5.4 There is a potential safety risk associated with EVs running out of charge, which is a particular safety concern for smart motorways. There needs to be a suitable recovery / mobile charging mechanism in place to mitigate against stationary out-of-charge vehicles blocking lanes, particularly since EVs cannot be towed and are very heavy to recover.