

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Economy, Transport and Environment Select Committee
Date:	18 November 2021
Title:	Government Consultation on Regulatory Review of Zero Emissions Vehicles
Report From:	Director of Economy, Transport and Environment

Contact name: Andy Wren

Tel: 07768 143240

Email: andy.wren@hants.gov.uk

Purpose of Report

1. To inform the committee of progress on the County Council's draft response to the Government's consultation on a regulatory review of zero emission vehicles and in particular the recharging of electric vehicles (EV).
2. On 28 September 2021 the Office for Zero Emission vehicles (OZEV), part of the Department for Transport (DfT) and the Department for Business, Energy and Industrial Strategy (BEIS), launched a [new consultation regarding zero emission vehicles](#), one of five on transport regulatory reforms in which it considers creating new powers.
3. The consultation is technical and lengthy, seeking responses to over 70 questions on subjects such as legal responsibility, enforcement, costs exemptions and safety. Not every question is relevant to the County Council, with some responses better provided by others, for example charge point operators. Responses must be submitted online using stated preference answers by 22 November 2021. This report outlines key principles proposed to form the basis of the County Council's response and is supported by a slide deck on the consultation, the County Council's current work and future aspirations for EV charging, which will be presented to the Committee at its meeting.
4. To supplement the Consultation response submission, a political letter is being prepared to be sent to the Secretary of State for Transport the Rt. Hon. Grant Shapps MP, setting out a high-level summary and the key points of emphasis of the County Council's response based on the principles set out in this report.
5. The consultation is seeking views on new legislation that would give the government powers to introduce requirements in four areas:
 - a. a statutory obligation to plan for and provide charging infrastructure;

- b. requirements to install charge points in non-residential car parks;
 - c. new powers to support the delivery of the Rapid Charging Fund, and
 - d. requirements to improve the experience for electric vehicle consumers.
6. The most significant proposal in the consultation is in the introduction of a statutory duty for local authorities to plan for EV infrastructure. In a separate question, it is also seeking feedback on whether a statutory duty should be introduced to provide that infrastructure.

Background

7. The government has committed to phasing out the sale of new petrol and diesel cars by 2030 and for all new cars and vans to be zero emissions from 2035.
8. The rollout of charging infrastructure is critical to achieving this. There are over 25,000 public charge points currently available in the UK. In Hampshire there are 725 public charge points of which 100 are rapid chargers (43kW plus). This compares closely with national and regional provision but shows that Hampshire has a higher number of rapid charge points relative to its population.
9. Many more charge points are needed. Infrastructure that is easy to use, accessible and affordable is vital in supporting motorists to make the switch to using electric vehicles. The government's aim is to ensure that there is a sufficient charging infrastructure and appropriate consumer protections in place to meet the needs of EV drivers. The government would consult on the detail of any secondary legislation required to commence the use of the new powers outlined above.
10. Currently, local public charging infrastructure provision (both on-street and in car parks) is installed at the discretion of local authorities (LAs). Many LAs including Hampshire have taken positive steps towards planning for this infrastructure provision and have bid successfully for OZEV funding through the On-street Residential charge point scheme (ORCS).
11. LAs mostly deliver charging infrastructure where private charge point operators are not expected to invest because of current low demand and a lack of commercial viability. For Highway Authorities, delivery is particularly focused on on-street locations.

Contextual Information

12. In Hampshire, as of August 2021, there were approximately 10,000 EVs and 725 EV charge points accessible by the public, of which 100 were rapid chargers (43kW plus). This compares closely with national and regional provision but shows that Hampshire has a higher number of rapid charge points relative to its population.

13. The majority of accessible charge points can be found at destinations such as accommodation, supermarkets, workplaces and private car parks. Many district councils have also installed charge points in their public off-street car parks, while on-street provision has to date been the domain of the County Council.
14. Hampshire's emerging Electric Vehicle Chargepoint Strategy covers a wide range of topics to consider the holistic challenges and solutions of EV charging.
15. Pilot trails of on-street EV charge points are underway in Winchester and Eastleigh using grant from OZEV ORCS and funding from the County Council's Climate Change Strategy:
 - a. Winchester – 22 charge points (3.5-5.5kW) installed on street lighting columns
 - b. Eastleigh – 28 charge points (3.5-5.5kW) installed on satellite bollards fed from street lighting columns or mounted directly on the lighting column.
16. Fast charge points have been installed in four Country Park car parks and at five other County Council owned destination car parks accessible to the public.
17. Proposals are currently being drafted for an ORCS bid in Rushmoor for a small number of charge points in the Aldershot and Farnborough area.
18. Guidance is currently provided to aid residents for whom off-street parking is not available but wish to charge their vehicle at home using their domestic supply.

The new Transport Plan

19. The County Council's new Transport Plan (LTP4) is currently under development and is expected to come forward for consultation and subsequent approval in 2022. The draft LTP sets out a vision of "A carbon neutral and resilient transport system designed around people, which supports health, well-being, and quality of life for all, connects thriving places and respects Hampshire's unique environment."
20. Alternative fuel/low emission vehicles, including Electric Vehicles, will be a key component in delivering the LTP's objective of a carbon neutral system, although it should be stressed that this will be one of a number of elements and that EV's alone will not be capable of delivering against this objective
21. The national regulatory framework for EVs will be a significant determinant in what contribution EVs can make to achieving the Council's objectives, and also in the timescales for delivery. Currently the Government intends to discontinue the sale of new cars and vans powered entirely by petrol and diesel by 2030, and to ban the sale of new hybrid vehicles by 2035.
22. Vehicle charging infrastructure will clearly be a fundamental requirement to successfully achieving the electrification of the national vehicle fleet.

The consultation

23. Principal areas government are seeking views on are:

a. The introduction of statutory duties

The government is seeking views on introducing a statutory duty to plan for EV infrastructure. In a separate question, it is also seeking feedback on whether a statutory duty should be introduced to provide that infrastructure.

Other options include placing the duty on charge point operators themselves, or energy companies. The government welcomes views on questions about introducing a statutory obligation to plan for and provide charging infrastructure.

Proposed County Council Response

To coordinate this activity, one option would be for the County Council to lead a consortium of District Councils, charge point operators and the Distribution Network Operator (energy sector). Individual roles of planning and transport authorities and the commercial sector need to be clearly defined.

Under the provisions of a national plan, the County Council agrees with the **duty to plan** sufficient EV infrastructure for the needs of residents. However, to benefit residents fully, the plan must be supported by suitable guarantees of subsequent infrastructure delivery.

The County Council agrees with the **duty to provide** sufficient EV charge points to meet the need of residents, provided the necessary resource to do so is made available. As a clear example of a 'new burden' the duty must be supported with block grant funding from central government to enable delivery alongside private sector investment. The duty should not extend to areas of delivery that the local authority and consortium cannot reasonably control, such as privately owned land or premises.

b. A duty to provide charge points in non-residential car parks

The government is also seeking powers to require landowners in England to provide a minimum level of EV charging infrastructure in non-residential car parks. These new powers would apply to all existing non-residential car parks and new non-residential car parks, not associated with a building.

Proposed County Council Response

The County Council agrees in principle with the minimum level of provision, appropriate at the time of implementation and for the speed of charge points provided. The County Council does not have many car parks, but most have already been provided with EV charge points.

c. Making the Rapid Charging fund

The Rapid Charging Fund is a new £950 million fund. It will future-proof electrical capacity at England's motorway and major A road service areas to

support the phase-out of petrol and diesel cars and vans. It is also proposed to mandate more competition between charge point operators and remove exclusivity clauses where they exist.

Proposed County Council Response

This fund is aimed at motorway and trunk road service areas over which local authorities have little or no control. Improved competition at motorway service areas is to be welcomed.

d. Improving customer experience

Primary powers would be introduced to ensure adequate consumer protections when encountering issues using the public charging infrastructure. The powers would include the setting of accessibility, design and safety standards at public charge points. The consultations also proposes mandating aspects of charge point design such as familiarity, look and feel, and safety features.

Proposed County Council Response

An improvement in customer protection is to be welcomed, covering the areas mentioned above, including the opportunity for consumers to seek financial redress when things go wrong.

Climate Change Impact Assessments

24. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
25. As this report relates to a consultation response, it will have no direct impact on adaptation or mitigation, and is therefore assessed to be neutral. However, electric vehicle charging points are part of the national and local response to the climate emergency, and the County Council's proposed submission to the consultation is considered a positive step in addressing climate change.

Recommendation

26. That the committee consider and offers comment on the proposed basis for the County Council's response to the consultation with particular reference to the introduction of new statutory duties.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Future of Transport Regulatory Review: Zero Emissions Vehicles	28 September 2021

Section 100 D - Local Government Act 1972 - background documents	
The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The paper relates to a proposed consultation response, and therefore has no direct impact on people with protected characteristics. On this basis, it has been assessed as neutral.