



Department
for Transport

Future of transport regulatory review consultation

Zero emission vehicles

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Introduction

We want the UK to be a world leader in shaping the [future of transport](#). A flexible and forward-looking regulatory framework for transport is critical to achieving this.

The Future of Transport regulatory review aims to address areas of transport regulation that are outdated, a barrier to innovation, or not designed with new technologies and business models in mind.

This consultation is the third opportunity for us to gather your views on the regulatory review, following the publication of the:

- [Future of Mobility: Urban Strategy in March 2019](#)
- [Future of Transport regulatory review: call for evidence on micromobility vehicles, flexible bus services and Mobility-as-a-Service](#), which ran between 16 March and 3 July 2020. A [summary of responses](#) was published in November 2020

This consultation aims to build on our 2019 and 2020 work. It seeks views and evidence from all those with an interest in what an innovative and flexible regulatory framework looks like for emerging transport technologies and puts forward specific proposals.

As part of the review, we're also consulting on:

- [maritime autonomy and remote operations](#)
- [future of flight](#)
- [regulatory sandboxes](#)
- [modernising vehicle standards](#)

You're welcome to provide feedback on as many topics as are relevant to your areas of interest and expertise.

Background

The government has committed to [phasing out the sale of new petrol and diesel cars and vans by 2030](#). All new cars and vans will be fully zero emissions at the tailpipe from 2035.

The rollout of charging infrastructure is critical to achieving our ambitions. Over 25,000 public chargepoints are now available but we must go further and faster. Infrastructure that is easy to use, accessible and affordable is vital in supporting motorists to make the switch to using electric vehicles.

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.

We 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

This will ensure that there is a sufficient charging infrastructure and appropriate consumer protections in place to meet the needs of electric vehicle (EV) drivers. The government would consult on the detail of any secondary legislation to use these powers.

Statutory obligation to plan for and deliver a charging infrastructure

Planning and delivering EV infrastructure that meets the current and future needs of residents, businesses and visitors is critical.

An improved EV infrastructure will enable us to meet the 2030 and 2035 phase-out dates of combustion engines and the transition to zero emission vehicles. It will also help to level up chargepoint provision across the country.

EV infrastructure is particularly important for the [8 million households 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. Others have not yet identified what is needed and risk not meeting the current and future needs of their communities.

LAs mostly deliver charging infrastructure where private chargepoint operators are not expected to invest because of current low demand and a lack of commercial viability. Delivery is particularly focused on on-street locations.

However, as the transition to electric vehicles accelerates, it is expected that there will be increasing viability for chargepoint operators to deliver at these locations. In this scenario, we expect that an LA's role will be to plan the best locations for operators to install chargepoints, to support residents.

There is unlikely to be a single chargepoint provision solution that meets the needs of every LA area. This is because of varying population densities, the mixture of urban and rural areas and the nature of local economies. 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 across the whole country. Doing so will reduce the country's impact on climate change, improve air quality and create economic opportunities.

What requirements are we proposing for LAs in England and Wales?

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

Ahead of any secondary legislation to introduce the statutory requirement, the government 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. The government welcomes views on questions about introducing a statutory obligation to plan for and provide charging infrastructure.

Chargepoints in non-residential car parks

An important benefit 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 using public chargepoints on streets, the wider road network or in car parks. By requiring a minimum number of chargepoints in car parks, this will help create certainty for drivers that they will be able to charge at their destination.

We are 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. This would build on [proposals consulted on in 2019 to require new residential and non-residential buildings with car parks to have EV charging infrastructure](#). The new proposals could apply to a wide range of locations, from supermarkets and retail parks to workplaces with car parks.

The new powers will provide government with the option to intervene to ensure there is sufficient charging infrastructure to support the transition to EVs. We do not have immediate plans to use these powers and will continue to monitor the delivery of charging infrastructure, using the powers if we deem it appropriate. We expect the private sector will increasingly install chargepoints in their car parks as the EV transition accelerates, without the need of these regulations. Should we seek to introduce requirements and use these powers, we would have to introduce secondary legislation and run a further consultation.

Where would our proposal apply?

We propose powers that would bring in new requirements applying to:

- existing non-residential car parks and new non-residential car parks that are not covered by existing legislation
- both publicly accessible and restricted access car parks provided for a particular group (such as workplace car parks)

Should we use these powers, we will consider whether there should be exemptions in certain circumstances. For example, exemptions may be considered where costs to install are excessive or where there is insufficient electricity supply.

We will also consider whether there should be a minimum number of spaces in a car park before the regulations apply eg only in car parks with more than 10 parking spaces.

What is the minimum level of charging infrastructure proposed in non-residential car parks?

We are not specifying a proposed minimum level of charging infrastructure, as this will be considered at a later stage taking into account consultation responses. As a guide, in the [2019 consultation on potential requirements for new non-residential buildings to install chargepoints](#), we proposed that every building with more than 10 car parking spaces within the site boundary should have:

- 1 chargepoint
- cable routes for electric vehicle chargepoint cabling for 1 in 5 spaces

In the proposal, who will have the duty to install the EV charging infrastructure?

We propose 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 and other bodies to install and manage the EV infrastructure. They would not be able to pass on their duty to ensure provision.

Landowners may be able to share cost depending on their contractual arrangements.

How will this be enforced?

Should we use these powers, we would seek to identify an appropriate enforcement body that can operate at a local level to monitor the implementation of the requirements. For example, we are considering local weights and measures authorities or LA building control bodies. It is proposed that enforcement bodies will be able to apply a scheme of penalties.

Making the Rapid Charging Fund

The Rapid Charging Fund is a new £950 million fund. It will 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 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 a [study of the EV charging market in July 2021](#) and decided to open an investigation into these existing agreements at 3 of the major motorway service operators under the Competition Act 1998 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.

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.

Improving the experience for electric vehicle consumers

We are seeking views on proposals 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 [consumer experience at public chargepoints consultation](#) that there are emerging issues which can negatively affect consumers.

We are already introducing new 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. We would welcome views on this.

A chargepoint is a 'public chargepoint' if it is provided for use by members of the general public, as per the [Alternative Fuel Infrastructure Regulations 2017](#).

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 the public charging infrastructure
- set accessibility (inclusive design) and safety standards at public chargepoints
- mandate aspects of chargepoint design such as familiarity, look and feel, and which will include accessibility and safety features

Ensuring 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 the area around the parked vehicle and chargepoint. 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.

How to respond

The consultation period began on 28 September 2021 and will run until 11:45pm on 22 November 2021. Ensure that your response reaches us before the closing date.

Further copies and alternative copies of this consultation document, such as Braille and audio CD, for example, can be requested at FutureOfTransport@dft.gov.uk.

You may send your consultation response:

- via the [online survey](#)
- by downloading the [response form](#) and emailing us the return at FutureOfTransport@dft.gov.uk
- by emailing FutureOfTransport@dft.gov.uk directly with your comments
- by post at:

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When responding by email only, state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, make it clear who the organisation represents and, where applicable, how the views of members were assembled.

If you have any suggestions of others who may wish to be involved in this process, contact us

Questions

This is a list of questions that appear in the consultation and is for information purposes only. If you wish to reply to the questions, see How to respond.

Statutory obligation to plan for and deliver a charging infrastructure

Do you agree or disagree that there should be a statutory duty to plan for sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?

Do you agree or disagree that there should be a statutory duty to deliver sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?

Who do you think should be legally responsible for planning for sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?

Who do you think should be legally responsible for delivery of sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?

How might placing this statutory requirement on the organisation/s you've selected affect provision of chargepoints and chargepoint investment?

What views do you have on how these duties should be enforced?

Do other obligations placed on the organisation/s you've selected complement and/or conflict with the proposed duties?

What 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?

What are the costs expected as a result of introducing a statutory duty to plan for and ensure adequate charging infrastructure provision in a given geographical area? How does this vary depending on who this obligation is placed upon?

Chargepoints in non-residential car parks

Should we seek powers to set a minimum level of EV charging infrastructure for all non-residential car parks?

Should these powers potentially apply to all car parks that are:

- publicly accessible (including retail, leisure and healthcare car parks)?
- not publicly accessible but provided for the use of a particular group (such as a workplace car park)?

Should there be exemptions to the requirements?

Which individuals, groups or types of car park should be exempt from the requirements?

What would a suitable minimum provision of charging infrastructure be in non-residential car parks (for example, one chargepoint for every 10 spaces)?

Should the landowner of the car park be responsible for ensuring there is the required level of charging infrastructure provision?

Are there any other groups or individuals that should be responsible for delivering charging infrastructure provision in non-residential car parks?

Who do you think would be an appropriate body to operate at a local level to enforce the proposals?

Should the requirements be enforced with a scheme of penalties?

What are the benefits expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?

What are the costs expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?

How many current non-residential car parks, are there in the UK?

How many new non-residential car parks, not attached to a building, are expected to be built over the next 10 years in the UK?

In a 2019 consultation impact assessment, analysis on non-residential chargepoint regulation impacts were presented. Do you agree with the costs, assumptions and impacts set out in the impact assessment? If you do not agree, please provide supporting evidence.

What level of additional resource/staffing would be needed to plan for and deliver sufficient charging infrastructure? How does this vary depending on who this obligation is placed upon?

Making the Rapid Charging Fund

Do you agree or disagree that we should have the power to mandate more competition between chargepoint operators at:

- service areas?
- large fuel retailers?

Do you agree or disagree that we should have the power to remove existing exclusivity clauses between chargepoint operators at:

- service areas?
- large fuel retailers?

How might restrictions on exclusivity at large fuel retailers and service areas affect:

- chargepoint investment?
- provision of chargepoints at these locations?

Do you agree or disagree that we should have the power to require chargepoint operators to offer open access charging at:

- service areas?
- large fuel retailers?

How do you think we should define open access charging?

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

- service areas?
- large fuel retailers?

Do you agree that government should be able to appoint or create a body to administer, operate and own these connections?

Do you agree or disagree that we should have the power to require a progressive increase the number of chargepoints provided at?

- service areas?
- large fuel retailers?

What are the costs expected as a result of getting powers to:

- mandate more competition between chargepoint operators at service areas/large fuel retailers?
- remove existing exclusivity clauses between chargepoint operators and service area operators/large fuel retailers?

- require a progressive increase the number of chargepoints provided at service areas and large fuel retailers?
- require chargepoint operators to offer open access charging at service areas/large fuel retailers?

What are the benefits expected as a result of getting powers to:

- mandate more competition between chargepoint operators at service areas/large fuel retailers?
- remove existing exclusivity clauses between chargepoint operators and service area operators/large fuel retailers?
- require a progressive increase the number of chargepoints provided at service areas and large fuel retailers?
- require chargepoint operators to offer open access charging at service areas/large fuel retailers?

What are the operator costs of implementing open access charging at large fuel retailers and service areas?

What are the likely costs that will be incurred by mandating 2 or more chargepoint operators at service or large fuel retailer areas?

What are the likely consumer price impacts of mandating 2 or more chargepoint operators at service or large fuel retailer areas?

Improving the experience for electric vehicle consumers

Stating clearly, do you agree or disagree that we should implement a consumer protection service, including the option of financial redress to consumers?

Stating clearly, do you agree or disagree that there be a mechanism for an enforcement body to impose penalties and sanctions on chargepoint operators for poor consumer service?

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)?

What, in your view, do you think will be the financial cost to the consumer of these consumer protection powers?

Stating clearly, do you agree or disagree that we should mandate accessibility (inclusive design) standards for public chargepoints that includes the area around the parked car and the chargepoint?

If yes, what in your view are the benefits to mandating accessibility standards?

If no, what in your view are the constraints to mandating accessibility standards?

In your view, what are the costs to implementing any inclusive design?

Stating clearly, do you agree or disagree that we should mandate accessibility standards for private residential chargepoints?

Stating clearly, do you agree or disagree that we should mandate industry participants to provide a safe charging experience at public chargepoints?

If yes, what in your view are the benefits to mandating industry participants to provide a safe charging experience?

If no, what in your view are the constraints to mandating industry participants to provide a safe charging experience?

In your view, what are the costs to implementing any mandatory requirements on industry participants to provide a safe public charging experience?

What, if any, measures do you think we should introduce to make people feel safe while charging their vehicle?

Stating clearly, do you agree or disagree that we should take the powers to mandate requirements on industry participants to provide a safe charging experience for private residential chargepoints?

Stating clearly, 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?

If yes, which, if any, aspects of the design should we be able to set (for example, size, colour or form and shape)? If yes, what, in your view, are the benefits to mandating a recognisable design?

If yes, what, in your view are the costs to implementing any recognisable design?

If yes, do you agree that the mandated recognisable design should apply to all public chargepoints in: all locations, or only specific locations?

If no, why not?

If no, what in your view are the constraints to mandating a recognisable design?

Equalities Information

The [Public Sector Equality Duty](#) (PSED) 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 proposals on individuals or groups within society. The [Equality Act](#) 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.

Supply any data or evidence you have about any of these zero emission vehicle proposals that you think would positively or negatively impact on individuals with protected characteristics.

Final comments

Any other comments?

Next steps

These responses will complement evidence gathered from the [Future of transport regulatory review: call for evidence](#) and other work on the [Future of Transport](#) to inform our work on this regulatory review. A government response will be published in due course.

In the call for evidence, we said that ultimately the regulatory review may conclude that substantive legislative reform is required. We will continue to engage with stakeholders as our plans develop and as we determine areas where changes to primary legislation are necessary. Where that is the case, we would look to bring forward legislative proposals when Parliamentary time allows.

Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
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