

# Agenda Item IMD26

## INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2019/26

<b>TITLE</b>	Response to DFT Consultation on Electric Vehicle Charging Provision
<b>DECISION TO BE MADE BY</b>	Executive Member for Highways and Transport - Pauline Jorgensen
<b>DATE, MEETING ROOM and TIME</b>	2 October 2019 FF13 at 18:45
<b>WARD</b>	None Specific;
<b>DIRECTOR / KEY OFFICER</b>	Director of Locality and Customer Services - Sarah Hollamby

### **PURPOSE OF REPORT (Inc Strategic Outcomes)**

The purpose of this report is to present WBC's response to DfT's consultation on Electric Vehicle Charging Provision

### **RECOMMENDATION**

That the Executive Member for Highways and Transport approves the proposed response to the consultation.

### **SUMMARY OF REPORT**

This report explains the content of the Department for Transport's consultation on proposals for all new residential buildings to have Electric vehicle charge points and also for some existing buildings to require a minimum number of charge points.

The consultation closes on 7 October and therefore the response will be submitted subject to call in. The proposed response is included as Appendix B, whilst the full consultation document can be found in Appendix A.

The proposal has been introduced to support the Governments ambition for 50-70 per cent of new car sales to be ultra-low emission by 2030 and for all new cars and vans to be effectively zero emission by 2040.

This aligns well with our own objectives of becoming Carbon neutral by 2030 and will support the emerging Local Transport Plan in making EV charging at the home much easier for our residents.

It is proposed that Building Regulations are used to enforce the installation of Chargepoints in new buildings and buildings undergoing major renovation as Building Control Surveyors will already be involved in the construction process in ensuring other Building Regulations are met. However, there remains a question of who can enforce the installation on existing buildings and it is suggested that this could be by the Local Weights and Measures authority (which already has responsibility for enforcing energy performance of buildings regulations) or Local Authority Building Control.

Building Control Surveyors and Weights and Measures have been consulted on this report and their responses are contained within.

## **Background**

This paper considers the proposal by government for every new home to be fitted with electric vehicle chargepoint from March 2021 with minimum requirements also applied to new and existing non-residential buildings. Since Wokingham Borough Council declared a climate emergency and committed to becoming Carbon Neutral by 2030, this measure will go some way to ensuring that we are able to encourage our residents' shift to Ultra Low Emission Vehicles.

The government's ambition is for 50-70 per cent of new car sales to be ultra low emission by 2030 and for all new cars and vans to be effectively zero emission by 2040 to improve the air we breathe, deliver our Industrial Strategy and help ensure we make the shift to net zero greenhouse gas emissions by 2050.

In the Road to Zero strategy, the government announced that it wants every new home to have a chargepoint, where appropriate, to help future proof homes for the transition to electric vehicles. This consultation seeks views on introducing this requirement in the English Building Regulations. It also seeks views on our proposals to transpose the requirements of the European Union (EU) Energy Performance of Buildings Directive (EPBD), including:

- introducing minimum infrastructure requirements for new non-residential buildings with more than 10 parking spaces in the Building Regulations.
- introducing minimum requirements for existing non-residential buildings with more than 20 parking spaces.

The consultation states that research indicates that for those that have a suitable parking space, the vast majority of electric vehicle charging happens at home. For these drivers, home charging will provide the most convenient option and will often be cheaper than using the public network, particularly when charging overnight and taking advantage of off-peak tariffs. Given 98 per cent of journeys in the UK are less than 50 miles (National Travel Survey, 2016), many drivers with access to a chargepoint at home may never need to use the public chargepoint network.

Despite this, many of the homes built today do not have a chargepoint installed as standard. This means that retro-fitting of a chargepoint will be required at a later date. This is more expensive than installation at the time the house is built and could cause disruption to local community and residents at a later date if roads and pavements have to be dug up again to reinforce the local electricity network.

### ***European Energy Performance of Buildings Directive***

The consultation also covers England's transposition of the electromobility requirements in the most recent recast of the EPBD, which came into force in July 2018. This Directive sets requirements for 'ducting' or routes for electric vehicle chargepoint cabling

and chargepoints in new residential and new and existing non-residential buildings as set out below:

**European Energy Performance of Buildings Directive**

The consultation also covers England's transposition of the electromobility requirements in the most recent recast of the EPBD, which came into force in July 2018. This Directive sets requirements for 'ducting' or routes for electric vehicle chargepoint cabling and chargepoints in new residential and new and existing non-residential buildings as set out below:

<b>Scope</b>	<b>Building Type</b>	<b>Member State obligation</b>	<b>Transposition date</b>
Parking spaces in new buildings and buildings undergoing major renovation	Residential buildings with more than 10 parking spaces	Ensure the installation of ducting infrastructure <sup>10</sup> for every parking space	10 March 2020
Parking spaces in new buildings and buildings undergoing major renovation	Non-residential buildings with more than 10 parking spaces	Ensure the installation of at least one chargepoint. Ensure the installation of ducting infrastructure for at least one in five parking spaces.	10 March 2020
Parking spaces in existing buildings	Non-residential all buildings with more than 20 parking spaces	Lay down requirements for the installation of a minimum number of recharging points.	Requirement to be set by March 2020. Applicable from 2025

Although the UK is set to leave the EU in the future, this directive remains a requirement for us to comply with and since it represents good practice across Europe it is anticipated that this, or similar, would remain a requirement post-Brexit.

**Business Case (including Analysis of Issues)**

*Current EV requirements*

Some local authorities have begun to make chargepoint provision in new buildings a planning condition. WBC are currently adopting a phased approach to increase provision over a period between 2019 and 2030 as shown on below. All residential planning applications are required to provide as a minimum, these levels of EV charging facilities per dwelling with each at least 7.4kW. Provision is different for 'on-plot' parking spaces which means the parking space is within the residential curtilage and may also include a garage and/or car port. The 'off-plot' charging spaces are outside the dwelling's curtilage and can be an allocated or unallocated space within a parking court or near to, or adjacent to a dwelling.

## WBC Minimum Electric Vehicle Charging Requirements

Year	Spaces on-Plot		Spaces off-plot	
	Passive	Active	Passive	Active
2019	35%	5%	25%	5%
2026	50%	20%	40%	10%
2030+	70%	30%	60%	20%

### *Building Regulations*

The government proposes to implement the changes proposed in this consultation relating to new residential and non-residential buildings, and residential and non-residential buildings undergoing major renovation or a material change of use, through the Building Regulations 2010.

The Building Regulations 2010 offer an established route for setting requirements for new buildings. Including EV charging requirements within the Building Regulations 2010 will also introduce a standardised approach to EV charging equipment in new buildings across the country, helping to provide consistency.

### Key changes proposed:

1. *Building Regulations changes: New residential buildings and residential buildings undergoing major renovation*

This proposal is for the installation of chargepoints in parking spaces physically adjacent, defined legally as "within the site boundary of the dwelling", to new residential buildings and residential buildings undergoing major renovation or a material change of use.

#### Policy Position (Dwellings)

The government proposes new regulations for every:

- new dwelling,
- buildings undergoing material change of use to create a new dwelling

With an associated dedicated car parking space that are within the site boundary of the building to have a chargepoint.

And for every residential building undergoing major renovations with more than 10 car parking spaces within the site boundary of the building to have cable routes for electric vehicle chargepoints in every space.

This would remove a key barrier to many people considering owning an electric vehicle. The consultation describes a number of benefits including providing the best value for money; by avoiding more costly retrofitting and unnecessary disruption in the future. For the average home, the cost of installation of a chargepoint upfront is £976 compared to £2,040 for retrofit. This makes an average cost saving of £1,064 per chargepoint.

The document acknowledges that there are risks associated, as many of the Charge points will not be required immediately and in the long term changing technologies and travel behaviours may render them redundant.

Alternative options are described in the document. It should be noted that the document accepts that the introduction of chargepoints in new buildings will impact the electricity demand from these and that there has been discussion in the industry about whether the use of three-phase connections for new buildings would help to mitigate this impact. This consultation does not cover this issue, this is a potential concern as this could impact significantly on the cost of any installations on development sites.

This would ensure that any new dwelling would have access to one charge point. Where there is multiple occupancy and potentially multiple car ownership, there is not a proposal for additional units to be provided.

For change of use and major renovations (defined as a change where more than 25% of the surface area of the building envelope undergoes renovation) the requirement will be restricted to only apply in cases where the works include any of the following:

- (a) The car park
- (b) The electrical infrastructure of the building where the car park is located inside the building
- (c) The electrical infrastructure of the car park where the car park is located adjacent to the building

The reason for this restriction is said to be to avoid additional cost which might prevent renovations or changes going ahead, or the cost simply being passed onto leaseholders.

## *2. Building Regulations changes: New non-residential buildings and non-residential buildings undergoing major renovation*

This proposal is for car parks physically adjacent to new non-residential buildings and non-residential buildings undergoing major renovation. The aim of this is to ensure that places such as workplaces and retail car parks have a minimum level of charging infrastructure fit for the future.

### Policy Position (New Non-residential buildings)

The Government wants every new non-residential building and every non-residential building undergoing a major renovation, with more than 10 parking spaces within the site boundary of the building to have one chargepoint and cable routes for EV chargepoint cabling for one in five spaces

This will ensure that every car park would have at least one charge point and the ability to add more in future. By installing routes as part of construction, approximately £1000 is saved per chargepoint compared to retrofitting at a later date.

The document acknowledges that demand at non-residential buildings is mixed and depends on how the building is used (i.e. rapid chargepoints may be needed for buildings with short dwell times, whereas slower chargepoints will be more suitable for workplaces). It is also anticipated that where there is a commercial case, businesses will install more than the minimum requirement.

### *3. Existing non-residential buildings*

This proposal for existing non-residential buildings with more than 20 car parking spaces. This will not be transposed through building regulations as there are no works taking place. The proposal is for all existing non-residential buildings with car parks with greater than 20 spaces to have at least one charge point. This will create certainty for drivers arriving at the destination without overburdening the building owner. Again, it is anticipated that where there is a commercial case there would be additional chargepoints provided by the market.

The consultation suggests that this is a sweeping change which will affect a wide range of property owners, from supermarkets and retail parks, to workplaces with car parks, to public buildings such as schools, churches and community centres. As there is no central registry of private and public car parks in England, it is difficult to determine the exact impact of the requirements. However, they have made reasonable assumptions based on the evidence available. The Impact Assessment assumes the economic impact will be approximately £5,000 per car park, which amounts to a total impact of c. £250m. There is an exemption for small and medium enterprises from the requirement (see below).

Since this is not transposed through the Building Regulations, there is a question regarding who should enforce the requirement. It is suggested that this could be by the Local Weights and Measures authority (which already has responsibility for enforcing energy performance of buildings regulations) or Local Authority Building Control.

### *4. Technical Specification for Building Regulation requirements*

Approved Documents (ADs) are provided alongside the Building Regulations to provide guidance about how to comply with the regulations. The government is publishing a draft version of the AD text alongside this consultation. Many of the questions in the consultation are technical and relate to specific wording and terminology and also specification relating to safety and the type of connectors. One area of interest is chargepoint power

Government proposes specifying a minimum 7 kW chargepoint both for residential and non-residential buildings. The majority of the installations are 7 kW and expected increases in battery sizes and technology developments could make chargepoints less than 7 kW obsolete for future car models. DfT's discussions with industry indicate 7 kW is a sufficiently future-proofed standard for home charging. Most new homes have a 100 Amp connection as standard. In most cases, it is possible to accommodate a 7 kW chargepoint within this connection.

It is suggested that the requirement of a minimum will enable some buildings to provide additional power if required to enable them to provide for rapid charging.

### *5. Exemptions*

Several exemptions are proposed as the intention is to only include buildings where it is appropriate to install EV chargepoints. The EPBD, the requirements of which are generally exceeded in the proposals, allows for a number of exemptions and the proposal seeks to make use of some of these to ensure that the chargepoints are not

unnecessarily installed at the cost to the building owners. The following exemptions are proposed:

Lead-in times for new buildings:

- (a) The EPBD allows for an exemption for buildings that have submitted their initial building notice or full plans applications by 10 March 2021. This implies a period of one year between the implementation of the requirements in national building codes and the regulations coming into force.

New residential buildings:

- (b) An exemption for buildings where it is not technologically feasible to include an EV chargepoint (in these cases only the minimum EPBD requirements would apply).
- (c) The costs of installing the cables and the chargepoint hardware will vary considerably based site-specific conditions in relation to the local grid. In certain cases, the need to install chargepoints could necessitate significant grid upgrades which will be costly for the developer. Some costs would also fall on the distribution network operator. In the instances when this cost is exceptionally high, and likely to make developments unviable, it is the government's view that the chargepoint requirements should not apply and only the minimum EPBD requirements should. It is suggested that the threshold for the exemption to be set at three times the high scenario cost of the average electrical capacity connection required for a chargepoint in a multi-dwelling building, which according to the costs we have collected is at £3,600 per chargepoint

Change of use:

- (d) The government does not want to create an unnecessary financial burden for developers that could restrict new dwellings being created from material change of use, and do therefore not intend for the requirements to trigger the need for a new power supply in the case of material change of use. It is therefore proposed that they should only require installation of the number of chargepoints that can be accommodated within the existing power supply
- (e) Government suggests some exemptions from compliance to listed buildings and buildings in conservation areas undergoing material change of use. These are:
  - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
  - (ii) in a conservation area designated in accordance with section 69 of that Act; or
  - (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979

Major Renovations:

- (f) There is a proposal to add an exemption to the regulations for major renovations where the cost of installing the cable routes exceeds 7 per cent of the total cost of the major renovation of the building.

## 6. *Evidence and Analysis*

Lastly, the consultation asks for any further comment and information to feed into their work including the impact assessments and costing assumptions.

WBC position

As explained above, WBC have already started to insist upon charging units in some of its developments in future, however the government proposals go beyond these. This is a positive for the borough as it will enable us to ensure that chargepoints are provided in new homes and in businesses and workplaces which have car parks.

The primary concerns, however, are:

- That the exemptions could mean that developers are able to demonstrate that the proposal is unaffordable and so become exempt from making the provision. In our response we have suggested that this exemption needs careful consideration and either increasing or removing entirely.
- The additional cost incurred should ideally be included in the cost of the homes however, there may be an argument that this could reduce our ability to request other S106 funds for sustainable transport and/or the CIL level may be called into question. In our response we have suggested that it should be made clear to developers that the measures are not intended to negate the requirement for other sustainable measures and should be seen as additional to, rather than replacing, any other air quality or carbon reduction mitigations.
- There remains an issue with those existing houses which do not have chargepoint provision and this, as suggested by the consultation, is a major factor for people considering purchasing a ULEV. In our response we have indicated that there should be continued and increased support for retro-fitting EV points in the home for our residents.

The evidence suggests that the majority of EV charging takes place in the home and so this provision should be strongly supported.

The consultation includes some technical questions and also asks for further input into their evidence and analysis; as a local authority we are not best placed to respond to some of these questions and so not all of the questions have responses. Although Local Authority Building Control are suggested as the enforcement authority, Building Control Surveyors are not qualified electricians therefore it is difficult to comment on the technical content of the approved document. Undoubtedly, this will mainly come from the electricity suppliers and experts on power, cabling etc. It is therefore possible that the supply chain will have opinions and knowledge which might make some of the DfT proposals and our suggested changes unfeasible, however, the response in Appendix B represents what we feel should be the guidance from government in order to maximise this opportunity for increasing EV chargepoint provision and the uptake of EV in future.

The Local Transport Plan, which is currently being developed, will need to consider how WBC can go beyond this and enable existing homes to have easy access to charge points at their homes if this is an element of owning an electric vehicle which is preventing them from changing from fossil fuelled vehicles; this is particularly relevant for those who do not have off-street parking.

## Conclusion

Wokingham borough council welcomes and supports the proposed measures. There are some issues which we have raised in the consultation response.

Issues regarding on-street charging and chargepoint provision in existing homes are separate to this consultation, however, this will require further consideration by the council and will form part of the discussions as we move towards Local Transport Plan 4.

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	n/a	n/a	n/a
Next Financial Year (Year 2)	n/a	n/a	n/a
Following Financial Year (Year 3)	n/a	n/a	n/a

### **Other financial information relevant to the Recommendation/Decision**

There might be potential implications for CIL and S106, however this should not be the case provided the DfT guidance makes it clear that this requirement should not impact on these.

### **Cross-Council Implications**

The new guidance might lead to additional work for Building Control and Weights and Measures, they have had the opportunity to feed into the response.

### **Public Sector Equality Duty**

This is a consultation response and the proposal itself, for the Department for Transport, will be subject to their own EqIA.

## **SUMMARY OF CONSULTATION RESPONSES**

<b>Director – Corporate Services</b>	No further comments received
<b>Monitoring Officer</b>	No further comments received
<b>Leader of the Council</b>	No further comments received

<b>Reasons for considering the report in Part 2</b>
N/A

<b>List of Background Papers</b>
Appendix A – DfT Consultation document
Appendix B – Proposed response to the consultation

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