

## **Greater London Authority response to the Office for Low Emission Vehicles consultation on electric vehicle chargepoints in residential and non-residential buildings**

### **Summary of response**

Overall, we welcome the proposals and we are keen to understand in more detail how these regulations may interact with the draft London Plan and other Mayoral strategies, as well as working with Government on the lessons learned and questions arising from our own policy development. It is suggested that this is done through an update to Planning Practice Guidance as and when Building Regulations on this issue come into force.

### **London's policy context**

The Mayor's Transport and Environment Strategies set out a clear commitment to zero-emission road transport and achieving a zero-carbon city by 2050. The Mayor is keen to lead the way to achieving the goals set out in the Government's Road to Zero Strategy, published in 2018. We therefore welcome the emphasis on the transition to electric vehicles - within London's context of first prioritising mode shift and reducing overall car ownership and use - in both the Road to Zero Strategy and Electric Vehicle Charging in Residential and Non-Residential Buildings consultation document.

The Mayor's Electric Vehicle Infrastructure Taskforce recently developed a new EV Infrastructure Delivery Plan for the capital, focused on public charging points, and we have already started to put forward planning policy to support this through the draft London Plan, which sets out requirements for charging provision in both residential and non-residential land uses. This is consistent with the National Policy Planning Framework (NPPF), which allows local authorities to introduce policies for electric vehicles to reflect local circumstances. Local planning policies on this issue can be wider in their remit, in taking into account provision beyond the building itself (e.g. on-street provision), and can be tailored to fit in with other planning requirements, with regard to parking provision and promoting sustainable transport outcomes. There should be a recognition that local planning policy may stipulate other requirements in addition to or alongside the Building Regulations and that these should be adhered to under these circumstances. We suggest that this is done through an update to Planning Practice Guidance as and when Building Regulations on this issue come into force.

Wherever parking spaces associated with a development are provided in areas where there is interaction with people walking, consideration should be given to providing guidance that ensures the provision of charge points does not compromise the quality of the public realm or safety. For example, the draft London Plan includes the following policy requirement: 'Where electric vehicle charging points are provided on-street, physical infrastructure should not negatively affect pedestrian amenity and should ideally be located off the footway. Where charging points are located on the footway, it must remain accessible to all those using it including disabled people.'

The terminology used in the draft London Plan differs from the terminology used in the consultation. For the avoidance of doubt, we have used the following definitions in the draft London Plan and in this consultation response:

- Active Provision: A socket or equivalent connected to the electrical supply system that vehicle owners can use to recharge their vehicle. (This is less proscriptive than the definition of “chargepoint” in the consultation and could accommodate, for instance, drop down facilities in basement car parks or single feeder pillars serving multiple parking spaces.)
- Passive provision: The network of cables and power supply necessary so that at a future date a socket or equivalent can be added easily to allow vehicle owners to recharge their vehicle. (That is, broadly equivalent to “cable routes” plus “cabling” plus “power supply” in the consultation terminology.)

## **New Residential buildings**

### **(i) Policy requirement for 1 charge point per residential unit with an associated parking space**

The proposals for residential buildings require ‘every new residential building with an associated car parking space to have a charge point.’ This requirement is different to the draft London Plan, which requires in Policy T6.1 C that all residential car parking has at least 20 per cent active provision and ‘passive’ provision for all remaining spaces. This compares to the requirement in the current London Plan of 20 per cent active and 20 per cent passive. The new draft London Plan policy is designed to ensure that every vehicle parked at a residential development built today can be zero emission by 2050.

The draft London Plan does not set a 100 per cent requirement, primarily for the reasons of the potential obsolescence of battery and charging technologies. Active charge points installed in 2019 may be unsuitable for use by the time all vehicles using the parking spaces are electric. While 100 per cent active provision would support every vehicle to be zero emission, and thus is not unwelcome, we would urge some caution in relation to the risk of this obsolescence. Appropriate future proofing of charging facilities should be considered. Please be aware that the Mayor’s EV Infrastructure Taskforce and subsequent Delivery Plan identified the need for further guidance on future-proofing EV infrastructure and this is currently being taken forward by taskforce member BEAMA.

Our understanding is that new residential dwellings with no car parking – as is required by the draft London Plan in many instances – will not be required to provide charge points, and our support for the proposals is based on this interpretation. This is because car travel is not an efficient nor sustainable mode of travel in densely populated, urban areas and mode shift from cars to walking, cycling and public transport is the top priority in London. These sustainable modes are already, or can be, made zero-emission, and so the overall ambition of carbon-free travel can still be met using this alternative approach.

We also note that in some consultation materials, the requirements are referred to as being in relation to ‘associated, dedicated car parking’. It should be noted that the draft London Plan requires residential car parking to be leased (i.e. unallocated) rather than sold (to support the future repurposing of space), and so the use of word ‘dedicated’ could imply that the requirements do not apply to unallocated/leased parking spaces. The wording should clarify that this is not the case.

In Annex C the draft regulations say that the number of charge points needed should be calculated on the *minimum* of either the total number of parking spaces, or the total number of dwellings. We understand this to mean that where the ratio of parking spaces to dwellings is  $> 1$  there would be some parking spaces where no provision is required by the building regulations, which seems to run counter to the intent of the regulations. In London, this situation would only arise in very few locations with low public transport availability, and in these cases our policies would require passive provision for the excess spaces.

It is not clear how the regulations would work in multi-building or phased developments: for example, whether provision would vary if a car park is delivered in a phase with fewer residential units compared to if it is delivered in a different phase. Similarly, whether it is the location of the car park (e.g. provided in a basement beneath a smaller building) that determines the provision or the total number of residential units across the entire development.

These uncertainties can be difficult to resolve in practice, which is why the draft London Plan has taken an approach of simply linking provision to the number of parking spaces.

## **(ii) Residential charge points to have a minimum power rating output of 7kW**

The draft London Plan does not set a minimum power rating output for residential charge point infrastructure. However, we would support regulations that specify that residential charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently on the market and meet relevant safety and accessibility requirements. We would suggest a clarification however that charge points should have the *capability* to output 7kW, rather than it being the minimum output at all times. For instance, output may be appropriately reduced at certain times through the use of smart charging.

We welcome the proposal not to allow mode 1 or 2 charge points. However, we would encourage Government to consider how to frame this requirement to ensure the best possible level of future proofing – a requirement to meet mode 3 or better would effectively entrench mode 3 as the standard, which may lead to obsolete points being fitted in future as technology evolves. A more dynamic standard should be applied to help to future-proof and, suitably worded, this could also support retrofit in the case of obsolescence.

## **(iii) Cost threshold for exemption from charge point installation**

We do not support the inclusion of an exemption. High grid demand is often found in more densely population places and these tend to be best served by public transport. Applying a £3,600 threshold in urban areas could result in car parking provision intended for use beyond 2050 that does not support zero emission vehicles.

The draft London Plan does not allow for exemptions as it may be more beneficial to consider whether the car parking is warranted in the first place. London has maximum, rather than minimum, car parking standards so that developers can avoid high costs by reducing total car parking provision.

This is because London has the highest levels of both public transport connectivity and congestion in the UK, meaning there are alternatives to car ownership and a considerable need to reduce car use to manage the road network, especially as the city continues to grow. As a result, developments with no or little car parking have become increasingly common in London, are increasingly welcomed by a variety of local authorities, and are strongly supported by the Mayor and Transport for London.

Therefore, our position is that the cost threshold should either be removed or at the very least modified so that rather than ‘exempting’ a residential development from the requirements, the requirements are reduced to cap the costs at the equivalent of £3,600 per space (so the total cost can be divided by the number of spaces, allowing for flexibility where some spaces may be more expensive to deliver and others significantly under the threshold), where the opportunities for reducing parking to reduce costs has been fully explored. Where the cost of installing active chargepoints exceeds the equivalent of £3600 per space, passive provision (i.e. enabling infrastructure) should be provided for the proportion of parking spaces that would bring costs below the threshold, with active charging points being provided for all other spaces.

Should a maximum cost threshold be progressed, the regulations should set out how the threshold would be effectively implemented. For example, how the costs of charge point installation are assessed, as well as the evidence used to demonstrate exceeding the threshold, will require clarification and robust guidance, in order to ensure that charge points are delivered where they can be. Furthermore, we understand that the proposed threshold is £3,600 per car parking space, rather than £3,600 total. This should be made clear in the regulations, as well as clarifying whether a threshold would apply to other types of development (e.g. non-residential).

**(iv) Residential buildings undergoing major renovation - Policy for more than 10 car parking spaces to have cable routes for electric vehicle charge points in every car parking space**

Major renovations may require planning permission, and thus be subject to the policies of the London Plan. Policy T6 (part I) in the draft London Plan states that, ‘where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy.’ As such, the maximum standards set out in the draft London Plan would apply; this includes the requirements for EV infrastructure. As per Policy T6.1 (part C), this would mean requiring at least 20 per cent of spaces to have active charging facilities, and passive provision for all remaining spaces.

The reason that the draft London Plan applies the same standards to redeveloped sites as new builds is that we are keen to maximise the benefits of a policy supporting EV infrastructure and to apply a consistent approach for all residential dwellings.

While the higher requirements of the draft London Plan could be applied, the distinction between these and the Building Regulations could create confusion, and the cost of converting car parking spaces that are fitted only with cable routes would be much higher compared to those with the additional facilities required in London. We therefore request that the minimum requirements include routes, cabling and electrical connections, or there is an explicit recognition that local planning policies may also apply.

## **New Non-residential buildings**

### **(i) New non-residential buildings and non-residential buildings undergoing major renovation with more than 10 parking spaces to have at least one charge point and cabling routes for one in five spaces**

While there are advantages to home charging, as promoted by the Government's Road to Zero Strategy, we recognise the important role non-residential developments can play in providing additional charging opportunities. There are, however, challenges to identifying and delivering the right charging facilities at the right type of non-residential development. In developments where the duration of parking is shorter, (such as a supermarket), fewer, faster charge points may be more effective than applying a less dynamic approach (i.e. a greater number of slower charging points).

Furthermore, the proposal for non-residential uses appears most appropriate to retail uses. The draft London Plan (Policies T6.2 to T6.5) differentiates between retail, office, leisure and hotel and industrial uses in recognition that the needs of these sectors are diverse and may be best served by a more articulated approach.

As noted above, minimum requirements can have unintended consequences by becoming the de facto norm and therefore it may be worth applying a more dynamic requirement for non-residential buildings where higher power and/or other modes would be more appropriate to the projected use. For instance, the London Plan is clear that for large retail car-parks we expect appropriate provision of rapid, as opposed to slower, chargers. We would also recommend that, in this context, consideration be given to how the rate of provision is expressed: for instance, a single rapid charger may serve more than one space as part of a hub.

Similarly, the appropriateness of provision may depend on whether a car park is long stay (e.g. at a railway station or airport) or short stay (e.g. a shop or leisure centre). We encourage government to consider carefully how the proposed building regulations can best serve these sectors and have the best chance of avoiding inappropriate installations.

## **Existing non-residential buildings**

### **(i) Proposal to require one chargepoint in existing non-residential buildings with more than 20 car parking spaces**

This requirement should consider how the updating of obsolete charge points could or should be mandated for existing buildings. Furthermore, as with new non-residential buildings, guidance and flexibility should be allowed so that the best suited charge point is installed to meet the needs of the users.

Any proposed requirements should align with sustainable transport outcomes by prioritising the reduction of car travel overall and modal shift away from private car use, as well as working towards the zero-carbon ambition by increasing public access to electric vehicle charging points. We would welcome further discussion on how these objectives can be met, whether through Building Regulations, planning policy or other means.

We have no fixed view on the suitable enforcement body for this regulation, however, if there is to be a responsibility placed on local authorities then we would expect suitable resource and funding to follow, so that this task can be undertaken.

### **Further considerations**

#### **a) Mixed-use developments**

London, like many cities, is seeing an increase in mixed-use developments. Given the split in requirements between residential and non-residential uses, the regulations should be clearer on how mixed-use developments are to be handled in instances where the allocation of car parking spaces between different uses is not clear.

#### **b) Fuel retailers**

The London Plan includes a requirement that all new or refurbished petrol stations include at least one rapid charge point. We consider that this could make a significant contribution to the availability of charging infrastructure away from home and encourage you to consider including a similar requirement in these regulations. This follows the Autonomous and Electric Vehicles Act 2018, which enables regulations to be made that may require large fuel retailers to provide public charging points on their premises.