



# The Association for Renewable Energy and Clean Technology

## Consultation Response

*Future of Transport Regulatory Review*

22<sup>nd</sup> November 2021

# Introduction

## About the Association for Renewable Energy and Clean Technology ('the REA')

The REA is the UK's largest trade association for renewable energy and clean technology, representing around 550 member companies operating across the heat, power, transport, and circular bioresources sectors. The REA has technology-specific member Forums, each with its own elected Chair and Steering Group. In the case of this consultation response, member interest was received from the REA EV Forum.

The REA EV Forum represents nearly 100 companies operating across the electric vehicle charging infrastructure value chain, from public chargepoint operators to energy suppliers, eMobility Service Providers, roaming hubs, installers, manufacturers, and financiers. The REA's EV Forum has been active since 2018 and in 2020 the UK Electric Vehicle Supply Equipment Association merged its operations into those of the REA.

## Developing a response to this consultation

This consultation response was developed in consultation with members across our EV Forum. The REA held member meetings that specifically covered this consultation once it was published, and additional meetings over the past six months on many of the themes of this consultation prior to its formal publication.

The REA operates a consensus-based policy decision making structure. All members have equal power in the Association (one member, one vote) and significant member feedback was received by the REA to the draft of this consultation response and in past REA workshops.

Individual members have also engaged directly with OZEV workshops and submitted their own response.

## Contact

With questions, please contact Jacob Roberts, Transport Policy Manager at the REA: [jroberts@r-e-a.net](mailto:jroberts@r-e-a.net)

The full consultation documents can be found here:

<https://www.gov.uk/government/consultations/future-of-transport-regulatory-review-zero-emission-vehicles/future-of-transport-regulatory-review-zero-emission-vehicles>

# Consultation Questions

## 1. Your (used for contact purposes only):

name?

email?

## 2. Are you responding: \*

- ☐ as an individual?
- ☒ on behalf of an organisation? (Go to 'Organisational details' )

## 3. Do you own:

- ☐ no type of electric vehicle?
- ☐ an electric car?
- ☐ an electric van?
- ☐ an electric motorcycle?
- ☐ another type of electric vehicle?
-

#### 4. Your organisation is:

- ☐ a chargepoint manufacturer?
- ☐ a chargepoint operator?
- ☐ a chargepoint installer?
- ☐ a local authority?
- ☐ a vehicle manufacturer?
- ☐ a consumer group?
- ☐ a non-governmental organisation?
- ☐ a motorway service area operator?
- ☐ a car park operator?
- ☐ a landlord or car park owner?
- ☐ a large fuel retailer?

☒ another type of organisation?

Trade association (representing EV charging manufacturers, operators and installers)

## Statutory duties

5. Do you agree or disagree that there should be a statutory duty to plan for sufficient provision of electric vehicle chargepoints to meet the needs of:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
residents in a given geographical area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
businesses in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
visitors in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### COMMENT on Q5, planning for business use

We believe that charging provision needs to be planned for some businesses, but not for all businesses.

We do not believe that local authorities should have a duty to plan charging infrastructure for businesses that can charge their vehicles at their workplace/depot. Both the taxpayer and, under most circumstances, the businesses would achieve better value for money if such businesses installed and made use of chargepoints on their own premises.

We believe that local authorities should have a duty to plan charging infrastructure for businesses that cannot charge at their workplace/depot and others may require top-up charges during the day – for example: sole traders; taxi drivers; and private hire drivers.

### COMMENT on Q5, planning for visitor use

The majority of our members consider that this should be left to the market. It is in the interest of landowners to offer EV charging to visitors, as a means of attracting tourists/customers, increasing footfall and generating revenue.

That being said, in some circumstances, visitor attractions and destinations may serve as ideal locations for residents to charge their vehicles overnight. Local authorities should be encouraged to plan for charging infrastructure at such locations, as the infrastructure would have wider appeal (both visitors and residents) and therefore greater utilisation and commercial attractiveness.

We acknowledge that a significant minority of our members believe that local authorities should have a duty to provide charging infrastructure for visitors where the authority owns/operates visitor attractions.

6. Do you agree or disagree that there should be a statutory duty to provide sufficient electric vehicle chargepoints to meet the needs of:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
residents in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
businesses in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
visitors in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### COMMENT on Q6

We do not believe that there should be a statutory duty to provide charging infrastructure, particularly not for local authorities. We are concerned that, based on experience to date, not all local authorities would undertake these duties to a fit-for-purpose level of quality. Instead, we consider that local authorities should plan local EV infrastructure networks – based on their local knowledge – before procuring one or more EV chargepoint suppliers who then have a contractual (as opposed to statutory) obligation to provide the charging infrastructure.

7. Who, in your view, should be legally responsible for planning sufficient provision of electric vehicle chargepoints to meet the needs of residents in a given geographical area?

☒ Local authorities

☐ Chargepoint operators

☐ Energy sector

☐ A specific part of the energy sector, or another body:

#### COMMENT on Q7

We consider that only local authorities are accountable to their local residents and businesses, and they are far better placed to understand the requirements and constraints of their administrative areas.

8. Who, in your view, should be legally responsible for planning sufficient provision of electric vehicle chargepoints to meet the needs of businesses in a given geographical area?

☒

Local authorities

☐

Chargepoint operators

☐

Energy sector

☐

A specific part of the energy sector, or another body:

9. Who, in your view, should be legally responsible for planning sufficient provision of electric vehicle chargepoints to meet the needs of visitors in a given geographical area?

☐

Local authorities

☐

Chargepoint operators

☐

Energy sector

☒

A specific part of the energy sector, or another body:

We do not believe that any party should have a legal duty to plan EV charging for visitors. See comment on Q5.

10. Who, in your view, should be legally responsible for providing sufficient electric vehicle chargepoints to meet the needs of residents in a given geographical area?

☐

Local authorities

☐

Chargepoint operators

☐

Energy sector

☒

A specific part of the energy sector, or another body:

N/A – We do not think any party should be legally responsible for *providing* chargepoints. See comment on Q6.

11. Who, in your view, should be legally responsible for providing sufficient electric vehicle chargepoints to meet the needs of businesses in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector

☒ A specific part of the energy sector, or another body:

N/A – We do not think any party should be legally responsible for *providing* chargepoints. See comment on Q6.

12. Who, in your view, should be legally responsible for providing sufficient electric vehicle chargepoints to meet the needs of visitors in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector

☒ A specific part of the energy sector, or another body:

N/A – We do not think any party should be legally responsible for *providing* chargepoints.

13. How might placing this statutory requirement on the organisations you've selected affect:

provision of chargepoints?

Concerning the statutory requirement to *plan* for the provision of chargepoints, the REA believes that this will support the ability for local authorities and CPOs to provide the right charging infrastructure in the right the locations. This would mean that, regardless of the number of chargepoints provided in any given area, they would be well utilised and correctly meet the needs of the user.

This should be supported by advice and guidance, as well as a consistent infrastructure planning and procurement methodology, provided to local authorities – ideally by UK Government. This will ensure that any planning is fit-for-purpose and comparable between local authorities. It will also simplify the tender response process for chargepoint suppliers who wish to compete to install charging infrastructure in different local authority areas. At present, local government charging infrastructure procurement varies considerably from one local authority to another, thereby increasing the resources required by suppliers to respond.



chargepoint investment?

The REA would raise the concern that a statutory requirement for the *provision* of chargepoints for stakeholders in a given geographical area could lead to uncompetitive investment into chargepoints offered by a single provider. This would lead to local monopolies, depending on when such a statutory requirement comes into force.

**14. What views do you have on how the statutory duty to:**

plan for sufficient chargepoints should be enforced?

Without any proposals on what exactly constitutes “planning” in this context, we cannot make any detailed suggestions as to how such duties should be enforced. As a minimum, we would expect the duties to be monitored by UK Government, and for the plans to be made public.

As a general comparison point, we would suggest that the production of local charging infrastructure plans to be monitored and enforced in a similar way to how local air quality action plans are enforced. Under this model, each local authority would be given a deadline to provide UK Government with a charging infrastructure plan. These plans would then be assessed and either accepted or refused by Government, based on whether or not they are fit-for-purpose.

provide sufficient chargepoints should be enforced?

N/A – We do not think such a duty should be imposed. See comment on Q6.

**15. In your view do other obligations placed on the organisations you’ve selected:**



complement with the proposed duties?



conflict with the proposed duties?

Explain why?

A statutory obligation to plan for the provision of charge points on LAs would complement their other activities and duties, including:

- Public health; increased local EV adoption would contribute to improved local air quality
- Economic development; reduced operating costs of local business fleets, while making the location attractive for inward investment from organisations with existing EV fleets
- Highways, where applicable; local authorities are best placed to integrate EV charging into wider transport plans

**16. What, in your view, 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?

The REA expects that the benefits resulting from a statutory duty to plan for (not to ensure) the provision of adequate charging infrastructure include those mentioned in our response to question 13(a). In addition, the duty to plan will help ensure that fewer LAs are left behind. The duty will encourage all LAs to engage with the subject matter of EV charging, resulting in a greater number of high-value tender opportunities. This will contribute to greater private investment in local charging networks, contributing toward the reduction of geographical inequities in EV charging infrastructure provision.

costs expected  
as a result of  
introducing a  
statutory duty  
to plan for and  
ensure  
adequate  
charging  
infrastructure  
provision in a  
given  
geographical  
area?

No response – We are not positioned to estimate the specific costs this would create for individual local authorities.

**17. What level of additional resource would be needed to plan for and provide sufficient charging infrastructure and how does this vary depending on who this obligation is placed upon?**

N/A – We are not positioned to estimate the resourcing requirements this would create within local authorities.

## Chargepoints in non-residential car parks

18. Should, in your view, we seek powers to set a minimum level of EV charging infrastructure for all non-residential car parks?

☒

Strongly agree (Go to 'Chargepoints in non-residential car parks')

☐

Agree (Go to 'Chargepoints in non-residential car parks')

☐

Neither agree nor disagree (Go to 'Chargepoints in non-residential car parks')

☐

Disagree

☐

Strongly disagree

☐

Don't know? (Go to 'Chargepoints in non-residential car parks')

### COMMENT on Q18

Whilst we strongly agree that Government should take powers, we do not believe Government should set a "one size fits all" quota for all car parks, and we think there should be sensible exemptions. This will prevent EV infrastructure being installed where it is not needed, allowing industry resources to be focussed at providing the right type of infrastructure, in the right numbers, at the right location.

### 19. Why not?

N/A

20. As you are against the proposal, and other question are about implementation of that proposal, you may now either: \*

☐

continue answering questions about chargepoints in car parks?

☐

go to the next on the Rapid Charging Fund? (Go to 'Making the Rapid Charging Fund')

21. Should, in your view, these powers apply to all car parks that are:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
publicly accessible (for example retail, leisure and healthcare car parks)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
not publicly accessible but provided for the use of a particular group (for example as a workplace car park)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENT on Q21, publicly accessible car parks**

We support this for the same reason and with the same conditions as explained in comment to Q18.

**COMMENT on Q21, not publicly accessible car parks**

We believe that chargepoints installed on private land should be a private matter, with decisions based on the specific demands of the freeholders, leaseholders and tenants of the site.

22. Should, in your view, there be exemptions to the requirements for chargepoints in car parks?

- ☒ Yes
- ☐ No (Go to 'Chargepoints in non-residential car parks')
- ☐ Don't know? (Go to 'Chargepoints in non-residential car parks')

**23. In your view which groups, types of car park or circumstances should be exempt from the requirements?**

The REA is supportive of possible exemptions to the requirements for the following types of car park, circumstances, and groups, with the caveat that a relevant regulator should have the power to make a judgement call based on guidance, on a case-by-case basis, and with consideration of whether a reasonable effort has been made by landowners to install charge points without negative impact:

- Car parks in the site boundary of listed buildings;
- Car parks in conservation and natural heritage areas;
- Car park spaces where the inclusion of a charge point risks impeding the implementation of any future accessibility requirements (e.g. due to size of car parking space, proximity of walls, presence of curb or other low-level obstacles);
- Any landowner with office space or work space;
- Car parks with excessive installation costs (e.g. rural areas);
- Car parks located in regions where there is insufficient electricity supply;
- Car parks that are not utilised enough for EV charging infrastructure to be commercially viable, even in the long-term.

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

The REA is supportive of one charge socket in every four spaces, and additionally, ducting and cabling should be installed for a further one in every four spaces. For both of these suggestions, the REA recommends they be installed between two spaces so that, for example, one dual-socket charger could cover two parking spaces, so that one installation might cover the requirement for eight spaces.

Depending on the nature of the site, the ideal type of infrastructure might be different. For example, a long-stay car park might benefit from a larger quantity of low-power charging infrastructure, whereas a supermarket car park might benefit from a lesser quantity of high-power charging infrastructure. Site-level criteria such as this should be considered within any regulations, to ensure that consumers can access the right infrastructure in the right locations.

25. Should, in your view, the landowner of the car park be responsible for ensuring there is the required level of charging infrastructure provision?

☒

Yes (Go to 'Chargepoint implementation')

☐

No

☐

Don't know? (Go to 'Chargepoint implementation')

#### COMMENT on Q25

We believe that landowners should be responsible, as they are the long-term beneficiaries. They should not be required to own/operate the infrastructure, but they should be responsible for seeing that it is provided.

26. Who would you have responsible instead of the landowner?

N/A

27. Who, in your opinion, would be an appropriate body to operate at a local level to enforce the proposals?

We believe that, of all existing bodies, local government building control bodies are the most ideally placed, with the experience and capabilities to enforce these proposals – assuming they were resourced to do so.

28. Do you agree or disagree that the requirements be enforced with a scheme of penalties?

☐

Strongly agree

☒

Agree

☐

Neither agree nor disagree

☐

Disagree

☐

Strongly Disagree

☐

Don't know?

Why?

Without penalties, we question the value of introducing the legal requirements in the first place.

The REA is supportive of a sliding-scale of penalties, with landowners owning a car park with more car parking spaces being more liable than landowners owning a car park with less parking spaces.

At this stage, we cannot strongly support the enforcement of proposals that are yet to be developed. We therefore reserve the right to adjust our position based on the detail of any proposals produced.

**29. What, in your view, are the benefits expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?**

Requiring landowners to install EV charging infrastructure will increase the number of locations that offer EV charging. This will bring greater fairness to the coverage of EV charging infrastructure across the UK. Done correctly, this will also improve consumer confidence in EVs and encourage further uptake.

**30. What, in your view, are the costs expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?**

This will vary from site to site and is impossible to determine in the absence of more detailed proposals.

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

N/A – This is beyond our knowledge.

**32. How many new non-residential car parks, not associated with a building and not falling under our building regulations proposals, do you think will be built over the next 10 years in the UK?**

N/A – This is beyond our knowledge.

**33. Do you agree with the costs, assumptions and impacts set out in the impact assessment?**

- ☐ Yes (Go to 'Chargepoint impact assessment evidence')
- ☐ No
- ☒ Don't know? (Go to 'Chargepoint impact assessment evidence')

**COMMENT on Q33**

The REA response in 2019 to the 2019 consultation impact assessment was that we agreed initially, but had not been able to see the underlying modelling. Now that this impact assessment is two years old, we cannot agree to it without further details or an explicit justification for why the same assumptions are still applicable in 2021.

**34. Why not?**

N/A

**35. Provide any supporting impact assessment evidence.**

[Attach any evidence to your response]

Comments:

No response



# Making the Rapid Charging Fund

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The majority of our membership support that primary powers are taken to mandate more competition at service areas. However, this support is based on our present understanding that such powers are considered to be a last resort. Members holding this view believe that, by having multiple chargepoint operators within individual sites, consumers will be free to choose between competing suppliers, even when they are forced to use a particular service area (i.e. they cannot reach an alternative site due to low state of charge of their EV). Having multiple operators at service areas will also prevent service area operators from establishing new monopolies by taking exclusive ownership of charging infrastructure at their sites.

The exact number of different operators required to deliver adequate competition at individual should be assessed on a site-by-site basis, taking into account present and anticipated future demand for EV charging infrastructure at each given site. In the short term, we believe that mandating there to be multiple operators per site would often be counterproductive, as each individual operator may not be operating enough chargepoints for the site to be commercially viable. Instead, the number of operators required to achieve fair competition could be increased proportionally to:

- The size and vehicle throughput of each site, which should see little significant change over time; and
- The demand for EV charging at each site, which we would expect to increase over time.

Should OZEV proceed to implement requirements for multiple chargepoint operators to compete within individual service areas, we expect OZEV to consult on the detail of how it would decide upon the number of chargepoint operators required to deliver adequate competition at each given site.

It is the unanimous view of the membership that, were service area operators permitted to establish their own chargepoint infrastructure propositions without being exposed to fair competition, this would cause significant market distortion. We also believe that this would not deliver value to customers, creating an environment where EV charging costs at service areas could be inflated in much the same way as petrol and diesel refuelling costs have

historically been inflated at service areas. Furthermore, if the cost of recharging an EV at a service area is allowed to be inflated in such a way, this would lead to negative testimony from existing EV users, impacting consumer confidence in EVs and curtailing EV uptake.

A significant minority of members are not in favour of competition being mandated at service areas, even as a last resort. Members holding this view believe that competition should take place between locations, rather than between chargepoint operators within individual locations. Under this mechanism, consumers would be free to choose between chargepoint operators in the same way that they currently choose between which service area they stop while undertaking longer journeys.

It is difficult to come to a considered view on whether powers should be taken to mandate more competition at large fuel retailers without more detail as to what is in scope – we require a definition for “large fuel retailer” to be confident in our response. Our response is based on an assumption that “large fuel retailer” relates to fuel retailers with capacity to refuel 12 or more ICE vehicles simultaneously.

On this understanding, we disagree that the Government should take powers to mandate more competition at large fuel retailers, as competition between fuel retailers has ever allowed consumers to shop around and choose between one site and another. We do not believe that the transition to EVs will impact consumer choice in this regard. Whereas consumers who would previously have made a considered choice to avoid refuelling at service areas (i.e. to avoid inflated petrol/diesel costs) may no longer be able to do so in order to complete longer journeys in an EV. This leads us to believe that the transition to EVs has greater potential to impact consumer choice in the context of service areas than for large fuel retailers.

Members unanimously agree that new and existing sites, both on and off the strategic road network, must all have fair access to funding to overcome evidencable market failures being caused by prohibitive grid connection costs. This would further support effective market competition. It would also ensure that the UK’s EV charging infrastructure network develops around the needs of the consumer, rather than the constraints of the electricity network or within the framework of the current network of service areas – that was designed to meet the needs of ICE vehicle users, not EV users.

To achieve this, we believe that the RCF must be made available to install high-power EV charging infrastructure that meets evidencable demand at both new and existing extra-urban sites on the strategic road network. Similarly, we believe that the Local EV Infrastructure Fund should be made available for industry to install high-power EV charging infrastructure that meets evidencable demand at new and existing sites on urban stretches of major roads, and potentially minor roads in the context of rural areas. Regardless of the location of a new or existing site, members do not expect public funds to be available where there is no evidencable market failure and therefore expect measures to be developed and implemented that ensure funding is not allocated where it is not needed.

We recognise that these points on the RCF and LEVI Fund are beyond the scope of this consultation. We shall therefore be submitting a separate document that sets out members views on how the RCF and LEVI Fund can support effective competition; achieve value for the taxpayer; and better meet present and future EV charging demand by being inclusive of a more diverse array of sites than has currently been proposed.

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The majority of members are oppose to these proposals on the basis of their potential impact on investor confidence. Feedback from members has shown that, even by their inclusion within this consultation, these proposals have already attracted concern from investors. Were Government to take powers to this effect, even as a measure of last resort, they would serve as a looming threat above all present and future investment in charging infrastructure at service areas and large fuel retailers. Members consider that this sends the wrong message to private investors. Such proposals are incompatible with any expectation that the UK EV charging infrastructure network development will be led by private investment.

A significant minority of members believe that such primary powers should be taken, as a measure of last resort, to ensure that Government can act to ensure that fair competition exists at service areas – but not for large fuel retailers (as competition exists between sites, explained in our response to Q36). These views are held on the understanding that any exactment of these powers would be subject to further consultation, accompanied by specific proposals, allowing industry to provide an informed and detailed response.

Regardless of whether primary powers are taken to remove existing exclusivity clauses, members unanimously agree that unlocking competition between chargepoint network operators at motorway services should and would be achieved through carefully considered conditions attached to future Government funding streams – specifically the Rapid Charge Fund and the Local EV Infrastructure Fund. As the design of these funding schemes is not within the scope of this consultation, the REA will be making a separate submission to OZEV to share our members considered views on the role that these funding schemes have to improve competition at service areas and large fuel retailers.

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

chargepoint investment?	N/A – These details are commercially sensitive and not discussed within the REA EV Forum.
provision of chargepoints at these locations?	Within the REA EV Forum, discussions around exclusivity agreements have focussed on their impact on competition and investment, not on provision. Provided the CPOs operating on the service area and/or large fuel retailer sites are fit and proper, we therefore assume that exclusivity agreements would have little impact on provision. Were Government to mandate a minimum infrastructure requirement at service areas and/or large fuel retailers, exclusivity agreements would have no impact on chargepoint provision.
other issues?	N/A

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

The REA strongly supports open access charging to promote competition between CPOs. Requiring open payment removes a considerable barrier that may prevent consumers from shopping around between different chargepoint providers operating on the same site (or on different sites, in the context of large fuel retailers).

Open payment is also particularly important to chargepoints in service areas and large fuel retailers, as a greater proportion of customers may be infrequent or one-off users of the infrastructure. For such users, the absence of open payment will create considerable inconvenience while offering little lasting benefit.

**40. How do you think we should define open access charging?**

The REA defines open access charging as equipment which can be operated without any prior contract, RFID, or app.

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The REA strongly supports that OZEV or an appointed arms-length organisation should act as a freeholder of electricity connections for MSAs. This will ensure that the power made available from the connection can be made available on fair terms to all chargepoint operators on a given site.

We are unsure about the logic in freeholding electricity connections for fuel retailers whose connection costs may be a lot cheaper with potentially only a single chargepoint operators on each site. In such cases we consider that it would make less sense for OZEV to act as the freeholder of the electrical connection. However, we would anticipate that funding would not be made available for such sites, as the investment could be made on a commercial basis. This is an area where we need greater visibility of the final design of the Rapid Charge Fund in order to come to a particular view.

**42. Do you agree or disagree that we should be able to make a body to administer, operate and own these connections?**

☒ Strongly agree

☐ Agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly Disagree

☐ Don't know?

Comments:

As indicated in a letter sent to the Parliamentary Undersecretary of State for the Department of Transport, the REA would like to see the deployment of the Fund administered and coordinated by an independent development authority accountable to Government, in addition to seeing that same fund owning the new grid connection capacity with the possibility of leasing connections to MSAs and/or CPOs.

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree that such powers be taken, in the context of service areas, on the basis that they are considered to be measures of last resort. It is important that OZEV provide industry with site-specific and evidenced-based expectations of what they consider to be adequate provision, long before secondary legislation is considered to impose site-level quotas. This will provide industry with a fair opportunity to deliver Government's desired outcomes.

For large fuel retailers, we do not believe such powers are required. This is because, if charging infrastructure is not made available at one fuel retailer, customers are more able to locate alternative sites. We believe this will generate competition between sites that will lead to a market-driven rise in the quantity and quality of EV charging infrastructure made available at large fuel retailers.

**44. What do you think are the costs expected as a result of getting powers to:**

mandate more  
competition  
between  
chargepoint  
operators at  
service areas?

N/A – We do not have evidence upon which to base a response.

mandate more  
competition  
between  
chargepoint  
operators at  
large fuel  
retailers?

N/A – We do not have evidence upon which to base a response.

remove  
existing  
exclusivity  
clauses  
between  
chargepoint  
operators and  
service area  
operators?

N/A – We do not have evidence upon which to base a response.

remove  
existing  
exclusivity  
clauses  
between  
chargepoint  
operators?

N/A – We do not have evidence upon which to base a response.

remove  
existing  
exclusivity  
clauses  
between large  
fuel retailers?

N/A – We do not have evidence upon which to base a response.

require a  
progressive  
increase the  
number of  
chargepoints  
provided at  
service areas?

N/A – We do not have evidence upon which to base a response.

require a  
progressive  
increase the  
number of  
chargepoints  
provided at  
large fuel  
retailers?

N/A – We do not have evidence upon which to base a response.

require  
chargepoint  
operators to  
offer open  
access  
charging at  
service areas?

N/A – We do not have evidence upon which to base a response.

require  
chargepoint  
operators to  
offer open  
access  
charging at  
large fuel  
retailers?

N/A – We do not have evidence upon which to base a response.

#### 45. What do you think are the benefits expected as a result of getting powers to:

mandate more  
competition  
between  
chargepoint  
operators at  
service areas?

On-site competition for price, quality, and consumer experience should benefit consumers.

mandate more  
competition  
between  
chargepoint  
operators at  
large fuel  
retailers?

N/A – We do not believe such powers are required.

remove  
existing  
exclusivity  
clauses  
between  
chargepoint  
operators at

N/A – We do not believe such powers should be taken.



service areas?

remove  
existing  
exclusivity  
clauses  
between  
chargepoint  
operators at  
large fuel  
retailers?

N/A – We do not believe such powers should be taken.

require a  
progressive  
increase the  
number of  
chargepoints  
provided at  
service areas?

Provided that any powers taken to this effect are accompanied by site-level, evidence-based expectations for chargepoint provision at each service area, we believe such powers will encourage EV charging infrastructure to be distributed evenly distributed across road networks, in line with consumer needs and expectations.

require a  
progressive  
increase the  
number of  
chargepoints  
provided at  
large fuel  
retailers?

N/A – We do not believe such powers are required.

require  
chargepoint  
operators to  
offer open  
access  
charging at  
service areas?

We believe that such powers will contribute to an improved EV user charging experience for EV users who are infrequent or one-off users of a given site. We also believe that such powers will create an environment that allows consumers to shop around and facilitates price competition between different chargepoint networks that operate on the same site.

require  
chargepoint  
operators to  
offer open  
access  
charging at  
large fuel  
retailers?

We believe that such powers will contribute to an improved EV user charging experience for EV users who are infrequent or one-off users of a given site. We also believe that such powers will create an environment that allows consumers to shop around and facilitates price competition between different chargepoint networks that operate on different but nearby sites.

**46. What in your view are the costs, including operator costs, of implementing open access charging at:**

large fuel retailers?	N/A – We do not have evidence upon which to base a response.
service areas?	N/A – We do not have evidence upon which to base a response.

**47. What, in your view, are the likely costs that will be incurred by mandating 2 or more open access chargepoint operators at:**

large fuel retailers?	N/A – We do not have evidence upon which to base a response.
service areas?	N/A – We do not have evidence upon which to base a response.

**48. What in your view are the likely consumer price impacts of mandating two or more chargepoint operators at**

large fuel retailers?	N/A – We do not believe such measures should be mandated for large fuel retailers.
service areas?	One would expect that increased competition will drive down prices, but it is too early in the development of the industry to be able to accurately predict this.

## Improving the experience for electric vehicle consumers

49. Do you agree or disagree that we should implement a consumer protection service, including the option of financial redress to consumers?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly Disagree
- ☒ Don't know?

### COMMENT on Q49

We consider it to be too early to know whether a consumer protection service or financial redress is needed, and we cannot conscientiously support or oppose these proposals until the impact of the upcoming legislation on consumer experience is known. If that legislation is successful in improving the consumer experience of using EV charging infrastructure, the need for a consumer protection service is reduced or removed, and the nature and focus of said service would be changed.

50. Should, in your view, there be a mechanism for an enforcement body to impose penalties and sanctions on chargepoint operators for a poor consumer service?

- ☐ Strongly agree
- ☒ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Don't know?

### COMMENT on Q50

Without proper enforcement, we fail to see the point in establishing rights to redress for customers of public EV charging infrastructure. However, we cannot strongly support enforcement of proposals that are yet to be developed and reserve the right to change our position once detailed proposals have been published.

51. 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)?

N/A – We do not have evidence upon which to base a response.

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

N/A – We do not have evidence upon which to base a response.

53. Do you agree or disagree that we should mandate accessibility standards for public chargepoints that includes the area around the parked car and the chargepoint?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree (Go to 'Accessible, inclusively designed chargepoints')
- ☒ Disagree (Go to 'Disagree with accessibility standards')
- ☐ Strongly disagree (Go to 'Disagree with accessibility standards')
- ☐ Don't know? (Go to 'Accessible, inclusively designed chargepoints')

54. What, in your view, are the benefits to mandating accessibility standards?

N/A

**55. What, in your view, are the constraints to mandating accessibility standards?**

The REA supports Government action to ensure disabled drivers are able to easily locate suitable chargers depending on their accessibility requirements. The REA would also welcome the British Standards Institute (BSI), who are currently working with Motability, the REA, and other REA members, to set out a system for standardised requirements for CPOs if they wish to label their particular charging locations as 'accessible' to different user groups.

The REA does not think the Government should intervene in the market until the outputs of Motability's work are published and industry is able to review them. We do not support any requirements on existing chargepoint operators to retrofit existing equipment (unless it does not comply with existing requirements under the Equality Act), or any general mandate that indiscriminately requires *all* charge points to be 'accessible'.

In summary, the REA encourages the development of accessibility standards, does not oppose the mandating of such standards, but does oppose the mandating of such standards across the board without considering the proportion of charge points which need to be accessible at each car park, the cost impact for new charge points, the cost of retrofitting existing charge points, and the existing incentive for households with the need for accessible charge points to install accessible charge points without a mandate.

**56. In your view, what are the costs of mandating accessibility standards?**

N/A – Without more visibility of the standards, it is impossible to reliably predict the costs of adhering to them. This question should be asked when the details of the standards, and how Government proposes to apply them, are published.

**57. To what extent do you agree that we should mandate accessibility standards for private residential chargepoints?**

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☒ Disagree
- ☐ Strongly disagree
- ☐ Don't know?

## COMMENT on Q57

We disagree that accessibility standards should be mandated for private residential chargepoints for two reasons. Firstly, many of the accessibility concerns for private chargepoints may not be related to the equipment. For example, the height that the chargepoint is installed at, the shape and size of a driveway or garage, or the location of the charging socket on the vehicle. Introducing strict standards may have the undesired consequence of making a residential chargepoint *less* accessible due to a combination of these external factors.

Secondly, whilst we are wholeheartedly supportive of ensuring that the benefits of owning an EV can be accessed equally by all, we believe that a private resident is free to choose an EV chargepoint and see that it is installed in a way that best meets their individual needs. Were strict standards to be mandated across all private residential chargepoints, EV users with no accessibility requirements may have to pay higher equipment and/or installation costs to comply with mandated accessibility requirements that offer no benefit to them. However, it is impossible to know what the cost implications of this would be without more detail on the standards being considered.

Where the chargepoint is being installed on behalf of a present or future resident (e.g. during the construction phase of a residential development, or by a landlord of tenanted property), we believe such chargepoints should meet specified accessibility requirements. This will ensure that the infrastructure meets the accessibility requirements of future residents.

**58. Do you agree or disagree that we should mandate industry participants to provide a safe charging experience at public chargepoints?**

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree (Go to 'Personal safety at chargepoints')
- ☒ Disagree (Go to 'Disagree with mandating industry participants')
- ☐ Strongly disagree (Go to 'Disagree with mandating industry participants')
- ☐ Don't know? (Go to 'Personal safety at chargepoints')

**59. What, in your view, are the benefits to mandating industry participants to provide a safe charging experience?**

N/A

**60. What, in your view, are the constraints to mandating industry participants to provide a safe charging experience?**

The REA disagrees with a mandate because we are uncertain who is specified as “industry participants”, and consequently, where liabilities for a safe charging experience would rest.

In principle, the REA thinks that liability for providing a safe charging experience should rest primarily with the landowner or manager of the site where the infrastructure is located. This is because the majority of the measures needed to provide a safe charging experience (e.g. adequate lighting, CCTV, weatherproofing, etc.) lie outside of the influence of a CPO. The liability should not rest with CPOs for any safety concerns relating to the area surrounding a chargepoint, or that are otherwise not directly under their control. However, sometimes a CPO may also own or manage the land on which they operate (e.g. where they have acquired land to develop their own charging hubs), and in this case should be liable for the provision of a safe charging experience.

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

This will vary considerably from one site to another and is impossible to accurately predict without more detailed proposals. This question should be asked when more detailed proposals are published.

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

CCTV (which also supports insurance and the protection of assets), and lighting that covers both the charging bay, the area around the bay and the highways/footways linking the bay to nearby amenities and/or residences.

**63. To what extent do you agree that we should take the powers to mandate requirements on industry participants to provide a safe charging experience for private residential chargepoints?**

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☒ Strongly disagree
- ☐ Don't know?

**COMMENT on Q63**

We consider that charging an EV on private residential land, and consequently the safety of the EV chargepoint user, is a private matter that should be the responsibility of the property owner and/or resident. Laws and regulations are already in place to protect the safety of residents within their own property (e.g. trespass, HSE, etc) and therefore we believe that any safety issues that would arise from charging an EV in such an environment would already be punishable under law.

**64. 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?**

- ☐ Strongly agree (Go to 'Agree with recognisable chargepoint design')
- ☐ Agree (Go to 'Agree with recognisable chargepoint design')
- ☐ Neither agree nor disagree (Go to 'Equalities information')
- ☒ Disagree
- ☐ Strongly disagree
- ☐ Don't know? (Go to 'Equalities information')



## 65. Why not?

Mandating charge point design features for the entirety of a charge point is akin to removing any design freedom from original equipment manufacturers. Some elements of design might benefit from standardisation, including: signage, bay marking and chargepoint status LED colours.

The REA supports action to make consumers familiar with the area directly around a charge point to encourage familiarity, rather than the charge point itself.

We also support powers being taken to improve signage that directs EV users towards charging infrastructure.

In general, we believe that any design elements that are to be mandated by Government should, as a rule, be easily retrofittable to existing chargepoint designs. This way, not only can the current EV charging network be more easily upgraded to meet the design standards, but EV chargepoint manufacturers will not be required to completely redesign their equipment.

There should have been two questions asked in this area; one for mandating *elements* of the design (which we would have tentatively agreed with) and one for the *entirety* of the design (which we would have strongly disagreed with).

## 66. What, in your view, are the constraints to mandating a recognisable design?

Should the Government intend to mandate the entirety of the recognisable design of a chargepoint, there would be considerable implicit constraints. This would require EV chargepoint manufacturers to redesign their equipment. This would add cost to those businesses, stifle competitive innovation, and delay the rollout of EV infrastructure while new designs were implemented.

## 67. Which, if any, aspects of the design should we be able to set (for example size, colour, form and shape)?

The REA is supportive of standardised designs being introduced for bay marking and signage. Signage in particular is an area where standardisation would have benefits, both in familiarising consumers with EV charging infrastructure, but also in helping EV users to find charging infrastructure. Standardised road signage that directs EV users to nearby sites that include charging infrastructure should be considered as a responsibility of highways authorities. In the future, we would also support the use of live signage, that informs customers on how many available chargepoints there are at a given site (similarly to how modern road signs inform users on how many parking spaces are available across multiple car parks). When within a site, standardised signage should then direct EV users to the chargepoints, which should be considered a responsibility of the site owner/operator. Another key benefit to implementing standardisation through signage is that it can be easily

retrofitted to existing sites, ensuring that the existing network does not become more difficult to use than newly installed infrastructure.

**68. What, in your view, are the benefits to mandating a recognisable design?**

We believe that standardising *elements* of chargepoint design will improve consumer familiarity with EV charging infrastructure and, in the case of signage, help consumers to locate available charging infrastructure.

**69. In your view, what are the costs to implementing any recognisable design?**

N/A – Without more detail on the proposed recognisable design that is to be implemented, it is impossible to estimate the costs of implementing it.

**70. Do you agree that the mandated recognisable design should apply to all public chargepoints in:**

☐

all locations?

☒

only specific locations?

Any standardised design elements should be applied only where they will have a meaningful positive impact on the consumer experience. For example, we believe there would be little benefit to standardising design elements for domestic or workplace chargepoints. Standardised designs should also not be applied when they are not suited to the environment in which the infrastructure is being installed (e.g. on-street residential charging where pavement is too narrow for the standardised design). Lastly, it is essential that standardised design elements are not implemented in such a way that impedes the technical design of a chargepoint (e.g. mandating design elements that impact the componentry, cooling, rigidity, repairability, etc. of existing rapid chargepoint designs).

**71. Supply any data or evidence you have about any of the proposals discussed that you think would positively or negatively impact on individuals with protected characteristics.**

[Attach any evidence to your response]

Comments:

N/A

# Final comments

## 72. Any other comments?

In several areas, the REA considers the timing of this consultation to be premature, and that many of the topics being consulted should have been accompanied by more detailed proposals from Government in order for industry to provide specific, detailed insight. In the absence of more detailed proposals, the REA and its members are only able to speculate in some areas of our response.

Questions on seeking primary powers to support the delivery of the RCF lack any context of how Government intends to achieve its policy outcomes using the RCF itself. We believe that Government should have consulted on primary powers to support the RCF alongside its anticipated upcoming consultation on the design of the RCF. This would have allowed industry to better appreciate the role of primary powers to support the RCF, framed within the context of the design of the RCF itself. By consulting on primary powers to support a fund whose design is not yet known, our member are forced to speculate as to how the RCF will deliver upon OZEV's policy objectives.

Questions on accessibility standards should have been asked once the standards being developed by Motability, OZEV and BSI had been published. Whilst our members can and do agree in the principle and the need for accessibility standards, we cannot support or oppose the implementation of standards that have not yet been published without considerable speculation. Many of the questions asked within this consultation will therefore need to be asked again when the standards are published.

Questions on rights to redress for consumers are also, in our view, significantly premature. Government is anticipated to shortly be introducing legislation to improve the consumer experience of the UK's EV charging infrastructure network. We should seek to understand the impact of this impending legislation before views are sought on whether rights to redress are needed, and what the scope or delivery mechanism of such redress should be. As a result, it is difficult for our members to agree or disagree that such redress is required without a considerable degree of speculation.

On the topic of statutory duties for local authorities, we believe the role of regional administrations has not been adequately explored within this consultation. Regional and combined authorities across the UK are already involved in the rollout of EV charging infrastructure. They offer potential resource efficiencies, both in the planning and procurement stages of public sector EV chargepoint implementation. This reduces the need for every local authority to employ officers with EV-specific knowledge and experience. Conducting EV charging infrastructure procurement at a regional level would also result in larger, more attractive tenders coming to market, which would be likely to attract and encourage competition between suppliers.