Planning and Infrastructure Bill - Committee stage briefing on EV measures

About the Planning and Infrastructure Bill

This briefing has been circulated on behalf of organisations who share an interest in increasing electric vehicle charging availability, giving more drivers the confidence to go electric. Our briefing relates to the part of the Planning and Infrastructure Bill that covers EV infrastructure.

Electric vehicles are key to achieving both the government's economic growth and clean power missions. We welcome the measures introduced by clause 43, which help accelerate the installation of public EV charge points by sweeping away needless costs and bureaucracy. It will do this by removing the need for licences and allowing chargepoint installations to instead be authorised by permits, a simpler, faster and lower-cost process.

However, public chargepoints are the most expensive way for drivers to charge. Options for consumers without driveways and in rental or leasehold properties, often on lower incomes, to access lower-cost home charging are subject to similar barriers and bureaucracy, significantly increasing the cost of switching to electric for these drivers and stifling innovation. Addressing these would yield substantial financial savings to UK consumers, reduce our reliance on volatile fuel imports and free up cash for productive investment in boosting the UK economy.

The absence of other planning and infrastructure measures to help more drivers charge at home creates an unfair two-tier system for car owners without off-street parking, jeopardising the success of the switch to electric vehicles. The 4.7 million households (19% of all households) in leasehold properties, the 8.6 million households (35%) who rent and the 7.4-9.9 million households (30-40%) without offstreet parking together make up a majority of consumers. It needs to be in these consumers' interests to switch if Government is to stay on track with legislative targets requiring most car sales to be EVs by the end of the 2020s.

There are a range of solutions that will enable more drivers to access easier and cheaper charging, and this Bill is an opportunity to help promote them, at zero cost to the taxpayer. Rather than await a future Bill, which might be 2 or more years away, Government should consider changes that will support low-cost home charging for more motorists in this session.

Costs of home and public charging

The 60%+ of consumers with off-street parking are able to install a home charger and access cheap EV and overnight tariffs typically at 7p per kilowatt hour, fully charging their EV for around £5. 90% of households with off-street parking will save by buying an EV in 2025. An average UK motorist can save £700 a year in fuel costs by switching to an electric car - if they can access electric vehicle charging at domestic electricity rates.

In contrast, drivers without off-street parking rely on public charging at an average price of 52-80p per kilowatt hour, 7-10 times more than those with driveways, and more expensive than refuelling with petrol. 40% of households without off-street parking buying an EV in 2025 would have saved by sticking with petrol.

The price of many public EV chargers are rising, not falling, principally as a result of changes to the way daily standing charges are calculated. Unless tackled urgently, the cost difference will prove an insurmountable barrier to EV take-up amongst motorists who don't have driveways.

1. Cross pavement solutions

Benefits of cross-pavement solutions - As well as measures outside the scope of this Bill, (including cutting the rate of VAT on public charging and standing charge reform), a low cost solution for drivers who can park outside their house from time to time are "cross pavement solutions" - for example a covered gully for a charging cable which can be fitted in 1-2 hours - and allow an EV owner to charge their car off their domestic energy supply whilst parked on the street. It can be achieved safely without trip hazards and is already in use or being trialled by 38 councils. Other solutions such as under pavement cables or overhead gantries are also available.

Rather than relying entirely on the rollout of a whole new network of street infrastructure, cross-pavement solutions lower the cost of the transition by utilising the existing network of domestic electricity supplies.

The cost of bureaucracy 1 - Street works - Before such solutions - for example a strip less than 1 inch wide - can be installed, they must obtain a "street works licence" from the principal local authority under section 50 of the New Roads and Street Works Act 1991 which can cost from £500 to almost £3000, which the driver is required to pay. Added to the £1000 cost of installation and £250-500 for planning permission (see next section), these costs dramatically extend payback periods for a typical consumer who might hope to save £500-750 a year on charging. Combined with an average 12 month wait from applying for consent to a cross-pavement solution being installed, the barriers are enough to put off all but the most dedicated EV buyer. Indeed, survey evidence collected by EVA England suggests significant numbers of potential EV drivers have delayed or decided not to go ahead with their purchase of an EV because they have not been able to access a cross pavement solution.

Gas and electricity companies carrying out much more disruptive street works are able to use a much lower cost permitting system, making applications and receiving approvals via "Street Manager", the digital service used by all highway authorities in England - as will in future, thanks to clause 43 of this Bill, public charge point operators. However cross-pavement solutions cannot.

Political commentator Andrew Hunter Murray has likened the current process to "amputating your leg every time you want to cut your toenails" - we agree!

What Government has done - It has published guidance on cross-pavement solutions but this does not simplify any of the requirements relating to street works, which local authorities are obliged to follow. Nor does it require or even encourage local authorities to permit cross-pavement solutions.

Suggested amendments

- Our first two amendments, to subsection (1) and inserting new subsection (5A) make changes to section 48 of the New Roads and Street Works Act 1991 to ensure that the changes made to expand the scope of "street works" to incorporate public charge points also apply to approved cross-pavement charging solutions.
- The next two amendments, to subsections (7) and (8), amend sections 105 and 106 of the Act to define approved cross-pavement charging solutions.
- Our final two amendments, to subsection (9) of clause 43, further amend section 115E of the Highways Act 1980 to provide that cross-pavement charging solution installers, like charge point operators, are not required to obtain an additional permission from councils, where the works are capable of being authorised by either a section 50 street works licence or a street works permit.
- We have referred to an approved cross-pavement solution to ensure that local authorities are not required to accept inappropriate technology solutions via the street works process.

Clause 43, page 53, line 7 leave out "(5)" and insert "(6")

Clause 43, page 53, line 36 at end insert —
(5A) After subsection (5), insert —
"(6) References in this Part to public charge points are to be taken as including cross-pavement charging solutions."

Clause 43, page 54, line 9 at end insert —
""cross-pavement charging solution" means a local highway authority approved device, solution or apparatus to safely convey electricity from premises across or under a footway to a vehicle that is capable of being propelled by electrical power derived from a storage battery (or for discharging electricity stored in such a vehicle);"

Clause 43, page 54, line 23 at end insert —
"cross–pavement charging solution section 105(1);"

Clause 43, page 54, line 35 at end insert —
"cross-pavement charging solution" means a local highway authority approved device, solution or apparatus to safely convey electricity from premises across or under a footway to a vehicle that is capable of being propelled by electrical power derived from a storage battery (or for discharging electricity stored in such a vehicle);

Clause 43, page 55, line 5 at end insert—
"References to public charge points are to be taken as including cross-pavement charging solutions."

Member's explanatory statement
This amendment will extend the easements being provided to public charge points of installation without the need for a section 50 street works licence to approved cross-pavement charging solutions.

2. Planning permission and permitted development

The cost of bureaucracy 2 - Planning permission - Despite their silent operation, absence of odour and unobtrusive scale (many chargers are less than a foot square at the front and less than 6 inches deep, smaller than a small shoebox), home chargers require planning permission whenever fitted to a property that does not have off-street parking, or where they face onto and are within 2 metres of the pavement (in all areas, not just in conservation zones or on listed buildings). This must be sought from the planning authority, which means that in 2 tier local authorities, prospective EV buyers may find they are permitted to install a cross-pavement solution to convey the electricity to their car by the country council but are barred from installing a charger to supply it by their district council.

What Government has done - The Sunak administration consulted on extending permitted development to all home chargers more than 1 year ago but Government has yet to respond.

Suggested amendment - This amendment gives Parliamentary approval to the proposals consulted on by the previous administration, which are so far unanswered by the current Government. It directly amends Part 2 (minor operations) of Schedule 2 (permitted development) to the Order covering permitted development.

In line with those proposals, subsection (3) removes requirements relating to the 0.2 cubic metre size and 2 metre minimum distance from the highway for charge points which face onto the highway. Subsection (4) makes similar changes for "upstands" for charge points and increases the maximum height of these to 2.7 metres where they are not within the curtilage of homes. Subsection (5) creates permitted development rights, in certain circumstances, for storage units to support the operation of more powerful EV upstands.

In addition to the consultation proposals, subsection (2) extends permitted development from off-street parking areas to areas adjacent to a public highway lawfully used for on-street parking where a local highway authority approved cross-pavement charging solution is installed. This will allow consumers using an approved cross-pavement charging solution to safely plug in their electric vehicle, rather than rely on a slower (and potentially uninspected, and therefore less safe) 3-pin plug.

Subsection (3) also suggests creating a new restriction that outlets and associated plugs not overhang the public footway by more than 150mm, to enable homes without any set-back or front yard to fit a low-profile charger without causing nuisance from cables and plugs sticking out too far.

To move the following clause —

"Permitted development and charging points

(1) Part 2 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 is amended as follows.

(2) In paragraph D of class D, after "parking", insert "or adjacent to a public highway lawfully used for on-street parking where a local highway authority approved cross-pavement charging solution is installed, ".

(3) In paragraph 1 of class D -
(a) omit subparagraph (a)
(b) for subparagraph (b) substitute "overhang the footway by more than 150mm perpendicular to the property boundary including the cable plug when it is plugged in;"

(4) In paragraph 1 of class E —
(a) in subparagraph (a)(ii) for "2.3" substitute "2.7"; and
(b) omit subparagraph (b).

(5) After class E insert -
"Class EA - Ancillary equipment for electrical upstands for recharging electric vehicles

Permitted development
EA. The installation, alteration or replacement, within an area lawfully used for off-street parking, of equipment or storage facilities to support the operation of electrical outlets for recharging electric vehicles.

Development not permitted
EA.1 Development is not permitted by Class E if the equipment and storage facilities upstand and the outlet would—
(a) not be located in a non-domestic off-street ground level car park;
(b) result in the installation of more than unit being provided for the car park;
(c) exceed 29 cubic metres;
(d) exceed 3 metres in height;
(e) be within 5 metres of the highway; or
(f) be within 10 metres of the curtilage of a dwelling house or block of flats.

Conditions
EA.2 Development is permitted by Class E subject to the conditions that when the development is no longer needed as equipment or storage to support the operation of charging points for electric vehicles—
(a) the development is removed as soon as reasonably practicable; and

(b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

Member's explanatory statement
This amendment implements the measures consulted on in February 2024 on changes to the permitted development rights for the installation of chargepoints. It also extends them to charge points powering EVs which are parked on the street, where an approved cross-pavement charging solution is the charger does not overhang the footway by more than 15cm.

3. The right to charge

The worst rights in Europe - For the 4.7 million households (19% of all households) in leasehold accommodation, and 8.6 million households (35%) in rented accommodation, the UK has the worst legislative provision for EV charging out of the 6 largest markets in Europe. This includes no legal provision regulating the installation of charging points in private environments - all stakeholders, including tenants, landlords, leaseholders and freeholders need to approve the project. No justification is needed to oppose a project, with no legal deadlines or standardised procedures to respond - and no obligation to even answer a request.

There is substantial survey evidence, collected by EVA England, of many landlords and freeholders simply refusing permission to tenants and leaseholders to install chargepoints, even when they offer to pay the upfront costs. For the transition to EVs to be successful, drivers need to be able to install home charge points, where reasonable and at a fair price, wherever they live.

What Government has done - The Johnson administration made welcome changes to legislation in 2021 to require that new homes, as well as residential buildings undergoing major renovation with more than 10 parking spaces, have at least one EV charge point per dwelling. However no other changes have been made or even consulted since that date.

Suggested amendment
Subsection (1) allows the occupier, or a leaseholder, to apply to the owner, as well as anyone with a commercial interest (for example in the case of a tenant of a leasehold flat, the leaseholder). Subsection (2) sets out basic information that must be supplied. Subsection (3) places a limit on the frequency of applications. Subsection (4) sets out minimum requirements in how the recipient or recipients respond to the application, whilst subsection (5) sets out the grounds on which the recipient may refuse the application and subsection (6) sets out the timing of a response. Subsection (7) gives Government the power to make regulations limiting who can make the application (for example, someone who had occupied the premises for less than 3 months) whilst subsection (8) gives the power to issue guidance to which applicants and recipients of requests must have regard.

The clause does not make any provision as to who should pay for the installation of a charge point. A landlord who agrees to the installation of a charge point would be under no obligation to pay for it.

To move the following clause —

"Right to charge
(1) Except as provided in subsection (7), an occupier or a leaseholder of domestic or non-domestic premises ("an applicant") may apply to the owner of the premises, and anyone else with a commercial interest ("the recipients") in the property to install a charge point for use by the occupier or the leaseholder.

(2) An application under this section must—
(a) state that it is such an application, and
(b) provide information about the charge point proposed to be installed.

(3) An applicant may not make more than two applications under this section to the same recipients during any period of 12 months.

(4) A recipient to whom an application is made—
(a) shall deal with the application in a reasonable manner,
(b) shall not refuse the application unless the applicant has been consulted about the application, and
(c) shall notify the applicant of the decision on the application within the decision period.

(5) A recipient shall only refuse the application because they consider that one or more of the following grounds applies—
(i) the burden of additional costs to the recipient,
(ii) detrimental effect on access to the property,
(iii) detrimental effect on the structural integrity or safety of the property,
(iv) additional costs to, or detrimental effect or cancellation of, buildings insurance,
(v) such other grounds as the Secretary of State may specify by regulations.

(6) For the purposes of subsection (4)(c) the decision period applicable to an applicant's application under subsection (1) is—
(a) the period of two months beginning with the date on which the application is made, or
(b) such longer period as may be agreed by the employer and the employee, before the end of the two month period.

(7) Provision may be made in regulations to exclude specified persons from making an application under subsection (1).

(8) Applicants and recipients must have regard to any guidance prepared from time to time by the Secretary of State."

Member's explanatory statement
This amendment will give all tenants and leaseholders (subject to exceptions in regulations) the right to request installation of a home electric vehicle charger from landlords, and anyone else with a commercial interest. It sets timescales for response and legitimate grounds for refusal. It does not require the landlord to pay for or manage the installation.

About our organisations

EVA England is a membership organisation supporting existing and prospective EV drivers, and championing policies that accelerate EV adoption. Our mission is to make England a better place for EV drivers by advocating on their behalf to the Government, local authorities, industry and media.
Dr Vicky Edmonds, Chief Executive, EVA England,
vicky.edmonds@evaengland.org.uk

Kerbo Charge is a provider of award winning through-pavement channel solutions that residents use to charge safely at home. It is now live with 25 local authorities, and is in trials with 13 more.
Ben Whitaker, Chief Technical Officer, Kerbo Charge,
ben.whitaker@kerbocharge.com

New AutoMotive is a think tank and data consultancy which works to increase the pace of the clean energy transition in road transport. We use analysis to inform the public and influence policy development, publishing regular data and research on the switch to electric and what government needs to do to make this happen.
Ben Nelmes, Chief Executive, New AutoMotive, ben@newautomotive.org.

The REA is a not-for-profit trade association, established in 2001. It is a coalition built to be the voice for renewable energy and clean technology in the UK. We are the largest renewable energy and associated clean technology body in the UK, with around 500 member organisations representing every type of renewable energy.
Matt Adams, Head of Transport and Innovation, madams@r-e-a.net