

Environment and Sustainable Transport Committee

27 November 2018

Ultra-Low Emission Vehicle (ULEV) Policy and Action plan

Report by Director, Communities

Call-in deadline: 5pm on Tuesday 11 December

Purpose

To approve the Ultra-Low Emission Vehicle (ULEV) policy and action plan.

Recommendations of the Portfolio Holder for Environment and Sustainable Transport

To **resolve** that -

1. The ULEV policy and action plan, as set out in Annex 1, be agreed.
2. The Committee delegates authority to the Assistant Director Transport, Highways and Regulatory Services, in consultation with the Chair, Environment & Sustainable Transport Committee, to bid for funding and arrange subsequent installation where appropriate of ULEV infrastructure.
3. The Committee delegates authority to the Assistant Director Transport, Highways and Regulatory Services, in consultation with the Chair, Environment & Sustainable Transport Committee, for publication and promotion of a simplified Policy document

Key Points

- A. Our daily choice of how we move around our city has a huge effect on air quality with poor air quality contributing to poor health and lower life expectancies. The Council remains committed to encouraging people to travel actively and by public transport, but recognises it is not always easy or possible for journeys to be made by means other than a motor vehicle.
- B. Encouraging residents and businesses to switch the vehicle they use to an Electric Vehicle (EV) will help improve air quality as tailpipe emissions from these vehicles are zero and the council has a manifesto commitment to deliver 100 EV charging points over 4 yrs. Fulfillment of the Action Plan, contained on pages 15 and 16 of the Policy, will achieve this aim.
- C. The Committee is asked to approve the Ultra-Low Emission Vehicle (ULEV) Policy as set out in Annex 1. The Policy provides context around current and future demand and the types of charging point available before setting out how the Council will go about facilitating the placement of chargers on Council land in the borough.
- D. The Committee is also asked to agree the Action Plan, which details how the Policy will be implemented and provides a guideline on delivery dates, depending on availability of resources

- E. Financial support is available from sources such as the Mayor's Air Quality Fund and the Office for Low Emission Vehicles (OLEV) which in London is coordinated by GULCS, London's Go Ultra Low City Scheme, a partnership between TFL, GLA and London Councils.
- F. Where possible, the recommended actions (such as fully novating the Source London contract and seeking to use the GULCS contract to instal rapid chargers) are cost neutral to the Council, apart from staff time. This underlines RBK's role as facilitator rather than owner of a network of chargers which would bring issues around maintenance and obsolescence.
- G. We will investigate options with the Mayor's Air Quality Funding and the next round of GULCS residential charging funding in Autumn/Winter 2018.
- H. We will seek match funding from section 106 and Community Infrastructure Levy funding streams through the Council's capital bidding process in 2019/20 and beyond, which - subject to agreement - will allow consideration in the round of the varying demands on these funds.
- I. Bidding to GULCS for funding to instal rapid chargers is open now. We are working with the TfL project team that is responsible for growing the rapids network in London. So far they have installed one rapid charger in the borough at Ace Parade, Hook Road by the junction with the A3. London Councils Transport & Environment Committee has agreed that boroughs should suggest 20 further potential sites by end of Jan 2019 for TfL to assess and we are working towards this target.

Context

- The Mayor of London's Transport Strategy aims to make London's transport network zero emission by 2050. It notes that even with higher levels of walking, cycling and public transport use, motorised vehicles will remain a feature of London's streets, which requires strong policies to encourage vehicles to be as clean and energy efficient as possible.
- The Government intends to ban the sale of new non-hybrid petrol and diesel cars by 2040.
- RBK's draft Sustainable Transport Strategy, which forms part of its third Local Implementation Plan (LIP3) includes objectives around reducing the harmful effects of transport on health and the environment, and its contribution to climate change.
- The air quality measure seeks to implement measures to improve air quality through reducing traffic levels, encouraging more fuel efficient driving techniques and the greater use of zero and low emission vehicles. In order to address the impact of climate change there needs to be a reduction in greenhouse gases, which can be supported by a switch to more sustainable modes and greener vehicles.

- Further context, including details of the current EV charging network in the borough, levels of EV ownership and projections around increase in demand over the next few years are included in Appendix A which should be read in conjunction with this report. See also RBK Public Health's Annual Public Health Report 2018 titled Clearing the Air for further background on the health implications of poor quality air and Kingston's response.

Proposal and Options

1. The proposed Policy and Action Plan are set out in Annex 1
2. It is important to consider the role the Council will play in the growth of ULEV. The number of charge points available on private land including supermarket car parks and on the Transport for London Road Network (TLRN) in the borough is rising, helped by planning conditions and investment from energy firms. With large charge point operators joining forces with energy companies, we anticipate seeing rapid chargers on petrol station forecourts at some point in the near future.
3. The choice for RBK between becoming a Scheme Partner or Scheme Operator could determine the speed of rollout and will determine what level of risk and financial responsibility the Council retains.

- Local Planning Authority

In its role as LPA, the Council can condition developers to include ULEV (both active and passive) charging points as part of a proposed development.

- Scheme Partner

In a role as Scheme Partner, the Council would work in partnership with the Scheme Operator to identify and introduce charging points, with a monetary reimbursement provided by the Scheme Operator. Responsibility for implementing and managing charging points remains with the Scheme Operator. For this ULEV policy, the Council is planned to be the Scheme Partner.

- Scheme Operator

The Scheme Operator is responsible for managing the scheme at its own cost. This includes promoting and marketing the scheme, implementing a dedicated website or microsite, administering the application and registration process for scheme users and reimbursing the Scheme Partner in accordance with the conditions of the contract.

This report recommends that the Council operates as a Scheme Partner rather than a Scheme Operator. By doing so, the Council bear little financial risk (the cost of installation and management of charging points is borne by the Scheme Operator). As a Scheme Partner, the Council also controls the siting of charging points in consultation with the Scheme Operator. Therefore, no new charging

points can be installed without the consent of the Scheme Partner. This role is seen as appropriate for a local government authority.

Policy

The following table details how the Council will go about facilitating expansion of the EV charging network in the borough in respect to each type of use:

Type of use	Policy objective	Charge point speed	Council role	Scheme operator
<u>Residential charging on street (publicly accessible)</u>	Support those without access to off-street parking	Slow and/or fast	Scheme Partner	Council-approved Scheme Operator
	Criteria for implementation <ul style="list-style-type: none"> • Street type - local streets • Land use / centre type - residential without off-street availability • Not within 400m of alternative slow or fast charging point (unless usage warrants) • Scheme operator to reimburse council for lost parking income 			
Type of use	Policy objective	Charge point speed	Council role	Scheme operator
<u>Residential charging off street (private)</u>	Ensure adequate provision for ULEVs in new developments	Slow and/or fast	Local Planning Authority	Council-approved Scheme Operator
	Criteria for implementation - As per London Plan			
Type of use	Policy objective	Charge point speed	Council role	Scheme operator

<u>Car clubs</u>	Enable 50% of car club vehicles to be ULEV by 2025 – supporting the Mayor’s Transport Strategy	Slow and/or fast	Scheme Partner for Council land & Local Planning Authority for non-Council land	Council and/or car club approved Scheme Operator
	<p>Criteria for implementation</p> <ul style="list-style-type: none"> • Street type - local streets or off-street car park • To be implemented as part of a wider car club strategy or development condition. 			
Type of use	Policy objective	Charge point speed	Council role	Scheme operator
<u>Rapid charging off street (publicly accessible)</u>	Facilitate a network of off-street rapid charging points across the borough, on both council and privately owned land, close to strategic routes and in/around major town centres, transport hubs and industrial areas	Rapid	Scheme Partner for Council assets and Local Planning Authority for non-Council assets	Council-approved Scheme Operator
	<p>Criteria for implementation</p> <ul style="list-style-type: none"> • Street type - off-street hubs in proximity to streets with high ‘movement’ or high ‘place’ function (core road, high road, city hub, city street, city place) • Land use / centre type - close to strategic routes and in/around major town centres, transport hubs and industrial areas. • Availability of alternative charging point - not within 400m of alternative slow or fast charging point (unless usage warrants). 			

Type of use	Policy objective	Charge point speed	Council role	Scheme operator
<u>Destination/ top-up charging on street (publicly accessible)</u>	Complement residential and off-street rapid charging network with destination/ top-up charging points on high streets and city streets – near key destinations such as shopping centres, retail parks, town centre car parks and transport hubs.	Fast or rapid (publicly accessible)	Scheme Partner	Council-approved Scheme Operator
	<p>Criteria for implementation</p> <ul style="list-style-type: none"> ● Street type - high streets and city streets ● Land use / centre type - Key destinations such as shopping centres, retail parks, town centre car parks and transport hubs ● Availability of alternative charging point - not within 400m of alternative slow or fast charging point (unless usage warrants) ● Scheme operator to reimburse council for lost parking income 			
Type of use	Policy objective	Charge point speed	Council role	Scheme operator
	Support residential and off-street rapid charging network with destination/ top-up charging points off-street	fast or rapid (publicly accessible)	Scheme Partner for Council land and Local Planning Authority for non-Council land	Council-approved Scheme Operator

<u>Destination/ top-up charging off street (publicly accessible)</u>	– near key destinations such as shopping centres, retail parks, town centre car parks and transport hubs.			
	<p>Criteria for implementation</p> <ul style="list-style-type: none"> • Street type - off-street car parks • Land use / centre type - Key destinations such as shopping centres, retail parks, town centre car parks and transport hubs • Opportunity cost - existing parking space revenue is approximately £300 per annum – which is roughly the amount that Council could expect from the Scheme Operator. 			

Requests from the public

4. Charge point requests received by RBK Sustainable Transport Team:

Address	Post code	Date received
King's Road	KT2 5JH	05/12/2017
New Road	KT2 6AP	16/03/2018
Cotterill Road	KT6 7UN	19/03/2018
Osborne Road	KT2 5HB	20/03/2018
Canbury Avenue	KT2 6JR	28/03/2018
Windsor Road	KT2 5EY	12/04/2018
Clifton Road	KT2 6PJ	12/04/2018
King's Road	KT2 5JH	09/05/2018
Dagmar Road	KT2 6DP	29/07/2018
Albany Park Road	KT2 5ST	03/07/2018
Dutch Gardens	KT2 7TT	20/08/2018
Guildhall	KT1 1EU	14/08/2018
Kings Road	KT2 5JJ	15/08/2018
Cobham Road	KT1 3AF	30/08/2018
Avenue Elmers	KT6 4SF	25/09/2018

5. There are also 13 mapped requests in the borough so far on <https://powermystreet.co.uk/>

Timescale

6. As per the Action Plan (see pages 15 and 16 of Appendix A)

Resource Implications

7. As noted in the Action Plan, there is a significant resource implication associated with the expansion of charging networks and that the pace of expansion will be dictated by the availability of resources from internal or external sources. The procurement implications of network expansion will also need to be carefully considered before implementation.
8. At present, RBK pays around £3,280 per annum electricity charges for the network of Source London chargers in the borough. Novating the Source London contract to BluePoint would make BluePoint responsible for all electricity, maintenance and running costs for the chargers.
9. Signing the license and lease agreements for the ten Source London bays with BluePoint would bring in a small income (£300 p/a) per bay to to balance loss in income from parking.
10. Regarding potential bids for funding, recipients of GULCS residential charging funding must provide match funding of at least 25% of the total capital cost. Acceptable funding sources include LIPs, Community Infrastructure Levy and Section 106. There are challenges to overcome here as our LIP pot is limited and reducing year on year. Some Councils have used LIP in this way but if RBK were to use LIP this financial year then the approved programmes would not be delivered. Should insufficient funds be available, only those projects that do not require match funding (GULCS rapids project and Source London expansion) could go ahead.
11. Our best opportunity to match fund GULCS money may be CIL and s106 funding, as long as there is enough available from developments which are not car-free, as this restriction renders this use of CIL and s106 funding difficult to justify. Bids for funding from CIL and s106 will need to be considered in the round and traded off against other potential calls on these resources. It is understood that there may well be sufficient funding through s106 to meet the match funding requirements albeit it is noted that the currently available pots of funding for Surbiton and South of the Borough are very small. In terms of CIL, further investigations would be needed on whether use of CIL would be appropriate. There is no mention of EV charging infrastructure in the CIL 123 list, though this does not preclude successful application for this funding. This will be a longer term approach with regard to both the strategic and neighbourhood portion.
12. Whichever funding stream(s) we decide to bid for, we need to bear in mind that, while challenge funds like this are popular with central Government as they allow short term capital investment, they lack the longer term revenue funding to back it up. So the ongoing liabilities including maintenance responsibilities rest at local

level. This is why working with BluePoint to help them expand the Source London network is a good option - they will pay for the charge points and their installation including Traffic Management Orders and signs and lines and importantly will maintain the points at their expense.

13. GULCS rapid chargers funding is cost neutral to Councils, including maintenance. There is a resource cost though as it takes time to select the sites, work with TfL to review them and, importantly, to work with RBK Procurement colleagues to check over the framework contract before joining it. This work can be done with existing resource providing other projects and work streams are prioritised appropriately.

Legal Implications

14. The London Local Authorities and Transport for London Act 2013 (the 'Act') contains provisions to reinforce the legal right of local authorities to provide and operate recharging apparatus for electric vehicles in any public off-street car park under the management or control of the local authority or on highways for which they are the responsible highway authority. Under the Act, a local authority may grant permission to a third party to provide and operate recharging apparatus within its borough. Where the local authority has given permission for someone else to provide charging points within its borough, that permission can be subject to such conditions as the local authority thinks fit and the local authority may require the third party to make payment of reasonable fees.
15. The Council and TfL entered into a Pan-London Partnership Agreement (Source London Scheme Agreement) for the installation and maintenance of recharging points across the borough. On 28 October 2014, Kingston, TfL and BPL entered into a Deed of Novation of the Source London Partnership Agreement, under which BPL assumed the role of Scheme Operator in place of TfL. Accordingly, there is now an existing contract between BPL and Kingston, but on the terms of the old TfL Source London Agreement, which leaves overall risk and responsibility for Scheme Charge Points with the Scheme Partners, i.e. RBK.
16. In order to reassign risk, the parties will need to enter into the following agreements:
 - (i) A Deed of Variation to the Partnership Agreement which will capture changes to the original Partnership Agreement (Source London Scheme Agreement);
 - (ii) A Supplementary Agreement which includes further provisions/conditions agreed between the Council and BluePoint to ensure that the Council's requirements in respect of certain matters are included in the entire agreement between the parties.

Having considered the relevant legislative framework and the provisions of the documents that will form the agreement between the Council and BluePoint, it is our view that the Council may proceed to do business with BluePoint in the manner proposed in this report subject to the parties negotiating and agreeing the final terms and conditions of the documents listed above.

17. With regard to the final terms and conditions, and in particular the granting of leases and licenses for BPL to operate the bays in RBK's car parks and on street, there may be legal implications such as (without limitation) covenants on title, easements burdening the land and rights of third parties, may complicate or

prohibit lease disposal or the granting of a licence. Such issues will be identified as a result of a detailed analysis of the title deeds and documents relating to each site.

Risk Assessment

18. Electrical standards will be followed to ensure any new infrastructure or changes to existing infrastructure in the highway, in car parks or on any other Council land will be designed and installed in a manner which does not endanger the public.

Equalities Impact Assessment

19. The implementation of this programme will ensure that the public sector equalities considerations are undertaken to eliminate discrimination and promote equality of opportunity and foster good relations within the protected characteristics.
20. Guidance from TfL on the siting of charge points will be followed to limit the impact on the accessibility of footways, ensuring access for all legitimate users of the footway including for example partially sighted pedestrians, people with pushchairs and people with mobility impairments so that they are not unfairly impeded by the infrastructure itself or trailing cables.
21. Best practice includes consideration, if budgets allow, of placing chargers on build-outs into the carriageway. If sighted correctly this keeps the footway free for pedestrians while having minimal or no effect on cyclists and other road users.
22. Alternatively, pop up chargers can help to solve an increasing concern about the rise of street-furniture and pavement clutter. The chargers live underneath the pavement, completely hidden from view, rising up out of the ground when needed for use.

Health Implications

23. In the UK, air pollution contributes to 40,000 premature deaths every year, with more than 9,000 in London. Encouraging take up of EVs which have zero tailpipe emissions helps improve air quality, improving the health of everyone
24. Supporting EVs is in line with the Mayor of London's Healthy Streets Agenda, helping make London's streets more pleasant places to be which has benefits on physical and mental health

Road Network Implications

25. On-street installation will require detailed consideration of the impact upon scarce kerb-space, particularly in residential areas. Expansion of the EV charging network would impact on parking if sites selected were subject to high parking stress already. To avoid this, Parking and Highways colleagues would be involved in approving any sites.
26. As the number of EVs is predicted to increase throughout the borough as described in Appendix A, the impact of lower prices for permits can be expected to encourage more car ownership and thereby have a detrimental impact on congestion and parking stress. An increase in prices for second and third permits per household should be considered, to counter this.

Environmental & Air Quality Implications

27. Supporting the switch to EVs is in line with the council's sustainability policies and Air Quality Action Plan
28. BluePoint's energy partner, SSE, source 100% renewable power for the Source London network
29. As stated in the Policy, to help combat climate change and impact to air quality due to burning of fossil fuels, the council will seek to work with operators who can ensure they source 100% renewable energy for their network.

Benefits to the Community

30. The community across Kingston will benefit from improved health due to improved air quality.

Background papers

- o None other than those referred to in this report