
Parking provision for electric vehicles

Committee considering report:	Executive on 16 July 2020
Portfolio Member:	Councillor Richard Somner
Date Portfolio Member agreed report:	13 May 2020
Report Author:	Neil Stacey
Forward Plan Ref:	EX3931

1 Purpose of the Report

- 1.1 At the Full Council meeting held on 3rd March 2020 a Motion was submitted by Cllr Carlyne Culver requesting “*The Council to designate all current and future electric vehicle charging points that are provided by West Berkshire Council as ‘EV only’ parking spaces.*”
- 1.2 This purpose of this report is to highlight the associated issues and make recommendations as to whether the Motion should be implemented.

2 Recommendations

- 2.1 It is recommended that:
 - (a) the Motion to designate all current and future electric vehicle charging points as ‘EV only’ parking spaces is not taken forward at this time in respect of on-street locations.
 - (b) an Experimental Traffic Regulation Order (ETRO) should be implemented at a trial site where an on-street chargepoint has been more frequently used. The exact terms of the restriction will need to be discussed informally with Members prior to making the Order, as will the implications of the proposed order for the appearance, size and number of additional signs that are required. The success, or otherwise of this ETRO will inform future decision as to when, where and how to roll out EV-only parking bays more widely.
 - (c) unless local circumstances dictate otherwise, all chargepoints in public car parks operated by West Berkshire Council will have their own designated and enforceable parking bay.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	None, over and above existing commitments to improve provision for electric vehicles. Costs associated with the implementation of parking restrictions for electric vehicles can be met from suitable existing capital budgets.			
Human Resource:	None.			
Legal:	None, over and above the “business as usual” input that Legal Services provide to the Traffic Regulation Order process.			
Risk Management:	None.			
Property:	None.			
Policy:	None.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		The proposed decision will have no impact on inequality.

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B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		The proposed decision will have no impact on the lives of people with protected characteristics.
Environmental Impact:		x		Environmental considerations are discussed in the main body of the report but overall the effect of the decision is likely to be neutral.
Health Impact:		x		No impact.
ICT Impact:		x		No impact.
Digital Services Impact:		x		No impact.
Council Strategy Priorities:		x		The provision of facilities for charging electric vehicles directly delivers on the Council Strategy Priority to Maintain a Green District. This report is focussed on the practicalities of one particular aspect of the provision of these facilities and will not have an additional effect.
Core Business:			x	Specific parking restrictions associated with electric vehicles could have an impact on the Council's Core Business, with an increase in workload or a change to working practices, as noted in the report. For example, enforcement of such restrictions would be the responsibility of the Parking team's Civil Enforcement Officers and any implications for existing residents' parking permit schemes would be administered by the Traffic & Road Safety team.
Data Impact:		x		No impact.

Consultation and Engagement:	<p>The issues of parking for electric vehicles was discussed at a meeting of the Transport Advisory Group (TAG) on 30th April 2020. Members of this group were presented with the information contained in the main body of this report and had the opportunity to ask Officers detailed questions and make suggestions.</p> <p>Any Traffic Regulation Orders or Experimental Traffic Regulation Orders which may be proposed as a result of Recommendation (b) would be subject to statutory consultation processes as described in the main body of this report.</p>
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4 Executive Summary

- 4.1 At the Full Council meeting held on 3rd March 2020 a Motion was submitted by Councillor Carlyne Culver requesting “*The Council to designate all current and future electric vehicle charging points that are provided by West Berkshire Council as ‘EV only’ parking spaces.*”
- 4.2 This purpose of this report is to highlight the associated issues and make recommendations as to whether the Motion should be implemented.
- 4.3 As the local highway authority, the Council has powers under the Road Traffic Regulation Act 1984 to introduce restrictions on the highway and is therefore able to implement restrictions which would prohibit non-electric vehicles from parking adjacent to chargepoints. The implementation of such restrictions, however, is subject to statutory consultation processes and there are a number of practical issues that must be considered, including:
- A perceived “loss” of parking spaces could result in objections to proposed Traffic Regulation Orders and conflict between residents;
 - Individually marked bays on the highway have the effect of reducing overall parking capacity, due to the need to make the bay large enough for the largest vehicle that could use it;
 - The exact nature of any restriction would have to be determined, for example the hours of its operation and whether a vehicle needs to be charging to be allowed to park;
 - To ensure the legality of the restriction, the correct information must be displayed on roadside signs. The number and size of signs required may have a detrimental effect on the street-scene;
 - Enforcement of the restrictions would be necessary to discourage abuse of the parking bays, with consequences for the Council’s civil enforcement officers.
- 4.4 Whilst the Council wishes to encourage and promote the use of electric vehicles, there is a balance to be struck between encouraging the uptake of this new technology and continuing to provide for conventional vehicles. The recommendations put forward by this report aim to achieve this balance.

5 Supporting Information

Introduction

- 5.2 At the Full Council meeting held on 3rd March 2020 a Motion was submitted by Cllr Carlyne Culver requesting “*The Council to designate all current and future electric vehicle charging points that are provided by West Berkshire Council as ‘EV only’ parking spaces.*”
- 5.3 This purpose of this report is to highlight the associated issues and make recommendations as to whether the Motion should be implemented.

Background

- 5.4 The provision of electric vehicle (EV) charging infrastructure, including for hybrid vehicles, is part of a local and national strategy to reduce carbon and particulate emissions and improve air quality. In July 2018 the government published the Road to Zero Strategy, which outlined the ambition to end the sale of new conventional petrol and diesel cars and vans by 2040, and by 2030 at least 50% of new car sales and up to 40% of new van sales being ultra-low emission.
- 5.5 Over recent years there has been a rise in the number of electric vehicles in West Berkshire and the rate of increase is expected to increase in time. In many older residential areas, where off-street parking provision is limited, EV ownership may not yet be seen as a realistic option and the level of ownership is currently lower than where residents are able to park on their own driveways and use domestic charging facilities. The Council is, however, determined to support existing EV owners and to encourage more residents to change to EVs in these residential roads, where practical.
- 5.6 To meet and facilitate the expected growth of EVs, further on-street and off-street charging infrastructure is required within West Berkshire. A significant number of the District’s older residential streets include properties that do not benefit from off-street parking, or the properties have garages which are incapable of accommodating a modern family car. These streets invariably suffer subsequent parking congestion, which poses a real challenge in providing electric vehicle charging infrastructure for residents.
- 5.7 In 2018, the Office for Low Emission Vehicles (OLEV) released funding to enable local authorities to provide chargepoints specifically for residential areas which do not benefit from off-street parking to enable residents to charge overnight. The Council submitted a bid to this fund and were awarded £72,950 towards the cost for installation of 36 charging units which are now in place in Newbury and Hungerford (locations listed in Appendix A).
- 5.8 Under the terms of the OLEV funding the chargepoints are required to remain in place for a period of at least three years.
- 5.9 Usage data provided by the suppliers has shown that most of the chargepoints have been only infrequently used, but some have been used more consistently.

Managing the road space

- 5.10 It is the duty of the local authority to manage the road network with a view to achieving the objective of securing the expeditious movement of traffic on the authority's road network
- 5.11 Local authorities have a duty to take account of the needs of all road users, take action to minimise, prevent or deal with congestion problems and consider the implications of decisions for both their road network and others.
- 5.12 Traffic Regulation Orders (TROs) are the legal means to enforce these controls and can be made for a number of reasons, including avoiding danger to persons or other traffic using the road, for preventing damage to the road or any building near the road, for controlling traffic speeds, for preventing obstructions of the road for traffic (including pedestrians) and for controlling and preventing parking.
- 5.13 There is no automatic right to park on the public highway. It is an accepted practice of modern life, but if inconsiderate parking presents a hazard, or if competition for road space from commuters or shoppers prevents residents from parking close to their homes, TROs can be proposed to provide those controls through introduction of formal parking bays and address road safety concerns through the introduction of yellow lines and regulatory signs.

Permanent Traffic Regulation Orders (TROs)

- 5.14 The primary legislation for TROs is the Road Traffic Regulation Act 1984 (RTA 84). This sets out what can be regulated and gives the powers to do so.
- 5.15 The regulations governing the process of making a permanent TRO are set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (LATOR).
- 5.16 There are numerous stages involved in creating a TRO which must be adhered to in order to ensure that enforcement can be undertaken and prosecutions safely made, where necessary. If the process is not followed it can lead to Penalty Charge Notices (PCNs) being challenged at the Traffic Penalty Tribunal in the case of parking restrictions.
- 5.17 The initial process, once a parking scheme has been designed, is that a Notice of Proposals must be published in a newspaper circulating in the area in which the road to which the TRO relates is situated and that statutory consultees, including the police and Town/Parish Councils, are notified.
- 5.18 In addition the local authority must take such measures it may consider appropriate 'for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions'. This may include the display of Notices in roads affected by the order, the delivery of letters to properties in the affected roads, advertising the proposals on the Council's website and providing copies to view at the Council Offices.
- 5.19 There is no absolute requirement to send letters out to each resident potentially impacted by a proposed TRO and in most instances it is impractical to do so given the

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size of parking schemes and the number of properties involved. Our standard practice is to erect Street Notices and notify individual properties where possible.

- 5.20 Under Regulation 8 of LATOR the Notice of Proposals must allow a period of at least 21 days for consultees and any road user to make objections in writing.
- 5.21 Following the 21 day period all responses and objections are considered through formal report and Individual Executive Member Decision. This process determines whether the proposed scheme should be amended, parts should be omitted completely, or the proposals should be introduced unchanged and as advertised.
- 5.22 As a consequence of the above process parking schemes can take many months to complete before any changes can be made on street, especially if the proposal generates many objections from residents and road users. Officers will often need to make a recommendation which balances differing and competing needs of various road users and it is rarely possible to satisfy all stakeholders.
- 5.23 A quicker process to provide formal parking restrictions on-street is to consider Experimental TROs, which may be more suitable in certain circumstances.

Experimental Traffic Regulation Orders (ETROs)

- 5.24 Many of the issues encountered when creating an Experimental TRO (ETRO) are the same as when creating a permanent TRO and use the same legislation. The key benefit for using an ETRO is the significantly reduced time taken to implement because public consultation is carried out after the order becomes live, with the restrictions already in place on-street. Whereas consultation of a proposed TRO invites objections based on how consultees *believe they may be* affected by the restriction, an ETRO invites objections based on how they *have actually been* affected and is therefore more likely to deal with facts than the fears or perceptions of stakeholders.
- 5.25 An ETRO has a maximum timespan of 18 months. If the experimental parking restrictions prove successful this ETRO can be made permanent inside the 18 month period.
- 5.26 ETROs can be used when:
- (a) Restrictions may need to be removed quickly if the restrictions are found to be ineffective or have unacceptable side-effects.
 - (b) It is anticipated that restrictions may need to be amended in the light of experience.
 - (c) It is considered to be more effective to consult with the restrictions in place than with them simply being described 'on paper'.
 - (d) Restrictions need to be put in place quickly but a temporary TRO is not appropriate.
- 5.27 They should not be simply used to circumvent the usual consultation/Notice procedures for permanent TROs and must be of a genuinely experimental nature otherwise they could be challenged by the Traffic Penalty Tribunal.

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- 5.28 The process still requires the police and statutory bodies to be consulted in accordance with LATOR, however there is no requirement to publish a formal 'Notice of Proposals' and invite objections and representations before the restrictions are implemented on-street. All that is required is that a 'Notice of Making' must be published in a local newspaper and the changes cannot come into force until seven days after the publication. It would be usual practice to notify local residents of the proposed changes beforehand, although comments received would not necessarily prevent the ETRO from being introduced.
- 5.29 There is then a period of six months during which time objections can be made and are then considered through the Individual Decision process.
- 5.30 The 18 month period of an ETRO allows a scheme to prove its effectiveness and help determine whether the restrictions should be made permanent, modified, or withdrawn.
- 5.31 If the parking restrictions are to be retained the ETRO can be made permanent under Regulation 23 of LATOR without the need for further consultation, provided this takes place within the 18 month period.

Practical considerations for introducing formal on-street EV parking bays

- 5.32 The current approach to on-street chargepoints is described on the Council's website at www.westberk.gov.uk/onstreetev. On-street chargepoints do not have their own designated parking space, as no TRO or ETRO was made when the chargepoints were installed. The decision to not introduce designated spaces was made on the basis that the chargepoints needed to be installed relatively quickly to satisfy the terms of the grant funding and it was anticipated that the time taken to go through the TRO or ETRO process would be very long due to the likelihood of receiving objections. The disadvantage of this approach is that potential EV owners may perceive that they will face difficulties in finding a place to park next to a chargepoint if non-EVs are allowed to "block" it.
- 5.33 If we were to propose introducing formal EV bays at this stage then either the permanent or experimental TRO process would have to be followed. Unless there is a recognised demand in a specific street there is likely to be significant objection from residents with petrol or diesel vehicles if measures are proposed and a marked parking space was to remain unused and unable to be used by those residents.
- 5.34 If a marked bay was introduced and reserved for EVs only it would have to be marked to a length of around 6 metres to allow for a standard length family vehicle to manoeuvre into that space. Reserving such a length of congested road space for EVs could give the impression that valuable parking space was being 'wasted' on those roads where parking is a problem for residents. Residents often park much closer to each other on congested roads than a formal individual parking bay would allow and by leaving such space it could create conflict from non-EV owners, which would be exacerbated if there were no EV owners living in that street at the time.
- 5.35 A formal marked bay would require road markings and parking signs to be displayed on-street in accordance with the Traffic Signs Regulations and General Directions 2016 (TSRGD 2016). Parking signs and posts to which they are attached need to be installed

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in the footway, which would add to street clutter, often in streets that may already have heritage/conservation considerations.

- 5.36 Parking bays for EVs could ultimately be introduced in due course as EV ownership increases in individual streets. If the restriction was to apply at all times the associated regulatory sign need not be overly visually intrusive, as per Sign 1 (Appendix B), but if it was necessary to create turnover at a space to ensure that a single EV owner did not monopolise a space without moving their vehicle for long periods the sign could start to become more visually intrusive, as per Sign 2. A parking sign of this type erected outside a property of a non-EV owner could initially create objection, but may be more acceptable once general EV ownership increases in that road.
- 5.37 While EV ownership remains low, for example where there is just one EV owner in a single street, if a chargepoint has a designated bay, it could be suggested that that resident is effectively being given their own parking space on the highway, which is an unfair privilege that the remainder of the street does not receive. The counter-argument to this is that the Council is actively encouraging and rewarding those who make a lifestyle choice which results in less environmental damage.
- 5.38 The majority of chargepoints that are already in place are located within residential streets in continuous lengths of parking bays that are already subject to parking restrictions that favour residents and prevent long term parking by non-residents. If these parking bays were to be split so that a formal EV parking bay could be provided alongside a chargepoint the TRO for the original full length parking bay would have to be amended by due process and the parking bay lengths either side of the new EV bays would have to include a parking sign showing the parking restriction that applied to those specific bays, which could add to street clutter.
- 5.39 Encouraging a more rapid change of ownership to EVs by providing incentives such as reducing the cost of resident permits for EV owning residents has been proposed in other local authority areas, however as the current annual fee for our resident permits is only £30 there is little scope to making this a realistic incentive that would sway a decision for a resident changing their vehicle to EV, unless they were already intending to do so. It may also encourage a perception of unfairness in that individuals who can afford to own electric vehicles, which are currently more expensive to buy or lease than the petrol or diesel equivalent, are unlikely to need a further subsidy.
- 5.40 The issue of enforcement of the TROs must also be considered. Given that the majority of the usage of the chargepoints will be overnight, the issuing of penalty charge notices to non-EVs parked in an EV-only space would require a change to the working practices of the team of Civil Enforcement Officers, who do not normally work in the evenings or into the night. Without regular enforcement, there would be no deterrent to parking a non-EV in an EV-only space.

Off-street car parks

- 5.41 The process for introducing and increasing the number of EV parking bays in off-street car parks does not have the same level of prescriptive legislation as there is for the provision of on-street parking, as the relevant off-street TROs make no mention of the number of EV bays within each car park. The main reference to EV parking within off-

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street TROs relate to ensuring enforcement can take place if a non-EV vehicle parks within the EV bay.

- 5.42 Currently there is just one EV chargepoint available for use by the general public in off-street car parks operated by the Council, which is located in the Kennet Centre multi-storey. This chargepoint has a dedicated bay and in order to park in it, vehicles must be both plugged in and charging. Vehicles that are not plugged in and charging, whether EVs or not, are liable to penalty charges.
- 5.43 With Capital funding allocated for 2020-21 for the expansion of public EV chargepoints, Officers in the Environment Department have begun the process of investigating how many new points can be provided and in what locations. It is anticipated that all new chargepoints in public car parks operated by WBC will have dedicated bays with the same restrictions as the one in the Kennet Centre.

Proposals

- 5.44 It is proposed that the Motion to designate all current and future electric vehicle charging points as 'EV only' parking spaces is not taken forward at this time in respect of on-street locations. At the current time it is considered that there is insufficient demand to require such restrictions and that a blanket restriction applied across the various streets in the District that have EV chargepoints would not be appropriate for the differing needs of these areas.
- 5.45 It is proposed that an Experimental Traffic Regulation Order is implemented at a trial site where an on-street chargepoint has been frequently used. The exact terms of the restriction will need to be discussed informally with Members prior to making the Order, as will the implications of the proposed order for the appearance, size and number of additional signs that are required. The success, or otherwise of this first ETRO would then inform future decision as to whether, when, where and how to roll out EV-only parking bays more widely.
- 5.46 It is proposed that, unless local circumstances dictate otherwise, all chargepoints in public car parks operated by West Berkshire Council will have their own designated and enforceable parking bay. This is easier to achieve than in on-street locations due to the requirements of the Traffic Regulation Order process being less onerous. In most cases, there is less competition for spaces than is the case in residential locations and therefore less of a risk of conflict between users.

6 Other options considered

- 6.1 The Motion could be implemented in its entirety, but in view of the practical considerations detailed in this report, this is not recommended.
- 6.2 The Motion could be rejected completely, but in view of the need to continue to encourage electric vehicle ownership and the likely rise in the numbers of electric vehicles in the District, there will come a point where some form of designated on-highway parking is required. This would also be at odds with the current approach to chargepoints in public car parks.

7 Conclusion

- 7.1 Access to public charging infrastructure is a major concern for many people when considering switching to EVs and is vital where owners do not have off-street parking. The location of dedicated EV bays has a strong influence on how often and how easily they are used by residents and therefore how much revenue, or negative feedback, they generate. New street furniture, on-street chargepoints and EV parking bays need to be positioned carefully to be accepted by communities, especially where there are already parking pressures.
- 7.2 Introducing dedicated parking bays for 'EVs only' alongside chargepoints has to follow a strict legal process for traffic orders. The decision on whether and when it is advisable to propose a formal EV bay should be a balance of what is the known local demand and what would be considered acceptable by the majority of residents. If they are brought along and are supportive during the public consultation process it will limit the amount of objection such proposals might face. Dedicated bays should not be introduced too soon or before there are at least a small number of local EV owners that might make use of them, otherwise the bay risks creating resentment amongst local residents about removal of a parking space.
- 7.3 Whilst the Council is trying to support those residents who are opting for EV/hybrid ownership until there is a greater level of ownership locally then there is highly likely to be some opposition from local residents to reserving road space for the exclusive use by EV owners when parking is generally at a premium. It is however something that should be considered in the future subject to local demand.
- 7.4 With respect to off-street parking spaces, the Council is already working on the basis that each new EV chargepoint will have its own designated space.

8 Appendices

- 8.1 Appendix A – Locations of existing on-street EV Chargepoints
- 8.2 Appendix B – Examples of regulatory signs for designated EV Parking

Background Papers:

None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

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Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: Initially, the wards of Newbury (Central), Newbury (Greenham) and Hungerford are affected but as electric vehicle chargepoints are installed beyond these areas, the issues discussed in this report will become relevant in other wards.

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Appendix A – Locations of existing on-street chargepoints

Nearest address point	Town
1 Enborne Place	Newbury
3 York Rd	Newbury
5 Argyle Rd	Newbury
12 Argyle Rd	Newbury
15 Chesterfield Rd	Newbury
24 Chesterfield Rd	Newbury
9C Chesterfield Rd	Newbury
24 Connaught Rd	Newbury
6 Connaught Rd	Newbury
15 Craven Rd	Newbury
41 Craven Rd	Newbury
67 Craven Rd	Newbury
2 Enborne Pl	Newbury
103 Greenham Rd	Newbury
67 Greenham Rd	Newbury
77 Greenham Rd	Newbury
93 Greenham Rd	Newbury
99 Greenham Rd	Newbury
57 Kings Rd	Newbury
67 Kings Rd	Newbury
1 Rockingham Rd	Newbury
3 Rockingham Rd	Newbury
3 Chesterfield Rd	Newbury
19 West Mills	Newbury
29 York Rd	Newbury
53 York Rd	Newbury
76 York Rd	Newbury
12 West Mills	Newbury
34 Charnham St	Hungerford
27 Charnham Street	Hungerford
1 Canal Walk	Hungerford
77 High Street	Hungerford
40 High Street	Hungerford
30 Park Street	Hungerford
112A High Street	Hungerford
75 High Street	Hungerford

Appendix B – Examples of regulatory signs for designated EV Parking



Sign 1



Sign 2