



Department
for Transport



Office for Zero Emission Vehicles

Consultation outcome

Street works access: electric vehicle chargepoint operators outcome

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Introduction

This outcome relates to the consultation on plans to reform [street works access for electric vehicle chargepoint operators in England](https://www.gov.uk/government/consultations/street-works-access-electric-vehicle-chargepoint-operators/street-works-access-electric-vehicle-chargepoint-operators) (<https://www.gov.uk/government/consultations/street-works-access-electric-vehicle-chargepoint-operators/street-works-access-electric-vehicle-chargepoint-operators>). It summarises the responses received, the government response and outlines the next steps.

Electric vehicle (EV) chargepoint operators (CPOs) install EV charging apparatus on the public road network.

The UK government has set ambitious targets to meet net-zero greenhouse gas emissions by 2030. Transport is the largest emitting sector for UK greenhouse gas emissions. The [majority \(89%\) of emissions from domestic transport came from road vehicles in 2022](https://www.gov.uk/government/statistics/final-uk-greenhouse-gas-emissions-national-statistics-1990-to-2022) (<https://www.gov.uk/government/statistics/final-uk-greenhouse-gas-emissions-national-statistics-1990-to-2022>). The transition to zero emission vehicles is, therefore, vital to realising net zero.

The government is committed to supporting the transition to EVs and plans to accelerate the roll out of EV charging infrastructure.

As of December 2024, the government and industry have supported the [installation of over 72,271 publicly available charging devices \(including 14,075 rapid charging devices\)](https://www.gov.uk/government/statistics/developing-faster-indicators-of-transport-activity) (<https://www.gov.uk/government/statistics/developing-faster-indicators-of-transport-activity>).

By ensuring that everyone has access to reliable and convenient public charging wherever they live, the transition to owning an EV will be easier than ever.

The installation of EV chargepoints on the public road network is subject to the [New Roads and Street Works Act 1991](https://www.legislation.gov.uk/ukpga/1991/22/contents) (<https://www.legislation.gov.uk/ukpga/1991/22/contents>) (NRSWA) and the [Traffic Management Act 2004](https://www.legislation.gov.uk/ukpga/2004/18/contents) (<https://www.legislation.gov.uk/ukpga/2004/18/contents>) (TMA). These require those carrying out street works to apply for either a permit from the relevant highway authority or, in the case of persons that are not statutory undertakers, a licence under section 50 of NRSWA.

From 5 February 2024 to 12 April 2024, the Department for Transport (DfT) carried out a consultation on a proposal that, instead of needing to apply for section 50 licences, EV CPOs should be brought into the street

works permitting regime and given access to permits when installing electric vehicle charging infrastructure.

In total, we received 89 responses to the consultation. Not all respondents answered all questions. The breakdown of those respondents is set out below.

Table 1: Number of responses to the consultation

Organisation	Number of responses
Highway authority	52
Organisation responsible for installing EV chargepoint infrastructure	18
Representative body	2
Utility company (not responsible for installing EV chargepoint infrastructure)	2
Transport authority	1
Other type of organisation	6
Not specified ^{[footnote 1]}	8
Total	89

This report summarises the overall responses to the consultation questions relating to amendments to secondary legislation and sets out the government's response.

Questions about permits and licences

Question 1 – Do you agree or disagree with our proposal to give electric chargepoint operators access to permits rather than licences?

Question 2 – What do you believe would be the benefits of giving electric vehicle chargepoint operators access to the permit regime rather than licences? Are there any specific impacts or consequences that you believe DfT should consider?

Question 3 – What do you believe would be any drawbacks of giving electric vehicle chargepoint operators access to the permit regime rather than licences? Are there any specific impacts or consequences that you believe DfT should consider?

This section of the consultation asked for views on the proposal to amend legislation to give EV CPOs the ability to carry out street works using permits instead of section 50 licences.

The application process for section 50 licences and associated costs vary greatly between highway authorities (HAs). Some HAs require bonds before licences are granted and others have extensive requirements in terms of information they need to be sent before an application will be approved. As a result, installing apparatus under a section 50 licence can be a lengthy and costly process.

HA permit schemes were introduced by part 3 (sections 32 to 39) of the TMA. Almost all HAs in England have now set up a permit scheme, which must comply with the [Traffic Management Permit Scheme \(England\) Regulations 2007](https://www.legislation.gov.uk/ukxi/2007/3372/contents/made) (<https://www.legislation.gov.uk/ukxi/2007/3372/contents/made>) as amended. Timing for the submission of permits and the time that HAs have to respond, as well as maximum fees that can be charged, is set out in [statutory guidance for street works permit schemes](https://www.gov.uk/government/publications/street-works-permit-schemes-conditions) (<https://www.gov.uk/government/publications/street-works-permit-schemes-conditions>).

EV CPOs would also be granted access to Street Manager, DfT's digital service for planning and managing works. This will provide HAs with better oversight of planned works in the area with one online source of all permit applications. This will allow better coordination of street works and reduce disruption for networks, businesses, and the public.

Not all respondents provided answers to question 2 and 3.

In total, we received 85 responses to question 1. The breakdown of those respondents is set out below.

Table 2: Number of responses to question 1

Organisation	Support	Oppose	Don't know	Total
Highway authority	18	30	2	50
Organisation responsible for installing EV chargepoint infrastructure	18	0	0	18
Representative body	1	1	0	2
Utility company (not responsible for installing EV chargepoint infrastructure)	2	0	0	2
Transport authority	0	0	1	1
Other type of organisation	3	2	0	5
Not specified	4	2	1	7
Total	46	35	4	85

The majority of respondents who responded supported this proposal. The main comments given in support included:

- section 50 licences are not designed to support the mass roll out of new technology and, as such, the process to obtain them is lengthy, costly and not fit for the purpose of EV chargepoint installation

- the use of permits would accelerate the delivery of EV chargepoint roll out across the UK to meet the increasing demand and contributing to a greener future
- a standardised process, with a standard fee across HAs would enable faster and more cost-efficient installation of EV chargepoints
- the proposal will reduce administration time for HAs processing section 50 licence applications, reducing the lead time between the EV CPO submitting their application and them receiving a decision
- EV CPOs applying for permits through Street Manager will provide HAs full visibility of proposed activities, alongside other street works in the area to allow effective coordination of work, minimising disruption for the public
- it will reduce costs of installation of EV chargepoints for those without a private driveway, and this saving could be passed on to customers

HAs were the main opposers to this proposal. Some of the concerns raised were:

- clarity on how NRSWA will apply to EV CPOs as they will be neither a statutory undertaker nor a licence holder under the proposal
- the need to ensure that EV CPOs continue to consult with HAs before installation of EV chargepoints to ensure their plans are aligned with the authority's EV chargepoint strategy
- HAs are concerned that the timings of submissions for permits as set out in the [statutory guidance for street works permit schemes](https://www.gov.uk/government/publications/street-works-permit-schemes-conditions) (<https://www.gov.uk/government/publications/street-works-permit-schemes-conditions>) may mean they will not have adequate time to assess applications comprehensively to ensure the appropriate placement of apparatus
- the need for clarification across the industry to understand who will be responsible for EV chargepoint apparatus in the long term to ensure they are well maintained, and any defects are resolved
- without an industry regulator for EV CPOs, if an installer ceases to exist who will then assume responsible for maintenance of their equipment as there is no operator of last resort meaning maintenance and repair could fall to HAs
- ensuring that EV CPOs receive sufficient training on how to use Street Manager
- how will apparatus in unsuitable locations be rejected? This is not a function of the permit scheme, with no refusal codes relating to such matters
- a reduction in section 50 applications may result in a loss of income for the local authorities

Government response

The government has decided to proceed with this proposal.

Following feedback from this consultation, identifying the need to streamline the application process to install EV chargepoints due to the increasing demand for EVs in England, we will bring EV CPOs into the street works permitting regime. EV CPOs will be given access to permits when installing electric vehicle charging infrastructure.

EV CPOs will also be given access to Street Manager, DfT's online service for planning and managing works. Once the legislation has been amended, EV CPOs will need to apply for a Street Works Act code (SWA) from Geoplace in order to be able to access Street Manager. Once this is obtained, they can then ask to be onboarded to the service.

DfT recharges the cost of Street Manager to organisations who use it, based on a sliding scale according to the number of works carried out. The cost is annual and is per organisation. It covers as many users as the organisation wants to add and covers every HA in England.

This change will be supported by a framework to ensure EV CPOs can be verified by as a registered chargepoint operator. A chargepoint operator means the person responsible for operating a public chargepoint, whether as an owner or third party as defined by the Public Charge Point Regulations 2023. Only once verified would they be granted a SWA code, enabling them to access permits and Street Manager. OZEV will provide further information about this verification process in due course.

As EV CPOs will be accessing the permit regime as a non-statutory undertaker, we will update the [Permit schemes: statutory guidance for highway authorities](https://www.gov.uk/government/publications/street-works-permit-schemes) (<https://www.gov.uk/government/publications/street-works-permit-schemes>) and the [Code of practice for the co-ordination of street and road works](https://www.gov.uk/government/publications/street-works-co-ordination) (<https://www.gov.uk/government/publications/street-works-co-ordination>) to support both EV CPOs and HAs in their operations.

In terms of concerns about where EV chargepoints are located, it should be noted that permits and section 50 licences are intended to deal with how and when the works are carried out, not where the apparatus is located.

The [Code of practice for the co-ordination of street and road works](https://www.gov.uk/government/publications/street-works-co-ordination) (<https://www.gov.uk/government/publications/street-works-co-ordination>) provides practical guidance to all those working in the highway on their responsibilities with regard to street or road works and the legislation. The guidance promotes sharing of information and consultation between interested parties at the earliest opportunity before works are carried out.

The primary aim of section 59 of the NRSWA is for the authority to coordinate works in the street with the active cooperation of all parties concerned. The authority cannot fulfil its duty under section 59 of NRSWA to co-ordinate activities affecting the street without adequate, advance notice of proposed works. All those proposing works in the street have a statutory duty to cooperate with the authority under section 60 of NRSWA. The requirements of NRSWA apply to all using either permits or section 50 licences.

Where apparatus should be placed in the highway is also covered by other guidance – for example, the [Manual for Streets](https://www.gov.uk/government/publications/manual-for-streets) (<https://www.gov.uk/government/publications/manual-for-streets>), and planning permission is needed for some types of apparatus to ensure that it is located in the appropriate place. The government has recently amended planning rules to allow permitted development rights for some types of chargepoints.

Neither section 50 licences nor permits should be used to decide where apparatus is located or, if the apparatus comes within permitted development rights, to add in additional requirements. If HAs do have concerns at the stage when a permit application is submitted, Street Manager provides an option to refuse it using refusal codes for a general lack of approval, where the permit applied for does not reflect prior agreements made.

OZEV and the Institution of Engineering and Technology have created a [guide to electric vehicle charging infrastructure for local authorities](https://electrical.theiet.org/guidance-and-codes-of-practice/publications-by-category/electric-vehicles/guide-to-electric-vehicle-charging-infrastructure-for-local-authorities) (<https://electrical.theiet.org/guidance-and-codes-of-practice/publications-by-category/electric-vehicles/guide-to-electric-vehicle-charging-infrastructure-for-local-authorities>). The guidance promotes early engagement with all stakeholders to ensure EV chargepoints are located in an appropriate place and are in line with local plans. EV CPOs should follow this guidance before submitting an application for a permit.

We do not believe, therefore, that additional refusal codes need to be added to Street Manager to allow refusal based on location. The EV CPO should be engaging with the HA prior to submitting a permit application via Street Manager. The relevant HA should be expecting the EV chargepoint application, having had time to ensure EV chargepoints are being installed in a mutually agreed, appropriate location.

Once EV CPOs have access to the street works permitting regime, they should support employees to access the existing Street Manager guidance and tutorial videos on how to use the platform to provide adequate training to those who need it.

We appreciate there are concerns around ongoing maintenance and quality of work. Under both the permitting and section 50 licencing regimes, the organisation carrying out street works must comply with requirements set out in NRSWA. These include a requirement for the undertaker to ensure their apparatus is kept in efficient working condition and gives the HA power to carry out inspections for a fee on works being carried out and reinstatements. We will ensure when amending legislation, that the same NRSWA requirements are applied to EV CPOs so that none of the existing safeguards are lost.

We are not proposing to replicate regulator industry oversight and suppliers of last resort will not be appointed. In the event of supplier failure, given the value of the assets, other suppliers may step in to assume responsibility for chargepoints, including their maintenance.

With regards to the concerns over loss of income, neither permits nor section 50 licences are intended to generate income. HAs are not allowed to make profits from permit schemes and fees cover the cost of the administration needed to approve the permit. Charges for section 50 licences should also be on a cost recovery basis^{[\[footnote 2\]](#)}. Both HAs and EV CPOs agree that processing applications for section 50 licences can be a lengthy process. Bringing EV CPOs into the permit regime will reduce administrative burdens and costs for all parties.

Questions about amendments to legislation

Question 4 – Do you agree or disagree that an amendment should be made to section 115 of the Highways Act 1980 to prevent HAs from granting permission under section 115E for EV chargepoint installation where this is capable of being authorised by a permit?

It should be noted that there is a difference between the question posed in the consultation published online and the question in the online survey.

The consultation set out the proposal to make changes to section 115 of the Highways Act 1980 to prevent HAs from granting permission under section 115E for EV chargepoint installation and posed the question above.

We are aware that some authorities may still be asking EV chargepoint installers to apply for permission under section 115E of the Highways Act 1980 in addition to the Section 50 licence or permit. Section 115E permission is not necessary if the organisation installing the chargepoint has either a statutory right to carry out street works or a Section 50 licence. Only a statutory right or a section 50 licence is required. We proposed clarifying this by amending the 1980 Act to prohibit HAs from granting permission under section 115E for EV chargepoint installation where this is capable of being authorised by a permit.

[Section 115E of the Highway Act](https://www.legislation.gov.uk/ukpga/1980/66/section/115E) (<https://www.legislation.gov.uk/ukpga/1980/66/section/115E>) empowers a local authority to grant permission to a person to place an object or structure, in or over a highway. A local authority is unable to grant this permission where the object or structure will result in the production of income unless they have first obtained the consent of the frontagers with an interest.

Frontagers are owners and occupiers of any premises that adjoin any part of the highway where an object or structure would be placed. This includes households where the EV chargepoint apparatus will be placed wholly or partly between their premises and the centre of the highway.

The online survey asked whether respondents agreed or disagreed that EV CPOs, who hold the appropriate permit, should be allowed to install chargepoints without further permission from the HA and why.

The table below shows the source used by each organisation type to answer the consultation questions.

Table 3: Ways that organisations responded to the consultation

Organisation type	Online survey/pro-forma	Consultation document	Total
Highway authority	45	7	52

Organisation type	Online survey/pro-forma	Consultation document	Total
Organisation responsible for installing EV chargepoint infrastructure	8	10	18
Other type	5	6	11
Not known	4	4	8
Total	62	27	89

While the majority (69.7%) of respondents completed the online survey or the proforma containing the same questions, there were a number of respondents who submitted their responses by email answering the consultation questions. Given this inconsistency in the questioning, analysis of this question has focused on the supporting comments.

Not all respondents answered the questions in this part of the consultation. The breakdown of those respondents that did and their responses is set out below.

Table 4: Responses to question 4

Organisation	Agree	Disagree	Don't know	Total
Highway authority	5	41	3	49
Organisation responsible for installing EV chargepoint infrastructure	16	1	0	17
Another type of organisation	1	1	1	3

Organisation	Agree	Disagree	Don't know	Total
A representative body	1	1	0	2
A utility company (not responsible for installing EV chargepoint infrastructure)	0	1	1	2
Transport authority	1	0	0	1
Not specified	2	3	0	5
Total	26	48	5	79

The 2 parts of the question attracted a range of views. There was broad agreement amongst respondents that there should be a streamlined, consistent approach to processing EV chargepoint installation applications while maintaining safety and quality standards.

HAs against the proposal raised concerns about losing oversight of EV installations, many echoing those concerns raised above. Other comments included:

- The need for HAs to be consulted on the location of proposed EV chargepoints to ensure the preservation of conservation and heritage areas.
- Clarity on how businesses and residents will be consulted on EV chargepoint installation in the area under this proposal as the on-street parking provision adjacent to the charging point will need to be reserved for EVs. This will have an impact on residents and businesses as the installation of a charging point will require restricted parking. Concerns were highlighted on how this may impact accessibility.
- The need for a defined framework on how and on what grounds HAs will be able to refuse a chargepoint application.

Those who supported the proposal made the following comments:

- Many felt that the additional requirement of some HAs to grant permission under section 115E of the Highway Act 1980 before EV chargepoint installation added unnecessary complexity and costs to the application process. The removal of this requirement would remove barriers to installation and expedite the roll of EV chargepoints.
- Some HAs agreed that granting this permission, in addition to the processing of section 50 licences, put additional pressure on their limited resources and welcomed the new proposal, alongside the use of permits to reduce the time and resources required to approve an EV chargepoint application.
- Under the proposals, the EV CPOs will have to satisfy the issuing body to become verified EV CPOs to access the permitting regime. They will have to fulfil the same obligations as a statutory undertaker when it comes to maintenance of their apparatus. Additional assurances will not be required.
- The potential benefits of the proposal include improved market efficiency which may encourage increased investment and innovation in EV charging services.
- Many EV CPOs recognised the value of stakeholder engagement prior to submitting applications but some expressed their concerns about frontagers vetoing EV chargepoint installation in an area and impeding infrastructure deployment. They felt these proposals reduced the risk.

Government response

The government has decided to proceed with this proposal.

We are aware that some authorities may still be asking EV chargepoint installers to apply for permission under section 115E of the Highways Act 1980 in addition to the section 50 licence or permit. Section 115E permission is not necessary if the organisation installing the chargepoint has either a statutory right to carry out street works or a section 50 licence. Only a statutory right or a section 50 licence is required. The Highways Act 1980 will therefore be amended to prevent HAs from granting permission under section 115E in cases where EV CPOs are seeking to install chargepoints

EV CPOs should ensure that they engage early with HAs before EV chargepoints are installed. EV CPOs should refer to the OZEV Guide to Electric Vehicle Charging infrastructure for Local Authorities when this has been

published. The guidance promotes early engagement with all stakeholders to ensure EV chargepoint installation meets the needs of local communities.

We assume that HAs will agree in advance with local residents and businesses where chargepoints should be installed as part of local plans. Local residents and businesses are consulted as part of the process for making Traffic Regulation Orders, which may be needed to designate on-street parking bays alongside the chargepoint. Additional permission by way of Section 115E should not be needed and we believe it is an unnecessary barrier to the roll-out of EV chargepoints.

Both HAs and promoters have a duty under the NRSWA (sections 59 and 60) to minimise inconvenience to people using a street, having regard, in particular, to the needs of people with a disability. Those with a disability should be considered at all stages in the planning and execution of works in the street.

The accessibility standard for public EV charging points (Electric Vehicles Accessible Charging Specification-PAS 1899) developed by the British Standards Institution (BSI) provides guidance to HAs and EV CPOs to ensure accessibility and inclusivity in the delivery of EV infrastructure.

Permitted development rights, Schedule 2, Part 2, Classes D and E of the Town and Country Planning [\(General Permitted Development\) \(England\) Order 2015](https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/2/made) (<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/2/made>) allow for the installation, alteration or replacement of charge points for electric vehicles without having to make a planning application. The rights cover both residential and public off-street parking and car parks. The rights are subject to limitations and conditions to protect local amenities and listed buildings.

HAs and EV CPOs should ensure they pay regard to all relevant legislation and national guidance including the Manual for Streets to assess the suitability of a location to install EV chargepoints and this has been mutually agreed upon before an EV installation permit application is submitted.

Next steps

The government thanks stakeholders for their responses to this consultation, as well as their engagement during its development. The evidence provided during this consultation has been beneficial in helping us develop our policy proposals.

The government plans to proceed with legislation when parliamentary time allows. EV CPOs will be given access to permits and Street Manager. An amendment to section 115E of the Highways Act 1980 will be made to disapply the permissive power for HAs to grant s115E permissions in cases where EV CPOs are seeking to install chargepoints.

In parallel with changes to primary legislation, we will make any necessary, consequential amendments to the relevant secondary legislation, that is, the Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3327). Our statutory guidance will also be updated.

The Office for Zero Emissions Vehicles (OZEV) will continue work to develop the necessary framework to ensure EV CPOs are verified to install EV chargepoint infrastructure before being granted access to Street Manager. The DfT will consult with Highways Authority and Utilities Committee (HAUC) as guidance is updated.

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1. The majority of respondents in this category did not represent an organisation and were responding as individuals.
 2. [New Roads and Street Works Act 1991 \(https://www.legislation.gov.uk/ukpga/1991/22/schedule/3\)](https://www.legislation.gov.uk/ukpga/1991/22/schedule/3), schedule 3, paragraph 2