

Equality Impact Assessment

Introduction

This document constitutes the Equality Impact Assessment (EQIA) undertaken in respect of The Building (Scotland) Amendment (No.2) Regulations 2022 as they relate to standards for the installation of Electric Vehicle (EV) charge point sockets and enabling EV infrastructure in new domestic and non-domestic buildings.

The Scope of the Equality Impact Assessment (EQIA)

The Building (Scotland) Amendment (No.2) Regulations 2022 will introduce standards that will further increase the availability of EV charge points and infrastructure in all new domestic and non-domestic buildings, both publically and privately. Our overall approach to the decarbonisation of transport is to enable a more sustainable travel and transport system but we must also ensure that this is a just transition, where no-one is left behind.

We accessed these new standards against the protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and whether there would be detrimental impacts with regards to someone's socio-economic background or where they live.

There are concerns around the availability and accessibility of EV charging infrastructure, and wider issues around the opportunity for everyone to own an EV, particularly for those that live and work in disadvantaged communities. However, given that the universality of these standards will mean that all domestic and non-domestic buildings with parking, regardless of the type of housing (private or social) and location in Scotland, will have to be constructed with EV charging infrastructure included, the overwhelming majority of which will be EV charge points, we accessed that there was no detrimental impact across the characteristics outlined above and therefore no need for a full EQIA.

However, whilst these new standards for EV charging will be to the benefit of everyone over the coming years, we recognised that there was a need to ensure that there was a minimum level of provision for accessible parking spaces. Given the aim of this legislation is to help provide a charging environment that will give all car users the confidence to make their next car an electric car, the Scottish Government believes it is appropriate to guide developers with regards to provision of EV charging infrastructure for accessible parking spaces.

Therefore, the scope of this EQIA is to focus on the impact of our proposals with regards to accessible parking spaces and those that use those spaces, which are primarily people with disabilities (including blue badge holders).

In addition, whilst our overall assessment is that these standards will be beneficial to Island communities and that the impact will not be negligibly different from what we expect the impact to be on the rest of Scotland, we have published a light-touch Island Communities Impact Assessment <[hyperlink once live](#)>.

Background

Policy Proposals

The First Minister declared a Global Climate Emergency in April 2019 and announced that Scotland will be carbon neutral by 2040 and will emit net-zero emissions by 2045. The Scottish Government's Climate Change Plan update (CCPu), published in December 2020, set out the pathway to meet Scotland's statutory greenhouse gas emission reduction targets by 2032.

With the transport sector being the largest emitter of greenhouse gases in Scotland, accounting for 29% of all emissions in 2019, and road transport making up the majority of those emissions at 66% (Scottish Greenhouse Gas Statistics), we have committed to decarbonising transport in Scotland. Scotland's ambitious climate change legislation sets a target date for net zero emissions of all greenhouse gases by 2045, with interim targets of 75% by 2030 and 90% by 2040. In line with this, the National Transport Strategy 2 sets out the strategic vision for Scotland's transport system and the national Mission Zero for transport aims to ensure people and places benefit fairly from the shift to sustainable, zero emission mobility. This underlines our ambition to deliver a healthier, cleaner and greener Scotland for current and future generations.

As part of this, we are fully committed to phasing out the need for petrol and diesel cars and vans by 2030. The transition to EV's will contribute significantly to these goals but availability and convenience of EV charging infrastructure is frequently cited as a negative factor impacting an individual's decision to purchase an EV.

To overcome this barrier, growth in EV uptake will need to be matched with growth in reliable and convenient charging infrastructure that puts consumer needs first. Overnight charging of an EV at home, for example, provides a convenient opportunity for many households. Similarly, opportunities to charge at other locations, including at workplace and leisure destinations, will be important for those without a dedicated driveway and to meet charging needs on longer journeys.

Therefore, on 26 July 2021, the Scottish Government launched a consultation: *Building regulations - energy standards and associated topics - proposed changes*. Section 7 of the consultation sought views on the requirements we proposed to set out in legislation for the installation of EV charge points and enabling infrastructure in a number of different building types with parking spaces (**Table 1**). The consultation closed on 28 November and analysis of those responses was undertaken by Harlow Consulting.

New Domestic Buildings	<ul style="list-style-type: none"> • All dwellings with a parking space to have at least one EV charge point socket with minimum 7kW output power rating. • Exemption to requirement to install EV charge point if additional cost of electricity grid connection exceeds <u>£2,000</u>. • If exemption applies ducting infrastructure to be installed in each car parking space.
Non-domestic Buildings undergoing major renovation	<ul style="list-style-type: none"> • For buildings with more than 10 car parking spaces, ducting to be installed in each residential car parking space to support the future installation of an EV charge point (unless the cost of recharging and ducting infrastructure exceeds 7% of total major renovation cost). • EV charge points sockets to be installed, with minimum 7kW output power rating, in as many residential car parking spaces as the electrical capacity of building post-renovation allows.
New Non-domestic Buildings	<ul style="list-style-type: none"> • For buildings with more than 10 non-residential car parking spaces, 1 in every 2 non-residential parking spaces to have ducting installed and 1 in every 10 non-residential parking spaces to provide an EV charge point socket with minimum 7kW output power rating.
Non-domestic Buildings undergoing major renovation	<ul style="list-style-type: none"> • For buildings with more than 10 non-residential car parking spaces, 1 in every 2 non-residential parking spaces to have ducting installed and 1 in every 10 non-residential parking spaces to provide an EV charge point socket with minimum 7kW output power rating (unless the cost of recharging and ducting infrastructure exceeds 7% of total major renovation cost).

Table 1. Policy Proposals

In addition, to ensure that those using accessible parking spaces have access to charge point sockets, we are proposing that at least 1 accessible parking space should have access to an EV charge point socket for every 4 accessible parking spaces provided. This policy will have greater implications with regard to non-domestic buildings with car parks as domestic buildings with a parking space should have an EV charge point as standard (except in some limited circumstances).

Building Regulations

Requirements applicable to building work are set through Building Regulations as a set of mandatory standards. These are simple statements on what outcomes must be achieved when undertaking building work. These standards are defined and applied at a national level and supported by a body of guidance set out in Domestic and Non-domestic Technical Handbooks. This published guidance assists by defining the scope of action expected under each standard, providing one or more examples of how compliance with the standard can be achieved. Standards can also be met through use of solutions not included in published guidance.

Stakeholder Engagement

In addition to the consultation, Transport Scotland hosted four Q&A webinars in August and September 2021 on the policy proposals for EV charge points. A number of stakeholders participated, including representatives from the public sector, disability charities, building developers and the transport sector. These webinars were open to all and advertised on the consultation website.

Specifically, we hosted an Accessibility themed webinar on 31 August 2021 to discuss these proposals with interested stakeholders – the webinar was open to the public and publicised online.

The research and the views gathered through the consultation process informed this assessment and our decision making process.

Key Findings

It is clear that the need for accessible EV charging points is essential in delivering the Scottish Government's ambition to roll out EV's across Scotland. With disabled people in the UK at 14 million and with 2.7 million predicted drivers in ten years' time, all driving consumers should benefit from more inclusive EV charging infrastructure.

Through our engagement with stakeholders, mainly through the consultation process, two areas were raised around our proposals for EV charge point socket provision in accessible parking spaces.

Firstly, a number of respondents asked for a more ambitious ratio, 1-in-2 for example, or to make developers provide access to a charge point in every accessible space provided.

Secondly, whilst not within the scope of the proposals, the consultation highlighted wider concerns around the accessibility of EV charging facilities in general, like the lack of non-kerbed areas or the limited space for manoeuvrability around the car. In addition, it was highlighted that this was a major barrier to disabled drivers making their next car electric.

Ratio

There is a reasonable question to ask around why Government has not proposed a more ambitious ratio, like 1-in-2 accessible spaces, or why not just guide developers to make all accessible spaces have an EV charge point.

For Domestic Buildings, our policy of at least 1 parking space per dwelling, so a private driveway in a new semi-detached house for example, having an EV charge point as standard (bar any cost exemption) will ensure that those homeowners, whether they are a blue badge holder or not, will have a private driveway with an EV charge point with a minimum 7kw power output. There is likely to be little or no requirements for separate accessible spaces in those types of developments but, where there is, then minimum provision will be required to be provided (and in those rare cases it is likely to be 1 or 2 spaces).

With regards to flat developments with unallocated parking, it will often be the case that a small number of accessible spaces are provided in addition to the spaces allocated for the flats in that development. Therefore, in these circumstances, the policy will likely have a greater impact in this domestic building setting.

There will be a requirement to provide EV charge point access for every space provided for each dwelling (whether allocated or unallocated) and, in addition, provide EV charge point access for 1 in every 4 accessible spaces. There will also be a requirement to ensure ducting infrastructure is provided for those accessible spaces that do not have an EV charge point to allow for future no-dig installation of an EV charge point.

For non-domestic buildings, Scottish Planning Policy provides minimum provision standards for new developments in relation to parking for disabled people¹. For retail, recreation and leisure developments the minimum provision should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers also have a duty to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% whichever is greater in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces

Therefore, in addition to these minimum provision standards for accessible parking there will be an additional requirement to provide a minimum level of EV charge points and infrastructure, and this will be over and above EV charge point requirements (**Table 1**) to ensure that adequate provision is provided for those that use these spaces. The table below (**Table 2**) is illustrative of how this would work in practice for a non-domestic car park (with accessible charge point provision rounded up):

Car Park Size	1	2	3	4	5	10	15	20	25	30
	1	0	0	0	0	0	0	0	0	0
Charge point sockets	1	2	3	4	5	10	15	20	25	30
Accessible car parking provision	3	3	3	3	3	6	9	12	14	16
Accessible parking space charge point socket provision	1	1	1	1	1	2	2	3	4	4

Table 2: New Car Parks - Accessible EV parking spaces

However, we do recognise that by not requiring all accessible spaces to have EV charge point socket access, there will be circumstances where there is not enough accessible spaces with access for the amount of drivers that need to use them, even if there is access to EV charge points in the wider car park. We believe though, that

¹ <https://www.gov.scot/publications/scottish-planning-policy/pages/10/>

this will be very rare given current EV ownership numbers and that the provision of ducting infrastructure to all accessible spaces will also future-proof those spaces to allow building owners to install charge points when demand increases and, crucially, at a lower cost than they would have to do so if retrofitting their car park.

Finally, by ensuring minimum EV charge point provision in accessible spaces, and developers have the freedom to provide more than the minimum - as they do with the rest of the car park, particularly at a non-domestic building - it will provide a more accessible charging environment to blue badge holders, for example, and give them greater confidence to make their next car electric.

Accessibility of Spaces

Whilst the accessibility of parking spaces and EV charge points is not within the scope of this legislation we do recognise that this policy will be a driver in the expansion of EV parking spaces and charging equipment, both public and private.

The design of public charge points is already carefully considered by operators, however consistent standards are crucial for drivers to easily identify which charge points are suitable for their needs. This could range from adequate space between bollards, charging units being of a height suitable for wheelchair users, size of the parking bay and the kerb height. The Department for Transport, The Office for Zero Emission Vehicles, Motability and British Standards Institution have partnered to create a set of accessibility standards for electric vehicle charge points across the UK, which were released in October 2022. Transport Scotland represented the Scottish Government on the steering group featuring key experts from Government, industry and disability charities to collectively develop these standards.

Transport Scotland have been working closely with Scottish Enterprise to fund and support innovation in developing more accessible Electric Vehicle charge points following concerns raised by stakeholders on the accessibility of charge points. These innovation challenges have just finished their second phase with £390,000 of funding administered to support prototypes being installed in partnership with local authorities in Scotland.

To ensure outcomes of our current innovation challenges and user engagement is captured, Transport Scotland is working with The Department for Transport, the charity Motability, and the British Standards Institution on the development of Accessible Electric Vehicle Chargepoint standards. The set of advisory standards will provide specifications for the installers and operators of public charging infrastructure to ensure a more accessible and inclusive charging system across Scotland, and the UK as a whole.

Conclusion

Overall, we believe that our proposals will offer a positive benefit to all, regardless of disability, or where someone may live. That is not to say that there will not be complications in the implementation of these standards and continual monitoring will be required to ensure that no-one misses out on the opportunities that it is intended

to provide, namely the opportunity for everyone to move away from petrol or diesel vehicles and make their next vehicle electric.

By ensuring that at least 25% of all accessible spaces have access to an EV charge point socket, and that all the rest of the accessible spaces are ready for no-dig activation, particularly with regards to non-domestic buildings, we believe these proposals, alongside our wider work to make EV charging more accessible, will help to ensure that these opportunities are truly available to all.

This review is being undertaken in the context of broader work across the Scottish Government to deliver change in support of Ministers' climate change objectives; reducing our transport emissions by 75% by 2030 and to net-zero by 2045. To do so, requires ambitious and challenging measures, and these proposals are in that vein and underline the Scottish Government's ambition to deliver a healthier, cleaner and greener Scotland for current and future generations.

As a result of this assessment, no new and specific mitigations are proposed to the policy or to the building standards system which implements it. However, working with stakeholders, we will continue to monitor the impact of this policy to ensure that the transition to a more sustainable travel and transport system is a just one.