

Devon and Torbay Local Electric Vehicle Infrastructure (LEVI) Project

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1) Recommendation

That the Cabinet be asked to:

delegate authority to the Director of Climate Change, Environment and Transport, in consultation with the Cabinet Member for Highway Management, to enter into concession contracts, and associated land agreements for the Devon & Torbay Local Electric Vehicle Infrastructure (LEVI) project within the funding envelope available.

2) Background

Devon County Council (DCC) declared a climate emergency in 2019 and helped to publish the Devon Carbon Plan, which sets out what needs to be done for the region to meet the climate emergency challenge. The decarbonisation of transport, including the transition to zero-emission vehicles, is a crucial part of this response as the sector represents 29% of Devon's emissions.

The Devon Electric Vehicle Charging Strategy (adopted January 2024)¹ recognises that a key barrier to the uptake of Electric Vehicles (EVs) is the availability of suitable charging infrastructure. National policy supports the role of the public sector in enabling the transition to EVs, particularly as the sale of new petrol and diesel cars is due to end in 2035. The Devon EV Charging Strategy recommends that DCC should deliver 2,000 chargepoints by 2030, with a focus on residential charging.

Over the past few years DCC has made progress and gained experience in delivering chargepoints, with the "DELETTI" project due to deliver chargepoints at over 100 car parks, through partnership working with districts, Torbay and Somerset councils. The Rapid Charging Devon project is also delivering innovative on-street rapid charging. Lessons have been learnt from previous projects and are being incorporated into future chargepoint procurement and projects. While progress has been made, the scale and speed of delivery needs to significantly increase to support the transition to EVs, particularly for approximately 180,000 households in Devon that do not have access to off-street parking and therefore cannot currently charge EV's at home.

¹ <https://www.devon.gov.uk/haveyoursay/consultations/devon-electric-vehicle-charging-strategy/>

Central government also recognises that the pace of chargepoint rollout is too slow. In 2023 the £450m LEVI Fund was announced by the Office for Zero Emission Vehicles (OZEV) to deliver a step-change in the scale and speed of chargepoint delivery. The LEVI Fund is primarily aimed at residents without access to off-street parking. Following an application process in 2023 and 2024, Devon County Council and Torbay Council have now been awarded the following funding by OZEV:

- Devon County Council LEVI Capital Funding: £7,067,000. This is one of the largest allocations in the country. (Note: Approval to spend this capital funding has previously been confirmed as part of the capital programme)
- Torbay Council LEVI Capital Funding: £958,000. (Note: relevant approvals for this funding sit with Torbay Council)
- Devon County Council and Torbay Council LEVI Revenue Funding: £660,000, provided by OZEV to cover staff and other costs associated with developing and delivering the LEVI project.

LEVI Capital Fund allocations for Devon County Council must be spent in Devon and allocations for Torbay Council must be spent in Torbay.

3) Proposal

Introduction

The Devon and Torbay LEVI project will deliver a large number of publicly accessible chargepoints across Devon and Torbay, contributing to delivery of:

- Devon County Council Electric Vehicle Charging Strategy 2023, including an overall aim to deliver 2,000 publicly accessible chargepoints by 2030.
- Torbay Council Electric Vehicle Strategy 2022, including an overall aim to deliver 800 publicly accessible chargepoints by 2030.
- The Peninsula Technology and Zero Emission Vehicle Study and district authority EV strategies including Exeter and South Hams.

The exact number of chargepoints to be delivered will be confirmed via the procurement process.

The following types of EV charging equipment will be installed as part of the project:

- Standard (<8kw) chargepoints on-street and in parish and community car parks
- Fast (22kw) and Rapid (>50kw) chargepoints in districts, Torbay, and potentially a limited number of DCC owned car parks
- Lamp column chargepoints trial and future rollout
- EV cable channels trial and future rollout

Further details about the project including the aims, approach, equipment types, and timescales are outlined below.

The approach has been developed through engagement with DCC officers, Districts and surrounding authorities, chargepoint suppliers, financial modelling, and input from the LEVI Support Body comprising the Energy Saving Trust, Cenex, and PA Consulting. OZEV has produced detailed technical guidance for the preparation of funding applications and tender

documents, and reviewed and requested changes to projects throughout the application process.

Aims

OZEVs aims for the LEVI Fund are to:

- Deliver a step-change in the deployment of local, primarily low powered, on-street charging infrastructure across England
- Accelerate the commercialisation of, and investment in, the local charging infrastructure sector

Devon and Torbay's additional aims for the LEVI project are to:

- Accelerate chargepoint delivery to promote EVs
- Focus LEVI capital contributions on:
 - Areas with grid constraints
 - Areas where higher uptake of EV are forecast
 - Areas without access to off-street parking
 - Areas where there is a gap in chargepoint demand and supply
- Ensure an equitable spread of chargepoints between and within Devon districts and across the three towns in Torbay, including:
 - 90% of residents in urban areas within a 10 minute walk of a publicly accessible chargepoint
 - 90% of residents in rural areas within a 20 minute walk of a publicly accessible chargepoint
- Deliver the right chargepoint solutions in the right locations

Delivery model

The chargepoints will be procured via a single Open Tender led by DCC as outlined below. The EV Cable Channels will be procured separately, most likely using existing highways contracts with Milestone in Devon and SWISCO in Torbay.

Devon County Council will procure Private Sector Partner(s) (PSP) to design, build, operate and maintain chargepoints via a concession contract. PSP(s) will be given a contribution towards costs from LEVI Capital Funding and granted a concession contract and associated land agreements, comprising a site lease for car park sites or section 50/ licence for on-street sites. PSP(s) will be responsible for all installation works and costs, including any fees payable. DCC will receive management fees from the supplier to cover DCC's ongoing management costs of the project. Landowners, including DCC, will receive a share of the income generated by the chargepoints.

The concessions approach is OZEV's recommended delivery model and an approach DCC has used previously for the "DELETTI" project, which delivered chargepoints in car parks across Devon, Torbay, and Somerset. The concessions approach allows the public sector to leverage a significant amount of private sector investment to increase the number of chargepoints that can be delivered. We anticipate the total value of private sector investment in the project to be in the region of £10 million to £20 million, bringing the total investment value for the project to somewhere in the region of £18 million to £28 million.

Devon County Council is the lead contracting authority. The participating Devon District authorities (East Devon District Council, Exeter City Council, Mid Devon District Council, South Hams District Council, Teignbridge District Council, Torridge District Council, and West Devon Borough Council. North Devon District Council are not currently taking part in the project and have not put forward any car park sites) and participating Devon Town and Parish Councils are also delivery partners contributing to the successful delivery of the project. The landowners, including District, Town and Parish Councils, will grant leases for installation of charging infrastructure at car parks they own or lease.

Lots

The chargepoint procurement is split into lots in order to give an opportunity for a wide range of suppliers to bid and to add resilience to chargepoint provision in Devon and Torbay. DCC will only appoint one bidder per lot. A single bidder could theoretically win multiple/all Lots if they provide the most advantageous tender (MAT) for multiple/all Lots. If this is the result of the tender process, there are benefits to a single supplier in terms of consistency of provision for customers, scale of delivery, and ease of management for DCC. The risks in terms of a potential monopoly and inflated tariffs for customers are mitigated by the large number of chargepoint operators already present in Devon and the inclusion of a “margin cap” in the contract that prevents tariffs rising above a pre-determined level.

For each Lot the chargepoint type and number of chargepoint sockets at each site has been determined. An overview of the Lots is shown in Table 1 below, showing the different technology types, where they will be delivered, funding allocations, and length of contracts. An earlier version of this information is already in the public domain as part of a market engagement exercise conducted by DCC in June 2024.

Table 1: Overview of Lots

Lot	Type	No. chargepoint sockets per site	Indicative DCC contribution (excl. Torbay)	Concessions term
1: Rapid DC 50kw+	Primarily Torbay and district owned car parks. On-street as exception	3 to 4	£750,000	13 years + 1 to 3 year extension
2. Fast AC 22kw		2, with passive provision for future expansion	£700,000	10 years + 1 year extension
3. Standard AC 7kw	Primarily on-street with town and arish and other car parks	2	£5,250,000	13 years + 1 to 3 year extension
4. Lamp-column chargepoints	On-street	2	£300,000	13 years + 1 to 3 year extension

The concession contract will be managed by a set of Key Performance Indicators (KPIs), with extensions awarded if KPIs are met, particularly for delivery on-time and geographical distribution of chargepoints. KPIs are also used to monitor and ensure compliance with requirements relating to reliability, customer service, safety, and other issues.

The concession contract and land agreements have been prepared by specialist legal support and reviewed by DCC, partner authorities, and OZEV.

A comprehensive set of technical specifications for the chargepoints was provided by OZEV and adapted for use in the Devon and Torbay LEVI project, to ensure the chargepoints delivered meet the latest technical requirements. This includes accessibility requirements and provisions for chargepoints in conservation areas.

The tender will evaluate the suitability of the suppliers to undertake the contract with quality questions focusing on their ability to deliver and collaborate, provide good customer service, and contribute to wider Net Zero and Social Value goals including Corporate Parenting.

Sites

A “minimum site list” comprising over 200, District, Torbay town and parish car park sites will be provided in the tender pack. These sites have been put forward for the project by the relevant landowners and must be delivered by the successful supplier.

A list of “recommended on-street sites” and “other potentially available district car park sites” comprising approximately 250 further sites is also included. These sites do not necessarily need to be delivered by the successful supplier.

Suppliers are expected to work with DCC and landowners to identify additional sites through the design and build phase of the project to meet their KPIs. It is anticipated that the majority of sites will be identified this way. The contract documents set out the site approval process for adding new sites. DCC, the landowner, and the chargepoint supplier all need to be in agreement for a site to be added. As part of the approval process for on-street sites the relevant DCC Neighbourhood Highway Officer, DCC Local Member and Town or Parish Council will be consulted for comment.

For on-street sites, it is anticipated that more than 90% of sites will need to be placed on a build-out in the carriageway to maintain footway widths. This will minimise potential negative impacts on people walking or wheeling on the footway, but may lead to a small reduction in car parking capacity (less than half a single parking space) in some locations.

For on-street sites, the default position will be that no Traffic Regulation Order (TRO), bay marking, or enforcement will be associated with the chargepoint. However these can be requested by the PSP or landowner, for example, if the chargepoints are regularly blocked by petrol or diesel vehicles, or if there are complaints from residents. The PSP is responsible for the costs of obtaining all relevant licences and consents including TROs if applicable. This approach has been used elsewhere in the country and we understand it has worked well, helping to reduce the cost and time of delivery and also helping to minimise complaints from residents about loss of parking capacity for petrol and diesel vehicles.

For off-street sites in car parks, the default position will be that bays are specifically marked for use by charging Electric Vehicles, with supporting Traffic Regulation Orders and enforcement where this is possible.

Timescales

Feedback from OZEV on the tender documents is imminent. The next steps in the process will be:

- Tender launched/awarded in 2024
- Mobilisation of suppliers in early 2025
- Delivery of chargepoints between 2025 and 2027
- Ongoing contract management for duration of concession contracts

At the end of the concession contracts the grid connections revert to ownership of the landowner at nil cost. The chargepoints either revert to ownership of DCC/Torbay Council/the landowner at nil cost or are removed by the supplier at nil cost to DCC at DCC's option.

4) Alternatives

Do nothing

If approval is not given to award the contract, DCC may be required to return the funding to OZEV and some of the LEVI Revenue Funding may also be clawed back. This would slow the adoption of electric vehicles in Devon and Torbay and make it harder to meet national and local climate commitments.

5) Strategic Plan

The Devon and Torbay LEVI project is well aligned with a range of Strategic Plan priorities, particularly responding to the climate emergency as set out below. In addition, the Devon and Torbay LEVI project will largely deliver the Devon Electric Vehicle Charging Strategy and make a significant contribution to the aims of the Devon Carbon Plan.

Respond to the climate emergency

The project is focused on **supporting the transition to low emission vehicles**. As set out above, the lack of public chargepoint infrastructure is a key barrier holding back the adoption of Electric Vehicles. The decarbonisation of transport, including the transition to zero-emission vehicles, is a crucial part of Devon's response to the climate emergency as the sector represents 29% of Devon's emissions.

Support sustainable economic recovery

The project represents a significant **investment in transport infrastructure** spent within Devon and Torbay, particularly when combined with the additional private sector funding that will be leveraged.

It is anticipated that suppliers will need local teams to deliver, operate, and maintain the chargepoints within Devon, **potentially providing local employment and developing skills**. Bidders will be marked on their contribution to Social Value, including supporting **apprenticeships and opportunities for care leavers**.

Increased uptake of EVs will also improve sustainable transport options, **reducing local noise and air pollution** compared to petrol and diesel vehicles. Electric Vehicles produce no Nitrogen Dioxide (NO₂) emissions at tailpipe. Particulate Matter (PM_x) emissions are harder to compare. EVs typically emit less PM_x than petrol or diesel vehicles from the brakes due to use of regenerative braking. The emissions from tyre use depend on the vehicle's weight, and while EVs are typically heavier than petrol or diesel vehicles, the main cause of increased vehicle weights over the past decade is due to the shift to heavier Sports Utility Vehicles (SUVs) rather than a shift to EVs.

Tackle poverty and inequality

While the least affluent in society typically do not own a car and the majority of EV owners are currently amongst the most affluent in society, this is likely to change in future as Electric Vehicles become more affordable and more second hand EVs become available. The LEVI project aims to **deliver chargepoints equitably across Devon**, using public sector funding to install chargepoints in rural and other areas that would otherwise not currently be attractive to commercial chargepoint operators.

The **EV Cable Channels will allow access to cheaper home electricity tariffs for residents** without off-street parking, reducing "fuel" costs for these residents compared to petrol or diesel or public EV chargepoints.

6) Financial Considerations

Capital

No capital funding for the project is sought from the Authority's own resources. All capital spend will be funded by OZEV or by the private sector. The risk of escalating delivery costs sits with the PSP(s).

The capital funding sources are:

- Devon County Council LEVI Capital Funding: £7,067,000.
- Torbay Council LEVI Capital Funding: £958,000
- Indicative private sector contribution: £10,000,000 to £20,000,000

The detailed timescales for delivery will be clarified following the tender process and the subsequent selection of the PSP. The project is currently projected to be completed by March 2028

90% of the OZEV funding has already been received by the Authority and is available to utilise, with the final 10% to be transferred to the Authority towards the end of the programme.

The trial of the EV Cable Channels will be funded from the LEVI funding. After the trial is complete the intention is for residents to pay for the full costs of the EV Cable Channels via a permitting system, which is currently under development.

Revenue

OZEV have also provided the Authority with £660,000 revenue funding to pay for staff costs associated with development and delivery of the project. Two project managers have been recruited and this funding is also being used for the necessary legal, communications, procurement, finance, and external consultancy support needed. This revenue funding covers staff costs until March 2027, after which it is anticipated there will be sufficient revenue generated by the chargepoints in the form of management fees and Revenue Share to cover the relevant staff costs for the duration of the concession contract.

In the longer term it is highly likely that the chargepoints will generate a revenue surplus for the Authority. The exact amount will depend on the number of chargepoints delivered on land owned by the Authority or public highway, utilisation of the chargepoints, and the percentage of revenue paid to the landowners. Predicting this amount is extremely challenging, however, to give an indication of the potential scale of income, once the chargepoints are fully delivered and operational the income generated is estimated to be between £100,000 and £500,000 per annum. It is anticipated that any surplus would be spent on:

1. EV contract management costs within the Authority; expanding, and promoting the EV chargepoint network
2. Other net zero projects and/or sustainable transport improvements

7) Legal Considerations

The concession contract and associated land agreements are complex legal documents. OZEV have provided highly detailed technical advice to local authorities in drawing up concession contracts for the LEVI projects and are also reviewing the legal contracts.

The Authority commissioned specialist external legal support to prepare the concession contract and template lease agreements for the project, which have been reviewed by officers within the Authority and OZEV. The template lease agreements have also been reviewed by legal representatives from Torbay Council and all participating District Councils.

A limited number of Traffic Regulation Orders may also be required for on-street sites.

The legal agreements for the EV Cable Channels are currently being finalised, but are likely to involve the resident entering into a “section 178” legal agreement with the Authority. The “section 178” will permit the resident to run an EV charging cable across the footway in an EV Cable Channel in return for commitments around the use and maintenance of the channel.

8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

The delivery of Electric Vehicle charging infrastructure is an essential part of reducing transport emissions. Transport contributes approximately 29% of Devon's greenhouse gas emissions (GHG) and is the sector with the largest GHG emissions across the county. Reducing transport GHG will be essential to meet both national and local climate commitments.

In support of the Devon Strategic Plan 2021-2025, the Devon Carbon Plan identifies that reducing the need to travel and shifting to sustainable transport options are the most important ways to tackle transport emissions. The vast majority of transport emissions come from trips of over 10km in distance, and are often challenging to shift to alternative modes such as walking or cycling. For many trips and for the majority of transport emissions, a shift to Electric Vehicles may be the most viable option to reduce emissions.

9) Equality Considerations

The project potentially impacts all residents and visitors to Devon and Torbay. An Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at [Devon and Torbay Local Electric Vehicle Infrastructure \(LEVI\) Project - Impact Assessment](#)

10) Risk Management Considerations

The project will be managed in accordance with good project management principles. A Project Definition Document (PDD) and governance arrangements have been established, including a Project Board comprising relevant officers, and district council working groups.

A risk register has been established and will be reviewed and updated throughout the project. The project manager will promote a "risk aware" culture and ensure people are encouraged to raise new risks and identify counter measures. The top three risks to the project are:

1. Capital works overrun, including due to grid connection wait times and factors outside either the Authority's or the supplier's control. There is a current wait time for grid connections of up to eight months, which is delaying existing chargepoint projects. The Authority and suppliers will work with National Grid to help manage and minimise these impacts.
2. Supplier becomes insolvent. There is currently a large amount of private investment in this sector with a range of new entrants to this rapidly evolving market. Suppliers are likely to receive the majority of chargepoint income from users towards the end of the concession period and will need to ensure finance is in place for the intervening years. To manage this, the procurement will test the financial standing of bidders and the contracts include clauses to manage instances of supplier insolvency.

3. Failure of the market to respond to the tender. Due to the national nature of the LEVI funding, all Tier 1 local authorities in England will be procuring similar projects over the next year or so. This will likely change the chargepoint market and may enable suppliers to pick and choose the best available tenders. Feedback from market testing suggests the market will respond favourably to the Devon and Torbay offer and a large number of suppliers are likely to bid for the project.

11) Summary

Delegated authority to award the legal agreements and agree will enable delivery of the Devon and Torbay Local Electric Vehicle Infrastructure (LEVI) Project. The project will potentially deliver thousands of chargepoints across Devon and Torbay, accelerating the shift to Electric Vehicles.

Delivery of the project will make a significant contribution to reducing transport emissions across Devon, Torbay, and beyond. This supports the Strategic Plan priorities, Devon Carbon Plan, and will largely deliver the Devon Electric Vehicle Charging Strategy.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Divisions: All

Cabinet Member for Highways Management: Councillor Stuart Hughes

Cabinet Member for Climate Change, Environment and Transport: Councillor Andrea Davis

Local Government Act 1972: List of background papers

Nil

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