

West Sussex Local Access Forum

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Sent by email to: EAPCConsultation@dft.gov.uk

15 April 2024

Dear Sir/Madam

Re: Smarter regulation: proposed changes to legislation for electrically assisted pedal cycles

I am responding to the above consultation on behalf of West Sussex Local Access Forum (WSLAF).

West Sussex Local Access Forum (WSLAF) is an independent advisory body, established under the Countryside and Rights of Way Act 2000, to give access advice to local authorities, statutory organisations and non-government organisations. In giving that advice, the Forum's main objective is to ensure the existing network of public rights of way (prows), as well as the wider access network, is protected and where possible enhanced. The Forum has a balanced membership of knowledgeable and experienced users (walkers, cyclists, horse riders and carriage drivers), landowners and other interests (including conservation, disabled access, landscape). For further information about the Forum please visit www.wslaf.org.

We welcome the opportunity to comment on these proposals. The Forum's overall view is that if implemented these proposals will result in a very unsafe environment for regular off road path users, both those who cycle and other non-motorised users.

Although the proposals are in part intended to encourage more people to cycle by making e-cycles more attractive, the main barrier to cycling frequently cited, is the perceived and actual lack of safety. None of the proposals attempt to remedy or ameliorate this situation. Increasing the power, speed and weight of e-cycles would only increase the risk of potential accidents and injury to all users.

There appears to be an expectation that the proposals will encourage use of these more powerful e-cycles by the target group of disabled people, older people and people with mobility issues. Forum members would point out that many in these groups will have issues with balance and limitations on their physical capabilities, so the risk of collisions and accidents occurring causing serious injury would be increased. Our view is that in reality these groups would be the least likely to welcome the proposals. The reduction in the need to pedal significantly reduces the health benefits associated with cycling for all of these groups.

E-cycles are considerably more expensive than traditional pedal cycles but many of those in the groups above, the elderly and disabled for example, are likely to be within groups with limited income. This is therefore unlikely to significantly increase use.

The proposals clearly state that e-cycles would be able to use the same infrastructure as pedal cycles. The wording of the document relates to roads and 'tracks' although these are not defined in the proposals, and we are not aware of this definition in any other legislation related to access. Current 'cycling infrastructure' includes cycleways (often

urban and shared use paths with pedestrians), surfaced cycle lanes alongside roads (sometimes shared use), and surfaced and unsurfaced bridleways in the countryside (shared with walkers, dog walkers, families with young children, equestrians and the disabled), which are part of the Public Rights of Way (PRoW) network.

We consider that using more powerful, heavier and faster e-cycles on the PRoW network, would cause damage to unsurfaced paths, and would be dangerous to other legal users. There is already concern about conflict between users on surfaced paths such as the Downs Link. Many PRoW have limited width and space restrictions preventing effective segregation.

There is a distinction between 'active travel', for functional purposes on roads and cycleways (travel to work, school, shops, goods delivery etc.) and travel for recreational purposes (leisure) on PRoW, which is not reflected in the document. These proposals appear to place no restrictions on the types of paths where more powerful e-cycles might be used.

WSLAF's remit includes the protection and improvement of PRoW and in our view more powerful electric bikes have no place on the PRoW network as they would only compromise the safety of other users. Our members are aware of e-bikes and e-scooters being used on pavements (footways), and parts of the PRoW network which is unsafe and illegal. Many users are completely unaware of their legal rights and/or responsibilities or knowingly break the law. Faster and heavier e-cycles would further reduce safety. Should there as a minimum be the need for insurance? The expectation that the Police would be able to enforce any new legislation is considered completely unrealistic.

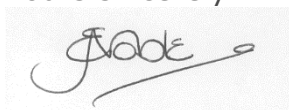
We are slightly reassured to note that the consultation does identify the potential risk of tampering (which already happens with existing e-bikes) allowing these e-cycles to travel at even greater speeds, but again expecting the Police to enforce this issue is considered fanciful in the majority of cases.

The proposals include the potential advantages offered by an expansion in the use of e-cargo cycles. The impact assessment suggests that the increase in power might allow loads of up to 600kg to be carried, equivalent to the weight carried by a small van. A pedestrian or other user hit by an e-cycle of this weight would surely suffer significant injury. E-cargo cycles are intended to contribute to modal shift away from motor vehicles for 'transporting freight'. Exactly what 'freight' includes is not defined and it is unclear whether this would be suitable for the types of environments where e-cycles could be used.

This letter constitutes formal advice from the West Sussex Local Access Forum. The Department of Transport is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this Local Access Forum in carrying out its functions.

We thank you for the opportunity to contribute to this consultation. Members look forward to being updated on progress on this matter and would welcome being consulted in the future on any similar matters that may impact on access.

Yours sincerely



Jane Noble, Forum Officer
West Sussex Local Access Forum

Copy for information to: All WSLAF members