



**Devon Countryside Access Forum
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Dear Sir/Madam

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

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes the Secretary of State for Transport.

The DCAF currently has nineteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

The Devon Countryside Access Forum considered this consultation at its meeting held on 22 April and is submitting comments on a limited number of questions in response.

Question 1

Do you support or oppose the proposed change to how EAPCs are classified so that the maximum continuous rated power of the electric motor must not exceed 500 watts instead of 250 watts as set out in the current regulations?

Devon Countryside Access Forum members had mixed views on increasing the maximum continuous rated power. Additional cycle power would add significantly to the

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CRoW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

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range and number of people that could use electrically assisted pedal cycles and access various locations more easily. This would be of particular benefit in a county such as Devon where hills drastically reduce cycle usage. There would be health and well-being benefits, as well as pollution improvements, if more people used EAPCs as a means of sustainable transport.

However, some members took the view that increasing the power could have a significant impact on rural areas and in particular a diminution of the experience of isolation. Current access is seen as sufficient without losing the integrity of such areas. The main benefits may well be in urban areas but there could be unintended consequences in rural areas. It is recognised that it would not be possible to have a legislative distinction between urban and rural areas.

It is noted that if businesses and individuals require more than 250 watts, a throttle rather than pedal assist and higher top speeds, they can already buy an electric cycle, cargo bike or moped and ride it legally provided it has a licence, insurance and an MOT if required.

Question 2

Explain your response to question 1. Are there any additional benefits or risks (including in relation to road safety) not referenced in this document?

Use of higher powered EAPCs on routes which are predominantly recreational, such as trails, byways and bridleways, could impact on other users, such as walkers, dog walkers, horse riders and disabled users. Any collision between EAPCs and other users could be more severe due to the increased weight of cycles. It is acknowledged that battery weight is likely to decrease over time due to technological improvements.

Question 4

Do you support or oppose the proposed change to allow EAPCs to have throttle assistance up to 15.5mph (25km/h) without the need for type approval, instead of 3.73mph (6km/h) as currently regulated?

Some members of the Devon Countryside Access Forum strongly supported throttle control as this provided significant benefits, particularly for anyone with disabilities. However, use of EAPCs at a consistently high speed on bridleways, byways or on recreational trails could impact on the enjoyment of other users, such as walkers and horse riders. This could be an issue too on shared-use paths where cyclists pedal alongside pedestrians. In addition, such users are likely to connect less with nature and have a less peaceful and more transitory experience.

Question 5

Explain your response to question 3. Are there any additional benefits or risks (including in relation to road safety) not referenced in this document?

Use of EAPCs on routes which are predominantly recreational, such as trails, byways and bridleways, could impact on other users and any contact between users could be more severe due to the increased weight and speed of cycles. Cyclists can already have

an impact, particularly if approaching without warning, but the potential increase in number, weight and sustained speed of cycles could exacerbate such issues.

Question 7

Do you support or oppose limiting either or both of the proposals to disabled people with impairments that affect their mobility and who would benefit from the proposals? If applicable, provide views on which disabled people the proposals should apply to. Explain your response and provide any relevant evidence.

Devon Countryside Access Forum members agreed it would be difficult to support limiting either of the proposals to disabled people. This would be hard to define and police and would require specific disability legislation. Equity issues would be apparent if either or both the proposals were limited in this way.

Question 8

Do you support or oppose limiting either or both of the proposals to e-cargo bikes? If applicable, provide views on how e-cargo bikes could be defined for these purposes. Explain your response and provide any relevant evidence.

The Devon Countryside Access Forum did not have strong views on this. Cargo bikes are more likely to be used in more urban areas. A suggestion is that there could be a weight limit for cargo bikes.

Question 9

Provide any relevant evidence in response to the questions in the [impact assessment](#) – see paragraph 33.

The Devon Countryside Access Forum notes that the impact assessment makes no reference to off-road use by EAPCs which can currently be used on bridleways, byways, and trails, for example the Exe Estuary Trail, Tarka Trail and Drake's Trail.

In terms of the benefits of exercise through access to the countryside and rural recreation, one of the unintended consequences could be that people get less exercise by giving up walking and traditional cycling for the use of an e-bike. By way of anecdotal evidence, one member cited the example of a bike hire shop in the Cairngorms he had used for traditional bike hire for 25 years no longer stocking pedal cycles, only e-bikes, thus reducing choice and opportunity.

The Highway Code 63. states that people cycling in shared spaces should “not pass pedestrians, horse riders or horse drawn vehicles closely or at high speed, particularly from behind.” Cyclists with more powerful EAPCs and with throttle control introduces a new element which is relevant to this consultation.

In the absence of discussion about changes to the Highway Code etc., the Devon Countryside Access Forum advises that the government should consider how the importance of perception of safety for pedestrians and multi-use trail etiquette will be managed if higher powered bikes are permitted.

One member identified some potential risks associated with manufacturing. Most other countries including Europe countries and New Zealand have the same rules for pedal assist bicycles. They must be no more than 250-watt motors, must be pedal assisted, and only power assisted to 15 MPH. If the UK adopts higher power products/bikes it is likely the imports could be of less regulated models of more dubious build quality which may result in more battery fires. Bosch and other quality motor manufacturers are unlikely to produce something just for the UK market.

It would be helpful to receive updates on this consultation and subsequent actions.

Yours faithfully

A black rectangular box redacting the signature of Hilary Winter.

Hilary Winter
Forum Officer

Letter sent on behalf of the Devon Countryside Access Forum

Chair: Sarah Slade

Vice Chair: Chris Cole