

## **Brian Tarnoff, Local Resident**

### **Electrically assisted bicycles (Ebikes) on the Crown Lands**

The Verderers will be aware that I most often contribute here as a representative of the New Forest Association / Friends of the New Forest. You will have already received a response to your call for views from our Chair, John Ward on behalf of our council. What follows are merely my personal notes, which frame the issue in the context of the legal and statutory obligations under byelaws, habitat regulations, and the purposes of the National Park.

To be specific, any policy adopted should reference:

- Forestry Commission Byelaws:
  - Byelaw 6 which restricts vehicles to routes or ways provided by the Commissioners
  - Byelaw 10 speed limited to 20 mph on FC land in the New Forest.
- Habitats Regulations
  - Uprooting of plants on SSSI, soil disturbance, et. al.
- National Park Purposes
  - Protecting the Practice of Commoning (as part of Conserving the Habitat and Heritage of the Forest)
  - Promotion of Special Qualities, Including Tranquillity, and the Culture of Commoning

This is consistent with past interventions by the New Forest Association which limited comments on cycling to this criteria, otherwise viewing the activity within the bigger picture of all recreation pressure on the Forest. The NFA objected to a commercial cycling event that was held with callous disregard to the local drift. The drift planned long before the cycling was cancelled for safety reasons. The event organizers were oblivious to the priority for the working Forest. The NFA objected to a night time event part sponsored by a high power headlamp manufacturer both to point out the implications of the byelaws regarding night use of the Forest, and the unacceptable disturbance to wildlife including light sensitive nocturnal species. When additions to the cycle network have been considered, the NFA did not object, but pointed out that they should be subject to impact assessments as necessary to protect the SSSI.

By that same criteria, Ebikes that merely assist healthy exercise by augmenting the pedal power of the rider should be treated no different than other cyclists. This of course means that one would expect them to behave responsibly, not break the FC's New Forest specific byelaw of speed limited to 20 mph, and not go off piste damaging the habitats, churning up vegetation and soil, and flouting the Forestry Commission byelaws keeping all vehicles to the specified network.

However, any Ebikes modified to be solely motorized should be banned, as this would fly in the face of the restrictions to permitted motorized vehicles, as well as nullifying health benefit. Similarly, any that could easily reach speeds over 20 mph or which motors are too loud, creating disturbance for nature and other recreation alike, should not be permitted.

This poses a conundrum for enforcement as it may be difficult to distinguish, but that difficulty is no excuse for failures to enforce. While speed and noise are measurable, equipment would be needed. Those responsible will have to unpick how to make such determinations. At the very least starting with obvious infringement, those riding bikes off the network where there is clear damage to habitats and soils, or those causing disturbance with any motorized vehicles including Ebikes.

I hope we all welcome responsible cyclists, manual or electronically assisted. They are aware of the duty of recreational users to follow the byelaws and respect the forest and others. They stick to the network of gravel tracks designated by the Verderers and Forestry Commission to protect the fabric of the forest. They practice due care and attention near livestock and off the lead dogs (and children). They are prepared to slow or stop for any one or thing to preserve the safety and tranquillity of the Forest.

(More information on the New Forest Byelaw Watch:

<https://newforestassociation.org/new-forest-byelaw-watch/>

An analysis of the 1<sup>st</sup> stage of the survey will be available soon.)