

Beaulieu Model Flying Committee

From:

Dr Richard Sharman, BMFC chairman
c/o 18 Blenheim Avenue, Highfield, Southampton, SO17 1DU
tel: 023 8055 8389
date: 1st July 2021

To:

Bruce Rothnie, Deputy Surveyor Forestry England
Queens House, Lyndhurst, Hampshire

re: HRA impact on Model Flying in the New Forest

We, the Beaulieu Model Flying Committee (BMFC) wish to register our dissatisfaction with the outcome of the recent HRA approval process, and the consequent imposition of further restrictions on our activities in the 2021 permission contract 023620/2021 you have imposed on us.

We have signed and paid for the permission ForestryEngland(FE) have offered under duress, as we have been given only three working days to respond, despite the fact that you have included restrictions which we were led to believe would likely be relaxed. We have done this solely to allow at least some of the many members of the public whom we represent (the model flyers) to enjoy the recreation they have pursued for over 50 years without incident.

We appreciate the relaxations which you have made on our behalf, including those relating to the months available per year, and to the area in which we can operate. We especially appreciate the hard work and sincerity of your Permissions Officer, Linda Devlin, with whom we have had many helpful and useful discussions.

However, our dissatisfactions are as follows:

1. *The restrictions you seek to impose on us will not materially achieve progress towards your stated goal of preventing environmental degradation of Beaulieu Heath.* This is because:
 - a) The current impact our activity has on the wildlife of Beaulieu Heath is very small, due to our small area of operation, our low number of actions (in terms of flights per day), and our existing policies of noise reduction and pollution elimination.
 - b) Other activities which take place on the heath are vastly more significant in terms of environmental impact, such as off-lead dog walking, and natural predators, where we see no sign of similar restriction.
 - c) At the previous review in 2015 on-site inspections were carried out by NaturalEngland(NE) and FE leading to meaningful discussions of potential impacts. We were then given full approval for our activities, and contracts since then have reflected this. Since then we have worked hard to improve our activities, we have supported you in site management, incident reporting, litter collection, and many other topics. We expected a similar response for the 2020 review but no site inspections took place in 2020 or 2021 and we are not aware of any evidence gathering having taken place.
 - d) We understand that NE's requirement is to ensure that you, as Land Manager of the New Forest, have a plan to satisfy the various legislative rulings concerning the SSSI. The conditions stated in their letter of 26th March 2015 (JennyThomas to Marianne Bergin) have been rigorously adhered to protect the SSSI and we feel are still adequate.
2. *The process by which you have arrived at the restrictions you impose on us has been opaque, long drawn out, arbitrary and not evidence-based.* For example:
 - a) We have provided background briefing papers., data, maps, proposals and impact assessments which do not seem to have been fully taken into account. Responses to our questions and suggestions have been hard to obtain, and have been very slow. We expect challenging negotiation, and accept that it has not been easy during the

Covid lockdown periods, but we seem to have been presented with a *fait accompli* preventing us from helping you find a satisfactory solution.

- b) You first notified us in November 2020 for potential action in December 2020 which was an unreasonably short notice. When this did not reach a satisfactory position by the end of 2020 you kindly extended our previous contract by 3 months, and then again by another three months. This undoubtedly led to some confusion about our relationship with you, and stress in our responsibility to the members of the public we represent.
 - c) We understand that you need to show a satisfactory HRA to NaturalEngland(NE) showing good management of the SSSI. We support all appropriate actions to protect the environment. But in this case we feel that it has been over-critically managed by concentrating on the licensed activities, as opposed to addressing all the factors including the unlicensed activities, and the not infrequent illegal activities which also occur and have a disproportionately big impact. These illegal activities, such as off-road vehicle abuse, illegal camping and general gratuitous vandalism, causes us, and the public we represent considerable stress at times.
3. *The impositions you intend to make on us are, we believe, largely unworkable.* For instance:
- a) Constraining the total number of people attending in any one day. The suggested response of creating a booking system to control the numbers to pursue model flying is infeasible. The heath is open to the general public and we are not able to continually monitor it. Consequently, even if a booking system could be created which meets the requirements it will probably be difficult to administer and likely unfair to those people who are not internet connected or digitally-aware.
 - b) The targeting of our "Free Flight"(FF) section for elimination is unfair, and not based on a proper understanding of this activity. FF covers a variety of disciplines, all of which are closely governed by rules from the national organising body, the British Model Flying Association (BMFA), which celebrates its centenary of successful national management in 2022. Almost by definition, FF is designed to be environmentally friendly and is managed and executed in proper way to avoid the dangers you are so keen to eliminate. To prevent it completely, as you suggest, is irrational and unfair.
 - c) The limitations on the type of power we use is ill-informed. You recommend the use of fuel spill kits when we almost never spill fuel. Any fuel spill which does occur is at most a few millilitres, for which no appropriate fuel spill kit exists, they normally being more appropriate to spills of several litres. We have been reliably informed that NaturalEngland is not concerned with fuel spills less than a tanker load, up to 50,000 litres, so any potential spills by us are insignificant.

Consequently, having consulted our solicitor, and other legal advisors:

- A) We understand that under contract law we have no direct redress. You are offering a service for a fee and can set what conditions you like. We have no grounds for objection and can either sign and accept, or refuse and lose the service.
- B) We believe we have been the receiver of arbitrary and unfair action from a Public Body (FE). Consequently there is a case for initiating a Judicial Review of this apparently irrational decision. We will seek additional legal advice from our barrister with a view to pursuing this injustice.
- C) We accept our best course of action, to maintain our legal rights to continue our activity from today on, is to sign the contract and pay the fee, while protesting that we are signing under duress.
- D) We hope that in due course you will agree that:
 - a) our activities are not harmful to the environment,
 - b) our continued presence on the heath is actually beneficial to you, in view of the support we continue to give to your management of the heath,

- c) the real causes of any degradation you observe will be pursued and rectified,
- d) the restrictions you wish to impose on us will be relaxed in due course.

In conclusion, we were greatly pleased by your statements in your letter of 25th January 2021 to Julian Lewis, MP, in which you said *"It is not our aim to curtail organised activities such as Model Aircraft flying in the New Forest"*. However, the outcome of your process is that model flying is indeed curtailed, and severely so.

Can I suggest that you could now safely:

1. Relax the draconian restriction on the number of model flyers present per day,
2. Allow our FF operations to continue, at least outside the traditional bird nesting season,
3. Postpone the restriction on allowable engine types until 2030 in line with government plans for road traffic operation.

Thank you for your support of our recreational activity.

Yours sincerely,

Dr Richard Sharman, BMFC chairman,
on behalf of Beaulieu Model Flying Committee