

Briefing for Legal Opinion: BMFC vs. FE

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Note 1: the following names are repeated often in the text, so these abbreviations have been used for simplicity:

BMFA	The British Model Flying Association (National governing body)	https://bmfa.org
BMFC	Beaulieu Model Flying Committee (Local Model Flying authority)	https://beaulieumodelflying.bmfa.org
FC	Forestry Commission (land manager of New Forest up to 2018)	https://www.gov.uk/government/organisations/forestry-commission
FE	ForestryEngland (since 2018, the woodland management agency of FC)	https://www.forestryengland.uk
NE	Natural England (UK Government Agency)	https://www.gov.uk/government/organisations/natural-england
NF	New Forest (largest area of unenclosed natural land in southern England)	https://en.wikipedia.org/wiki/New_Forest
NFNP	New Forest National Park (created 2005 for conservation and recreation)	https://www.newforestnpa.gov.uk

Note 2: Many other sources and documents are referred to throughout this document. Such references are shown by one of these methods:

- a hyperlink to a publicly available document or website, e.g. <https://website>, such that a click on the link will show the website, or
- a number in square brackets, e.g. [20], which refers to a document not generally available on the public internet, but is listed in the References section at the end of this document, and available by request on a private website.

The questions for which opinion is sought

FE gives permission for model flying at Beaulieu Airfield, in the New Forest, Hampshire under the terms of a licence issued to the BMFC, for which a yearly fee is paid. This year (2021) the terms of the licence have been significantly changed to the detriment of model flyers. Therefore the BMFC would like an opinion on the following questions:

Q1: Did the FE act correctly, in seeking to protect the environment, by restricting model flying at Beaulieu, or did they fail to obtain information, or make observations on which such a decision could be based ?

Q2: Did the FE act fairly with respect to other users of the heath, or did they make arbitrary judgements against model flying which they have not made against other recreations ?

Q3: Is the action taken by FE in June 2021 to restrict the scope and intent of model flying on the Beaulieu Airfield justified, or was it arbitrary and uninformed ? If so, is there a case for Judicial Review of the process that FE followed and the conclusions it has reached ?

What is Model Flying ?

Model flying is the act of people controlling model aircraft in flight, from the ground. The control can be by radio (*radio-controlled, or R/C flying*), or indirectly through devices in the aircraft to limit flight time, height, and location (*free-flight, or partially controlled flying*).

Model flying has been a widely followed recreation in the UK, and most other countries, since the dawn of aviation. Free-flight was popular in the pre-war period, but R/C flying has become the main interest since the last war.

Models can range in size from very small (palm sized) to rather large (one third scale, or even half-scale), relative to full-size, person carrying aircraft.

Models can be of a wide variety of types, ranging from very simple structures and small training craft, to larger scale and semi-scale replicas of full-size aircraft. Specific advanced designs exist for speed, manoeuvrability, payload carrying and so on.

Models can use different modes of lift. The most popular are fixed wing craft (aeroplanes), rotary craft (helicopters), and multi-rotor craft (drones).

Models made be unpowered (gliders), or powered in a variety of way, the most popular of which are internal combustion engines (i/c engines usually of small capacity, 1cc to 30cc, typically), and electric motors (brushed or brush-less electric motors, using voltages from 11v to 50v, typically).

Model aircraft are classified as Un-manned Aerial Vehicles (UAVs), or Drones, by the [Civil Aviation Authority \(CAA\)](#), which is the authority governing all civil aviation operation and law in the UK.

Model aircraft are generally flown only in good weather. Small models are easily buffeted by strong winds, and it is not recommended to fly in rain, fog, freezing or other adverse weather conditions. Hence the number of practical flying days per year is only about half to two-thirds of all actual days. Note that some other recreations, such as dog walking, are less constrained in this respect.

Model aircraft are always flown in line-of-sight. Because the models are controlled by a

pilot standing in a fixed position on the ground, it is necessary that the model does not travel to a location which cannot be seen by the pilot at all times. This is called *flying in line-of-sight*. Model planes require to be kept in stable, controllable flight at all times, otherwise they would be likely to crash or disappear.

Model aircraft are never flown more than about 400 metres from the pilot. The line-of-sight rule restricts the area required for flying to a small section of the heath. The sizes and shapes of the respective areas for Beaulieu Heath are shown in [18]. The result of this restriction is that the area potentially affected by any disturbance due to model flying is very small in comparison to the total area.

Who is FE ?

The [Forestry Commission](#) (a non ministerial department of the UK Government) oversees woodlands in the UK. It has an executive agency, [ForestryEngland](#) (called FE here), created in 2018. FE is the land manager for specific areas in England, including the New Forest Crown lands.

The [New Forest is an SSSI](#), among other designations, for the purposes of conservation. The SSSI is part of the National Park run by NFNP. The SSSI is subject to special protection in respect of its fauna and flora. The SSSI citation is managed by FE under the governance of **Natural England** (NE) which has a consultative role over the use of the New Forest. After a study in 2014/2015 Natural England approved the activity of model flying at Beaulieu, subject to certain constraints [3].

In addition to many other roles, FE manages recreation in the New Forest through its Permissions department. Under the [New Forest 1982 ByLaw](#) most recreation activities are excluded, except where a specific licence is granted. Clause 5 of the 1982 ByLaws lists all the restricted activities including subsection (xxiii):

5. No person shall in or on the lands of the Commissioners:

.....

(xxiii) operate any aircraft, glider, hot-air balloon, boat, raft or craft of any kind, or any model aircraft, boat or car;

.....

with the proviso of Clause 3, subsection (3):

(3) nothing in these bylaws shall make unlawful anything done with the written authority of the Commissioners.

This law has been used since 1982 to govern a range of allowed activities, including model flying, subject to conditions written in the relevant Permission Contract. These activities are called **Licensed Activities** and are subject to inspection for the purposes of compliance with the respective licence, especially with respect to wildlife conservation.

Otherwise, the [right to roam](#) allows essentially only pedestrian access to the New Forest. This is the rule under which dog walkers, hikers and the general public is allowed access to the land for walking, running, and watching wildlife. These activities are called **Unlicensed Activities** and are generally (but wrongly) **not** considered relevant to wildlife conservation.

Note: It will be readily observed that some unlicensed activities, e.g. dog walking with dogs off the lead (which is very popular on the heath), occur in numbers greatly in excess of the number of people flying model aircraft. Dogs are clearly dangerous to some wildlife, such as the ground-nesting bird species which are specifically identified by FE as significant to the health of the New Forest.

What is the BMFC ?

The [Beaulieu Model Flying Committee](#) (BMFC) is a small group of responsible model flyers who are formed into a "club" registered with the [British Model Flying Association](#) (BMFA), the national body governing model flying. The BMFC is BMFA club number 2523.

The BMFC has its own constitution, officers (chairman, secretary, treasurer, etc), a bank account, and is covered by public indemnity insurance within the general BMFA insurance scheme.

The BMFC is the single point of contact between FE and model flyers who wish to fly in the New Forest, as required by FE. It specifies the general behaviour of all model flyers by a set of Regulations consistent with the FE permission contract. It coordinates with the BMFA Southern Area management committee, and with the national BMFA management, over a range of topics including training, instruction and certification under the [BMFA Achievement Scheme](#) for pilot competency.

The BMFC has specified a number of policies governing the activity including a Privacy Policy, and a Children and Vulnerable Persons Policy.

The BMFC holds an Annual General Meeting (AGM) once a year to which licensed model flyers (permit holders) are invited.

What permission is granted by FE to BMFC ?

The FE permission contract is renewed each calendar year, and a substantial licence fee is paid by BMFC. BMFC is recognised by FE as the only ***point of contact between FE and all model flyers wishing to fly in the New forest.***

By the wish of FC (now FE) permission to fly in the New Forest is restricted to the use of Beaulieu Airfield only. The former situation where other suitable sites, such as Stoney Cross, Beaulieu Road, Hilltop, etc. were available is now prohibited. It was specified by the FC Deputy Surveyor of the time that Beaulieu Airfield would be the only location allowed, and that it would be established so for all time.

Models may be powered or unpowered. Powered models may use any type of power, such that methanol or petrol combustion engines, and electric motors are acceptable. Gas turbines and rocket motors are not permitted owing to the potential fire risk.

The permission granted is *to allow model Fixed-wing Aeroplanes, and Rotary-wing Helicopters, up to 7.5Kg Maximum Take-off Mass (MOTM).* An MOTM at this level limits both the size of model possible (typically with a wingspan up to 3 metres) and the size of power unit (typically up to 25cc or about 3000watts) and does not distinguish between combustion and electric propulsion.

All other types of aircraft, including drones (multi-rotors), rockets, balloons, kites and other types of aerial vehicles, are prohibited by a policy decision of NE.

The BMFC is empowered ***to issue permits*** to model flyers who meet certain criteria (insurance, competence, compliance, etc). A permit allows the pilot to fly at the [Beaulieu Airfield](#) as the ***only location within the New Forest.*** Anybody attempting to fly models elsewhere in the New Forest risks prosecution.

What is the history of permissions granted ?

Model flying has taken place at the [Beaulieu \(Wartime\) Airfield](#) since it was de-commissioned in the 1950's. The initial permissions were granted by the [New Forest Verderers](#).

The current activity has been regulated by FC (now FE) since the 1982 ByLaws were established. Permission is given for the BMFC to manage the activity for each calendar year (January to December).

The general form of the permissions contract each year has stayed relatively constant, as exemplified by the 2020 contract [4]. The contract specifies limits on the maximum weight of aircraft allowed, the area of land which may be overflown and other technical details.

The "renegotiation" each year usually takes place in December for the following year. This usually consists of FE repeating its previous constraints. The permit fee is usually paid by the BMFC by 31st December of the current year to allow activity to resume on January 1st of the following year.

What are the differences of opinion between FE and BMFC ?

It has become clear over time that the FE and BMFC have different views of what model flying is, and how it operates at the Beaulieu Airfield site. These differences were pointed out by the BMFC [13] in January 2021 as the basis for discussion, and with a hope of basing further discussion on it. It is not clear that these issues were accepted or understood by FE.

The main point of difference is that model flying is organised on an individual basis (persons visiting the site at a date and time of their own convenience) and not group basis (pre-arranged dates and times for multiple people to congregate). Thus model flying is more akin to Dog-walking (not a group activity), rather than cycling (a group activity). Consequently it seems arbitrary that dog-walking is not licensed or restricted, but model flying is licensed and restricted.

What is the cause of the current change of contract conditions ?

The management of the New Forest SSSI is subject to approval by NE. This takes place as a 5-year assessment and approval process. The last assessment was in 2014 for the 2015-2020 period. The current assessment in 2020 is for the 2021-2025 period.

One of the main criteria to be considered is the [Habitats Regulation Assessment \(HRA\)](#) with respect to the New Forest SSSI.

In 2014 the BMFC was contacted on site by Ms Cathy Stearns of FE and Ms Bridget Leyden of NE. They carried out an inspection of the activities taking place on that particular day.

As a clarification of some of the aspects of model flying at Beaulieu, the BMFC wrote a short paper explaining the nature of the activity [2].

After subsequent discussions over the following weeks it was agreed by NE that Model Flying could continue as before [3]. Model flying was given an assurance that it would continue for the 5 years 2015-2020.

In anticipation of avoiding misunderstandings, and having not heard from FE anything about the expected review for the 2020 HRA, the BMFC wrote to FE in August 2020 describing

the nature of model flying in the New Forest as it is currently operating [6].

It is in the nature of this (and other) recreations that technical advances in materials, techniques, controls and pilot interests mean that the precise wording of the permission granted may need revision. In particular, for example, during this period technological changes meant that model power sources are much reduced in noise levels and pollution (as electric motors replace combustion engines)

In November of 2020 the BMFA was contacted by FE and told that all flying would be restricted to the period September to January for the next 5 years [7]. Thus no activity would be permitted in the period February to August, inclusive, for the 5 year period. This would be a direct assault on the entire recreation which is mainly pursued from Easter to August Bank Holiday.

It was stated by FE that: *there had been a serious decline of wildlife and that this was (in their opinion) due to the pressure of excessive recreation. It was alleged that model flying was a possible, even probable, cause of disturbance of bird nesting. It was projected that it would take at least 5 years for bird populations, such as the Dartford Warbler, to be restored. It was promised that after a 5-year moratorium a review could be held to assess the success of such re-introduction, and some recreations could be allowed again. As a result, it was stated that all recreations needed to be curtailed now.*

No evidence was presented to support this claim although it later emerged that a survey of wading bird breeding in the area had already taken place[5]. The survey exonerates model flying but indicts other recreations. This report was not declared to the BMFC or made available.

No justification was offered to support the decision that the proposed restrictions would improve the (alleged) decline in wildlife. It was asserted by FE that unless model flying was curtailed NE would not approve the HRA and that the SSSI designation could be lost.

However, the FE study did find significant disturbance at Beaulieu Heath and other locations from other activities, mainly uncontrolled dog walking, which is, of course, not a licensed activity.

Unlike the situation in 2014, there was no inspection of the current operation of model flying. (In fact, since it was so late in the year no inspection would have been characteristic - an inspection earlier in the year would have been more appropriate). Additionally, because it was late in the year, a decision had to be reached quickly in order to set the conditions for the new contract in 2021 which was less than 2 months away.

The BMFC immediately responded with a robust rebuttal of the decision and its reasoning[8].

Does model flying affect Bird nesting and breeding behaviour ?

It is often claimed that model aircraft disturb bird nesting and breeding and therefore should be constrained. However, there is little evidence to support this claim in general, and in the case of Beaulieu Heath in particular.

The BMFA commissioned a specific study in the case of the Chesham Model club [1] in 2010, which has become a standard reference on the subject. This study covered a specific area in which model aircraft were operated, and addressed a very large number of different species of birds, finding that there was little or no effect of disturbance by the models on the bird behaviour.

Other [academic studies](#) in the UK and elsewhere have also found no affect. Indeed it has been found that the use of drones can even be useful to survey bird nesting sites by remote drones rather than personal observations, and that this does not disturb bird nesting.

This observation corresponds with the evidence noted by model flyers at Beaulieu Airfield itself, over many years, that the presence of planes in the air does not deter birds, indeed:

- Buzzards are commonly seen flying in formation with gliders, and slow planes,
- Skylarks are often seen singing on the wing while planes are taking off and landing.
- Kestrels are seen hovering near the edge of the runway while planes are flying,
- Small birds (pipits, stonechats, redwings and others) are often seen darting between gorse bushes, regardless of human activity around them,
- Red Kites have been seen in significant numbers inspecting the area in recent years.

While, on the other hand:

- Curlew, Snipe, and Redshanks (species selected as endangered by FE) are never seen near the airfield, probably because their preferred habitats are wet valley bottoms, quite different from the dry upland heath of the airfield.
- The FE survey of bird breeding success in 2020 itself[5] did not find any evidence of model flying affecting bird behaviour anywhere in the New Forest. In particular the airfield part of Beaulieu Heath was not shown to host any of the selected species, so that there was no possibility anyway that model flying could affect the targeted bird species behaviour - contrary to the assertions made.
- Other recent [academic studies](#) have shown that migratory bird ranges and timings are being strongly affected by climatic change, resulting in different observation patterns at particular locations. The FE claim of changed bird populations needs to be re-assessed in the light of climate change.

FE have made strong claims about some bird species, in particular the [Dartford Warbler](#), saying. for example:

- *"The Dartford warbler is endemic to Beaulieu Heath"* -- it is not, and has only ever been observed in remote areas of the NF.
- *"The Dartford Warbler is endangered"* -- it is [classified](#) as "near endangered" not "endangered".
- *The New Forest is the last bastion in the UK for the survival of the Dartford Warbler.* - it is not. The species is mainly seen in Devon, Dorset and Sussex.
- *"If it is lost to the New Forest it will be extinct forever"*. According to the [RSPB](#) the Dartford Warbler is mostly constrained by climatic conditions and has been rare in the UK since the 1960s. It is mainly located in western France and Spain, and Southern Italy.

Additional factors which may affect the success of the (apparently endangered) bird species on Beaulieu Heath are:

- the large number of semi-wild ponies that [Commoners](#) pasture on the heath,
- the large number of cattle which Commoners pasture on the heath,
- the increasing presence of birds of prey, such as Goshawks, Buzzards, and Kestrels,
- the presence of feral ground predators, such as foxes and rodents,
- climate change which is moving the boundaries of areas inhabited by different species,
- the significant incidence of tourists, hikers and other recreational walkers, e.g. Duke

- of Edinburgh Award Scheme groups, who ramble over the heath in large groups, the unfortunate high frequency of vandalism and unsocial incidents, including illegal off-road vehicle use.

The course of discussions between FE and BMFC

FE were due to get NE approval for the HRA by the end of 2020, but this was unexpectedly delayed, probably due to the Covid-19 outbreak and resulting government specified lockdowns.

The initial FE announcement of planned restrictions on recreations was only stated in November 2020, with little time to respond before they were due to come into action in January 2021. When it became clear that there was insufficient time for FE to achieve this, and issue all the new contracts, FE asked NE for an extension. An extension of 6 months was granted by NE, giving a deadline of June 30th 2021.

FE issued a temporary extension [12] to the existing contract [4] for the period January-March 2021. FE set this 3-month deadline in order to give themselves flexibility until their own 6-month deadline with NE was due. The BMFC accepted and signed this extension.

During this period it was very difficult to get time and contact with FE, the only contacts being by email and phone, and generally reaching no conclusion. In the meantime the BMFC initiated the following actions in order to obtain information and seek the opinion of relevant authorities:

- ***The BMFA was consulted*** both at local Southern Area level, and at national, head quarters, level. The BMFA CEO, Mr D. Phipps, undertook to consult the BMFA solicitor, and to obtain information from other clubs which operated on Crown Lands in other parts of the country. He provided documentation on the main study that had been done on bird/model plane interaction at Chesham, Essex [1]. The BMFA's solicitor was of the opinion that since the BMFC operated under a yearly renewable licence agreement it was acceptable that the FE could specify any conditions - however, this did not take into account the fact that FE is a public body and not a private company.
- ***A Freedom-of-Information request***[9] was issued to the UK Government requesting information from FE on the known interactions between birds and model aircraft at Beaulieu Heath. This resulted in the publication of the aforementioned FE study [5]. In this study Beaulieu Heath West is listed as Area 10 (see page 34 and following, also page 98) where maps and tables show that the airfield, marked by the pentagon of the perimeter track, is not near any of the sites of endangered species. Therefore no affect by model aircraft (limited to fly within this space) could be observed. Also, in reference[5]:
 - page 69 contains a table showing Area 10 has one of largest areas of Carrion Crow predators, a possible cause of predation on other species,
 - Page 70 has a table showing that Area 10 has one of the largest aggregate numbers of potential predators,
 - Page 71 has a table showing that Area 10 has observed the largest number of dogs for any area,
 - Page 72 has a table showing that Area 10 has the largest number of dog walkers for any area in the New Forest. This agrees with the observation of the BMFC

that the easy parking and walking conditions of the Beaulieu Airfield make an attractive target for people from local towns (Lymington, Fawley, etc) to take their dogs out.

- **A letter**[11] was written to the FE Deputy Surveyor expressing the concern of the BMFC that little progress was being made in discussing the proposed restrictions. We have no record of a reply to this letter.
- **A letter**[12] was written to the local MP, Mr Julian Lewis, stating the concerns of the BMFC and asking for his advice. He passed the letter directly to FE, and they responded to him in general terms. In the reply [in 12] Mr Bruce Rothnie, Deputy Surveyor, stated that the FE would *work closely with the model flying club* - they did not. He also stated that it was *not the intention to curtail organised activities such as model flying* - but self evidently they are curtailing activities.
- **A Freedom-of Information request** was sent to NE asking for documentation of decisions on the suitability of model flying on Beaulieu Heath. The reply stated that no such evidence existed.

FE were unable or unwilling to issue a new contract by the end of the January-March extension. Consequently FE issued a temporary extension [15] of the existing extension[12] to the contract [4] for the period April-June 2021. FE set this 3-month deadline in order to meet the June 30th deadline with NE.

In this period April-June 2021 the BMFC continued to try to contact FE, but little was achieved. The BMFC offered a number of suggestions to FE that might be satisfactory mitigations acceptable to NE but there is no evidence that they were taken seriously. However, the general point that model flying was not a serious environmental impact does seem to have been accepted. The major achievement of this period was to establish that model flying could continue to operate for 12 months of each year.

FE finally issued a new contract [15] in late June 2021, leaving only a few days before the June 30th deadline set by NE, for BMFC to respond. The new contract was for the July-December 2021 period. The expectation was that a new 12-month contract would be negotiated in November 2021 for the 2022 calendar year.

The terms of the contract[15] were not shown to BMFC before the issuance of the contract, and included items which it had been previously promised would not be required, including:

- the banning of ALL free-flight operations (this ban had previously only been specified for operations in the bird-nesting season),
- the phasing out of i/c engine powered aircraft by 2023 (this had previously not been required),
- the limitation of attendance to *no more than 10 persons per day* (which had previously been promised would not be required, although some limit on the *number of persons present at any one time* had been mentioned. This is especially unfair as there is no limit on the number of dog walkers at any one time, or on any one day, and observations show that these are usually far greater, and occur on far more occasions (days per year) than those for model flyers.

In order to maintain access to the airfield and allow members to continue flying the BMFC signed the contract[15] under duress. As the resulting contract is unsatisfactory to the BMFC a rebuttal was sent to FE [16] stating the aspects of the contracts which were

unacceptable. A response was received from FE to BMFC stating some reasons why the restrictions were imposed [17].

FE have stated that they would like to see all recreation activity in the New Forest reduced, and in particular activities such as model flying should be stopped. On the other hand FE have also said that it is not their intention to curtail model flying [see FE response in 11].

The BMFC would like to have the new restrictions lifted: on the numbers of flyers, and the area of operation relaxed, especially. The previous 2020 contract [4] did not specify such restrictions, but the new 2021 contract [15] lists in section 2 the following restrictions (those which are contentious for the BMFC marked in italics):

- *No more than 10 people flying on any one day* (max 6 aircraft in the air at any one time)
- No control line flying; *no free flying aircraft*; and *no events* will be permitted.
- Precise zone for remote controlled aircraft agreed on annual basis with Forestry England,
- Fuelling restricted to car park and runway only, fuel-spill kits available at all times.
- *All aircraft to be powered by electric engines by the end of 2023.*
- Plant removal on runway only in area mapped in the permission.

The BMFC position with respect to the pertinent questions (above)

In the opinion of the BMFC, it is well established that model flying does not disturb bird behaviour. FE has been aware of this for a long time, and its own study has proved the point.

Model flying has been successfully pursued in the New Forest under the current system of permissions from the 1980s until the present with an excellent record.

However, for reasons known only to FE, they have attempted to exclude the recreation of model flying from the New Forest for the only period of the year in which most flyers consider it a sensible recreation, effectively destroying a long standing agreement.

After considerable debate, with the assistance of the BMFA, the [ABCT](#), local MPs, and publicity in the local press (Lymington Times), FE has conceded that model flying does not cause great harm, and has allowed it to continue for the whole year with extra restrictions.

In the opinion of the BMFC the extra restrictions are onerous and should be relaxed. The BMFC believes that FE acted without properly investigating the proposition that it is the model flying which is causing the harm they allege.

The restrictions in the new contract [4] which the BMFC are most concerned to amend are:

1. ***The limitation to only 10 persons per day.*** This is unworkable, and un-manageable. The area is freely open to public access. Model flyers come individually, and leave, at will. The BMFC does not have on-site officers available at all times. The general public, tourists, dog-walkers, cyclists and others frequent the site. This limitation should be removed.
2. ***The objective to terminate combustion engines by 2023*** is unrealistic. Many modellers are heavily invested in such equipment and are not being given a realistic period to convert to other power sources. The type of small combustion engines

used, mainly 5cc-20cc, amount to the pollution and CO₂ generation of only 1% of a small family car. The access of multiple vehicles at the site is overwhelmingly greater than this. If any date is required it should be consistent with the Government and IPCC requirements for phasing out combustion engine use by 2035.

3. ***The termination of the right to Free-Flight flying.*** This FE consideration is based on a misunderstanding of the nature of this activity. FE does not appreciate that this is carried on by only a few model flyers; that the duration of any flight is very short (1-2 minutes); that the frequency of attendance is very low (about 6 times per year). This right should be restored.

Other restrictions in the new contract[4] which are onerous, but manageable include the following:

1. ***The area delimited for model flying now too small*** [18]. Google Earth gives the area of the heath marked in red as 6.42 sq km. It also gives the area flown marked in green as 0.17 sq km. Thus the area being used is 2.6% of the total area, and probably only 1% of the larger heathland. For reference, the area of the airfield marked by the perimeter track (the current legal limit of any flying) is 1.29 sq km so that the airfield itself is only 20% of the heath. The actual flying area is 13% of the airfield although 38% (a circle of about 0.49sq km) was allowed in the previous permission. Most of the previously permitted area has actually been unused for R/C model flying for over 30 years. Thus it seems unlikely that there could be any cumulative effect due to disturbance from model aircraft.
2. ***The rule that no organised events are to be held is overly restrictive.*** While it is appreciated that large groups of people can be more intrusive than individuals, even in considerable numbers, it is clear that the FE rules are not consistent. Recently, a large group of horse owners were approved to hold a meeting at the Beaulieu Airfield site [19]. This involved numerous large vehicles, many horses, traps (carriages towed by horses, and people (approximately 50 owners with a similar number of spectators). The event consisted of running horses around the entire perimeter track for a whole day - an activity far in excess of any event ever held in the past by model flyers, and more intrusive than any impact the model flyers have ever had..

Conclusion

Consequently, the BMFC believes that the answers to its questions (stated above) should be consistent with the views given here:

Answer to Q1: No, FE was not correct. No attempt was made to understand the current activity, assess its impact, or seek the opinion of the BMFC.

Answer to Q2: No, FE did not act fairly. Licensed activities were singled out for attention whereas unlicensed activities such as off-lead dog walking were not.

Answer to Q3: No, FE are not justified. FE took unnecessary and harmful decisions based on no evidence, and were reluctant to explain or cooperate with the recreation.

References

- [1] [20100000 Batten Report](#) The Batten Report – An ornithologist’s study of the interaction between birds and model aircraft at one location in the UK.
- [2] [20150301 model aircraft in the new forest](#) Briefing paper for 2015 FE review for the 2015 HRA with NE
- [3] [20150401 NE Assent](#) The licensing of the flying of model aircraft at Beaulieu Heath World War Two Airfield. 26th March 2015
- [4] [20191205 FE contract](#) Permission for Model Flying at Beaulieu for 2020
- [5] [20200720 NF breeding wader report](#) A survey of ground-nesting birds in the New Forest National Park in spring 2020, to assess potential impacts of reduced recreational use. *[This study of many areas of the New Forest, including area 10 – Beaulieu Heath, showed that the location of the airfield was far from the places at which the selected species (Redshank, Curlew, Lapwing, Snipe) were breeding. It also reports significant disturbance from Dogs, Walkers, Cycling and running, but no disturbance attributable to model flying.]*
- [6] [20200819 Model flying at Beaulieu Airfield](#) Briefing paper for 2020 FE review in anticipation of the 2020 HRA with NE
- [7] [20201106 FE note 2021 planned restrictions](#) A short note from FE to BMFC stating planned restrictions for 2020 – 2025 period
- [8] [20201113 Response BMFC to FE](#) The BMFC response and rebuttal of the FE proposals
- [9] [20201119 FOI request to Forestry about bird populations](#) A Freedom-of-information request to UK government asking for details of any study made by FE into bird populations in the New Forest. *[This revealed the existence of the 20200720 report above, which had not been made available to the BMFC by FE at that point]*
- [10] [20201130 letter BMFA to FC Management](#) Letter sent from BMFA to FE deputy surveyor expressing concern over delay in defining contract. No reply received.
- [11] [20210110 Letter BMFC to Julian Lewis MP](#) BMFC request for advice from local MP with reply from Forestry to MP.
- [12] [20210111 Permissions Extension Jan-Mar 2021](#) Extension of permission for the period January to March 2021
- [13] [20210112 Possible differences of opinion FE vs BMFC](#) A discussion of the main differences in points of view between FE and BMFC.
- [14] [20210507 Permission Extension Apr-Jun 2021](#) Extension of permission for the period April to June 2021
- [15] [20210608 FE contract Jul-Dec 2021](#) Short permission for remainder of 2021. New contract expected for Jan-Dec 2022.
- [16] [20210701 BMFC rebuttal of new contract](#) BMFC protest at Jul-Dec 2021 contract conditions
- [17] [20210729 FE reply to BMFC protest](#) FE reply to 20210701 protest from BMFC
- [18] [20211024 Comparison of areas defined for model flying](#) Maps and diagrams showing the relative sizes of the Heath and the parts that are allowed for model flying.
- [19] [20211024 Shire Horse event Beaulieu Heath](#) Shire Horse organised event September 2021