

CHESHAM MODEL FLYING CLUB LIMITED

MODEL FLYING, PLANNING AND ENVIRONMENTAL ISSUES

WELCOME TO THE REAL WORLD

BY DAVE HUMPHREY - CHAIRMAN CMFC LTD.

Chesham Model Flying Club was formed in 1988, and is now a highly successful club operating under the umbrella of the British Model Flying Association, the UK's Governing Body for model flying. The club has continually shared its success with the BMFA in order to help raise the profile of model flying in the UK. In just over 25 years much has been achieved due to the club's determination to succeed, through the efforts of the committee and the support of the membership as a whole.

As Chairman and one of the founder members of the club, I have been directly involved over this period in the many planning applications made by the club to two Local Authorities, and appeals to the Planning Inspectorate in Bristol. Every document, letter, map and photo has been copied and archived for future reference. They amount to over 4000 pages of A4 material, spiral bound in over 25 volumes.

This is my first hand account of the club's dealings with its near neighbours, local planning authorities, environmental and countryside groups, and other users of the countryside. It charts the highs and lows as the club has fought to establish itself as a legitimate organisation, acting responsibly to counter opposition to its activities, - At the same time exposing as myths much of the criticism leveled at the club and the sport of model flying in general.

This is **The Real World** and the impact of our activities on other countryside users conflicts with the Ideal World views held by many who choose to ignore factual evidence; their purpose, - to curb the activities of minority sports using the countryside. Many obstacles had to be overcome as the club embarked on a roller coaster journey toward its ultimate goal, - that of securing its future and as far as possible taking charge of its own destiny.

IN THE BEGINNING

In June 1988 a dozen model aircraft enthusiasts, myself included, living in and around Chesham Buckinghamshire were offered the opportunity of renting a ten-acre field for flying radio controlled model aircraft. The location is green belt land, being a picturesque valley setting in an AONB, - part of a 650-acre private estate in Pednor, just a mile from the centre of Chesham.

Test flights were carried out which suggested the site could be suitable. Senior flyers present acknowledged this opportunity as "A long time coming", - in fact 25 years or more, and so were eager to make something of it.

After considering a likely annual rent, it was decided that a model flying club should be formed, so in August 1988 a meeting was held to elect a committee and establish the first rules of the club, which would be named Chesham Model Flying Club.

At the same time it was decided that the club be affiliated to the British Model Flying Association (BMFA). Membership of the BMFA for club members, to include £5 million individual third party insurance cover, would be mandatory.

Down at the field a patch was mown for take off and landing and a pits area established. A portable pegboard was made, with all members issued with their own personal frequency peg. These were made from extrusions used in the manufacture of UPVC window systems, and are still in use today. A windsock completed the necessary equipment and flying began. This took place whenever the weather permitted, but Sunday mornings were when there was most activity. Membership grew to just over fifty in a short space of time, and things soon became well organised with safety the main consideration, closely following BMFA guidelines.

All appeared to be going well until, - In the summer of 1989 a letter addressed to myself was received from a family whose house was one of a row of about 14 in the next valley some 500 metres away. The letter referred to the 28 day rule and complained that the club had exceeded this use in less than a 12-month period, and so was in breach of planning regulations regarding a change of use of the land in question. Quietly sitting on this letter, while deliberating a suitable reply, another more personal letter followed warning Mr. Humphrey for the last time to, - 'Take your toy planes to some other playground in the Chilterns', - and looking forward to a reply confirming that I would heed the warning and take appropriate action. A letter was sent back, thanking them for their concern, and confirming that action would be taken.

PLANNING APPLICATION No. 1 - (No. 1 at PEDNOR FIELD)

The CMFC committee had decided what action would be taken; - On 16 August 1989 we applied to Chiltern District Council for planning permission to fly radio controlled model aircraft from the site. This was to include vehicular access to a concrete car parking area by way of using a designated bridleway, which ran alongside the field.

At the planning meeting, to the residents' amazement, the application was approved even though there were a dozen or more letters of objection, but outnumbered by letters of support, mainly from club members. The Council

decided that power flying be allowed on 3 weekdays **plus Sunday**, - (they chose the days!), - for a 12-month trial period to expire on 31 December 1990.

Club members were suitably pleased, and the British Model Flying Association was given all the details of our success, our first contact then being their General Secretary, Roy Nudds. This information was also made available to Roger Bellingham, soon to be the BMFA's full time Flying Site Liaison Officer, his interest being that at the time he was a member of CMFC and also a long-standing committee member of neighbouring club, - Aylesbury and District MAC.

Although we knew that we were not the first club to obtain planning permission, we felt obliged to make as much information available to the BMFA so that any valuable precedents set, might assist other member clubs, and raise the profile of properly organised model flying. During this 12-month trial period, the club continued to operate in a safe and well organised manner, with the District Council's Environmental Health Department verifying noise output levels in accordance with the DOE Code of Practice.

PLANNING APPLICATION No. 2 - (No. 2 at PEDNOR FIELD)

A year later on 22 August 1990, towards the end of the 12-month trial, we applied for permanent planning permission. At this time there had not been a single complaint about the activities of the club to the District Council, the Police or the local press. We enlisted the support of the BMFA, the Sports Council (Southern Region), and various other interested parties.

When the Council posted the application, - All hell let loose as the residents from over the hill sent in letters of objection, some reasonable in their content but most extreme, with some claiming that we flew from 9.00am until 9.00pm seven days a week. Others alleged that we were wearing out the narrow road that led to the site, were a danger to horse riders and ramblers on the Bridleway, scaring off the wildlife, and also frightening sheep in not so nearby fields.

These views were soon countered in a letter to the Council; - We never flew outside the hours allotted, and had no adverse affect on the standard of the single-track road. We had an excellent relationship with all users of the Bridleway, and even had a local horse-riding group with around 300 members, some who used the Bridleway, supporting the club's planning application.

The resident and close by wildlife were not put off by our presence. Often seen were Foxes, Rabbits, and Hares, as well as many bird species including, - Pheasant, Skylark, Linnet, Yellowhammer, Greenfinch, Goldfinch, Dunnock, Wren, Kestrel, and also a family of Little Owls living and breeding in the disused farm building next to our car parking area. Regarding the sheep, - our landlord was happy for 100 or more of his own to share the field with us. They took little or no notice of the aircraft flying, even during the lambing season. Other objections were centred on noise levels, which some residents stated were unbearable. The number of aircraft flying at the same time was grossly exaggerated, with claims

that there were up to six in the air at once, when in fact the club's self-imposed maximum of three, for noise reduction and safety, was never exceeded.

At the planning meeting, after much discussion, the Councillors voted to defer the application, stating that they would like to visit the site before deciding, and in any case the local Councillor whose views should be listened to, was out of the country at the time. Worthy of note at this meeting was a comment by the Chairman of the Council's Leisure Services, when she stood up and in an uncontrolled outburst said, - "Anyone who flies a model plane must be a moron".

After this setback, (a postponement for a site visit), my efforts to enlist the support of the local Councillor, backfired. Whilst promising that he would seek out a compromise on acceptable flying times when visiting the residents, and then report back to me, - he betrayed my trust by whipping them into a frenzy to produce a petition signed by people far and wide opposing the planning application.

When the application came before the planning committee again on 29 November 1990, the Councillor gave a storming performance, setting the scene for the application to be refused by a majority. Only 2 of the 21 members on the planning committee had in fact visited the site to see the aircraft being flown. One Councillor was happy with what he saw whilst, in his presence, his female colleague was critical of "A rather noisy one", - It was a full size Cessna!

The Councillor representing those residents opposing the application and two others who had voiced vociferous opposition, all lost their seats in the subsequent local elections, - Now that's public appreciation for you!

PLANNING APPEAL No. 1 - (No. 1 at PEDNOR FIELD)

After a committee meeting to discuss what should happen next, - we decided to appeal to the DOE Planning Inspectorate in Bristol, under the Written Representations Procedure.

The appeal was lodged on 29 January 1991, and we set about providing as much evidence as we could, including aerial photographs of the site, and copies of the club's daily flight log sheets which detailed the names of members, the aircraft flown, at what time and on which day. This elaborate and comprehensive information, including letters supporting our case, was presented in handsome spiral bound volumes to the DOE Inspectorate and to Chiltern District Council.

A top lawyer working for a multi-national company was shown the documentation, and he gave it the thumbs up - We were cautiously optimistic of winning the appeal.

The day came for the site visit by the Govt. Inspector, - It was overcast with drizzle, hardly ideal flying weather but we obliged and demonstrated several aircraft.

Because of the weather, there was virtually no ambient noise, usually present on a fine day, - namely jets from Heathrow, light aircraft from Wycombe Air Park and Denham Airfield, and perhaps farm machinery and lawnmowers, - Therefore conditions were not representative of a normal flying day.

The Inspector observed and listened to three aircraft being flown, the maximum permitted in the air at any one time, - (club rule). Flight patterns were also those in accordance with the club rules. Accompanied by CMFC committee member Gordon Hancock and the Council's planning officer, the Inspector left the site to travel to the resident's homes to observe and listen from there. Our man duly returned to report that any noise was neither loud nor continuous as the models flew circuits.

Many weeks passed until the Inspector's decision letter finally arrived, dated 13 May 1991, - It was bad news, he had ruled in favour of the Council. One statement in the letter was not easy to take, but is remembered for the amusement it caused. It seemed not to support the decision to refuse the appeal.

The Inspector had said: - "The noise from these aircraft is not what I would term a loud noise, particularly when heard from some distance such as the houses in Pednor Road. It can be drowned by other noises close at hand such as passing traffic or even birdsong".

Did this mean a Blackbird singing from the same location for more than 28 days a year would need planning permission?

On the plus side, he found unconvincing the Council's concern that we had an adverse effect on the enjoyment of those who used the Bridleway, even though the edge of the take off and landing patch was only 30 metres distant. Such views were often repeated by Councillors, perceived through their imagination, and although contrary to reality were still to be used in the future as a tool in an attempt to justify the refusal of an application.

Although the Inspector dismissed the appeal, he indicated in his decision letter that power flying perhaps only 3 mornings a week, with no flying at weekends, would in his opinion be acceptable, such as to be of no use to the club. This would in fact be of little use as far as power flying was concerned.

He wished the club good luck for the future, in finding a more suitable site. At this point in most people's minds, - we were long gone into the sunset!

PLANNING APPLICATION No. 3 - (No. 3 at PEDNOR FIELD)

We decided this was not to be, for the future was now, - so on 31 May 1991 we submitted another planning application, (this time there was no charge) for just what the Inspector had deemed to be acceptable in his letter, plus unlimited silent flight.

During the coming weeks, as we waited for the application to be heard, we continued flying under the 28 day rule. Purposely suspending all weekend flying, Thursday was chosen as the one day a week that flying would take place; - Activity was greater during this period than Sundays had been previously. A letter however soon appeared in the local newspaper rejoicing that "Peace and tranquility had returned at last to the Pednor Valley". Strange! - were we now somehow silent?

When this application finally came before the planning committee, Councillors were slightly confused and did not seem happy as they viewed a map and tried to work out if we had moved to a more distant location. They were told it was the same site, - nothing had changed, - and warned by the Chief Planning Officer to refuse this application at their peril and not to impose any further temporary use or the Council would definitely lose any subsequent appeal!

It went through unanimously, we had full and permanent planning permission, dated 08 August 1991. Residents and some Councillors were not amused!

This was indeed a victory for CMFC, for it kept the club together, while the hunt began for a second site to restore our lost weekend power flying.

THE HUNT FOR SITE No. 2

Now that we could be seen as a fully legitimate organisation, we decided to build our image. Most important was to continue our fully co-operative approach when dealing with third parties, whether individuals or other organisations, especially as our Pednor site is in the Green Belt in an Area of Outstanding Natural Beauty (AONB).

We had always from day one shown respect for other users of the countryside, namely those using the Bridleway. In return, horse riders and ramblers alike were always polite, many stopping for a chat and finding it hard to believe that we had lost our weekend power flying.

Also the reduction of noise was seen by the committee as important for the future. Together with at least half a dozen other members, we were now engaged in experiments at Pednor with add-on and modified silencers and trying different make/ size/pitch propellers, achieving good results, - and documenting the findings.

While all this was going on, members were urged to keep a look out for any site in the district or beyond that might be suitable. Many phone calls were made, sites visited, and maps studied in an effort to find the ideal site.

Letters appeared in the local newspaper giving the club all sorts of advice including that we should relocate to disused Bovingdon Airfield, some five miles away. I responded in the newspaper to explain why the airfield was unsuitable; at the same time offering anyone £50 for any lead which resulted in a suitable site being found, - Not surprisingly, no one contacted us.

In September 1991, I visited a farm 5 miles north of Chesham and spoke with the farmer who was willing to consider renting out part of one of his fields. After a couple of weeks I phoned him and he had decided that reluctantly he was unable to help, - but then came a possible breakthrough. By chance at the end of the phone call, I asked him if he knew of any other land that might be available to rent.

He paused and then said he had heard that another farmer two miles further on, had put some thirty one (31) acres of a thirty five (35) acre field into a five-year set aside scheme in 1989 - Perhaps he might be willing to let part of it. This field represented around 10% of his total land holding.

Along with Richard Johnson our Club Secretary, I visited the farmer, a nice man in his late seventies, who agreed the club could rent some of the field, subject to permission from MAFF (now DEFRA) regarding the land status, - but any complaints from anyone nearby and we would have to go. "What about if we were able to obtain planning permission?" we asked. He agreed that would be a different matter. So here we go again! ----

PLANNING APPLICATION No. 4 - (No. 1 at NEWGROUND FIELD)

The field in question, like Pednor, - is also in the Green Belt and in an Area of Outstanding Natural Beauty, situated a mile south of Tring in Hertfordshire, close to the picturesque village of Aldbury. Being only seven miles by road from the centre of Chesham, it seemed an ideal location especially with the A41 dual carriageway bypass under construction at that time, which would serve to reduce journey times to and from the site.

The field has a minor road, Newground Road, as its southern boundary, - Grand Union Canal (towpath side) as its western boundary, and the West Coast Main Line Railway forming the eastern boundary. With an already usable entrance from the road, a car park could be ideally shielded behind the tall road hedge. Ten acres in the widest middle part of the field would be a suitable flying area, but would need to be ploughed, harrowed, seeded and rolled to make it like a playing field, with a take off and landing patch suitably positioned.

All this work would cost around £2500, and was approved by the committee and incorporated into the planning application submitted to Dacorum Borough Council on 18 November 1991.

On 06 February 1992 the application came before the planning committee. The discussion at the planning meeting started badly, with one Councillor stating that we should, - **"Clear off back to where we came from"**, - presumably he meant Chesham.

Others were more positive, particularly since there were no letters of objection from any individuals. However the Parish Councils of nearby villages Aldbury and Wigginton objected. In the end after much discussion we were given full planning permission. This was on a temporary basis, conditional for one year, so that the Borough Council could assess the impact of our activities on the surrounding area. Actually, it expired on 31 December 1992 so was in fact less than 11 months.

This would of course be of no use to the club, since it would take longer than this period for the field to be made usable, and in any case, it would be pointless to commit to any serious expenditure for so short a period of time with no guarantee of continued use.

PLANNING APPLICATION No. 5 - (No. 2 at NEWGROUND FIELD)

Because of this consideration, on 21 February 1992 we submitted another planning application to have the restrictive condition removed, asking instead for a period to at least coincide with the ending of the set-aside agreements, (about 3 years).

Just three days later, on 24 February 1992, we lodged an appeal to the DOE should the Council decide to refuse this application. This meant that in the event of the application being refused, the appeal would be up and running. This tactic apparently is known in the building trade as 'Twin Tracking'.

A letter was sent to all 21 Councillors on the planning committee explaining in detail the situation. I attended the planning meeting along with several other CMFC committee members. We were all in optimistic mood, to hear the second application discussed. Amazingly, by a majority, the Councillors stuck to their original decision, so on 16 April 1992 we had a refusal. We couldn't believe what had happened but were determined not to give up, so decided to prosecute the appeal we had already submitted.

PLANNING APPEAL No. 2 - (No. 1 at NEWGROUND FIELD)

From what we had learned from our first appeal at the Pednor site, no way were we going for the Written Representation Procedure. This time it would be an Informal Hearing, despite the Council kindly pointing out that written representation would bring about a quicker decision. The fact that a top lawyer

could find no fault with the documentation we had submitted for our first appeal at the Pednor site, convinced us that however much information was presented, and however strong the case was, there was no guarantee which parts would be read or fully understood for that matter.

We thought it better to have an across the table discussion with a Government Inspector present. We invited Roy Nudds and Roger Bellingham, representing the BMFA to attend the hearing held at the Dacorum Borough Council Offices on 16 June 1992.

I represented the club accompanied by fellow committee member Gordon Hancock. Things seemed to go well at first, with the Planning Officer having the unenviable task of defending the Council's refusal decision, since her own planning report had recommended a **5 year** temporary use.

Prior to the hearing, a late objection by Railtrack seemed that it might threaten the outcome, when it was suggested that if a model collided with a train, injury or death to the driver could occur.

To counter this, I had obtained information from their Engineering Works at Derby, and conveyed to the Inspector at the hearing, that their safety tests required that a two pound weight projectile be fired at the front windscreen of the train and for it not to penetrate the second screen. It was fired at 1.5 times the maximum speed of the train. In the case of a 125 train, this speed would be 187.5 mph. The Inspector noted all this down.

After the hearing had concluded, we all headed off for the site visit, which proved uneventful, since the Inspector had previously indicated that he did not wish to see aircraft being flown at the site.

Just two weeks passed by when we received the Inspector's decision letter. It turned out to be as much as we could ever have hoped for; - Condition Number One had been removed, and changed instead to 5 years use from the date of the letter, which meant until 01 July 1997.

Railtrack's objections were dismissed by the Inspector as unconvincing, along with British Waterway's objection that the model flying would adversely affect people using the canal towpath.

He also dismissed the claim made by Aldbury Parish Council that the site was on the edge of their village, and that the land would be a loss as far as agriculture was concerned.

He also upheld the times for power flying at the site; these were 9.00am - 7.00pm on Monday through to Saturday, and 10.00am - 6.00pm on Sundays and Bank Holidays.

He saved his heaviest criticism for the Council and in particular the Planning Committee Councilors for failing to fix a term of use that took account of the money to be invested, and that, therefore, a 12-month period was too short and wholly inappropriate.

In a separate letter linked to this, he awarded the club costs against Dacorum Borough Council for unreasonable behaviour.

STILL A LONG WAY TO GO

When all this good news had finally sunk in, our thoughts moved toward getting the field ready for use, but first we needed to draw up a five year rental agreement with the farmer / landowner. We then received by letter some sad news that on 02 December 1992 he had died. His immediate family, on his behalf, had been fully supportive of our efforts to secure full planning permission.

In the circumstances the executors and beneficiaries of his will invited us to make an offer to purchase a part of the land to include the area outlined in the planning application. After making known this area, and suggesting an offer price, the land agent advised it was unacceptable because, in his opinion, it made the rest of the land unmarketable due to the shape of the remaining land parcel. All was not lost though, as we were given the opportunity to buy the whole 35-acre field for around £1000 per acre.

We had to act immediately, and with some guidance from the land agent, a figure of £30,000 was predicted to be acceptable, so a formal offer was made. We sounded out several top financial institutions boasting the ability to assist with funding, - all backed out for various reasons.

I then contacted the business arm of our own bank HSBC, (then Midland), and persuaded a Senior Manager to consider helping with the purchase of the land. I took him on a tour of the perimeter of the site. He was impressed by what he saw, and arranged for the bank to carry out a survey / valuation.

On 17 February 1993 a solicitor was engaged to act for us in the land purchase and the possible transfer of the five-year set aside agreements. The next day the bank confirmed their interest in assisting us to purchase the land.

The next hard bit would be to convince the membership that the committee was serious about land purchase and to get together a business plan to present to the bank, which might make it all possible.

Meanwhile MAFF, (now DEFRA), were approached regarding the possibility of transferring to the club the five year set aside agreements which would provide an income.

An Extraordinary General Meeting was called for 04 March 1993 with members having been sent all the details to consider this once in a lifetime opportunity for the club to become owners of its flying site.

At the meeting, all members present were given forms to fill in, to pledge an unspecified amount of money that they would be prepared to loan the club on an interest free basis, to serve as a deposit for the land purchase.

This money would be refunded as and when the club could afford to do so, but with no guarantee as to how long this might take. Only the committee was party to who had pledged, and what amount. Members pledged amounts from zero to £500, and at the meeting these were totaled to over £6000. Some members present could not believe the response.

Very soon afterwards this amount rose to over £7500, the minimum amount required by the bank as a deposit, and the bank then confirmed in principle they would be happy to provide a loan of £22,500, being the balance, over a fifteen year term.

There were, however, various factors required by the bank to be settled in the arrangement; these were: -

1. The completion of the satisfactory setting up of Chesham Model Flying Club Limited, a company limited by guarantee, with no share capital.
2. An injection into the limited company account of at least £7,500.
3. Evidence of an additional £3,000 held in the building society for legal costs and field preparation.
4. Confirmation of the set aside arrangements, their transferability and the income generated, including timing.
5. A copy of the Club's 1992 accounts.

On 11 March 1993 the land agents acting for the vendor confirmed our offer was acceptable subject to contract. It was also subject to no better offer being received, and to the Grant of Probate, so it was not over yet.

After this, things became slightly complicated with so much to be sorted. The loan application form from the bank was signed, the Memorandum and Articles of Association were drawn up and signed by the committee members who became first Directors, and on 20 April 1993 the club was registered as a 'not for profit' Limited Company by Guarantee.

The land set aside agreements were successfully transferred to the club. These would generate an annual income in exchange for the club's acceptance of a strict land management prescription.

Usual frustrating delays occurred at the final hurdle until contracts were exchanged, and the purchase was completed on 25 June 1993. There was more than a hint of jubilation at this point.

Now the field needed lots of work to turn it into a first class flying site. In late 1993 the ten acres for which we had originally gained planning permission was ploughed, harrowed, seeded and rolled. Then followed the installation of a secure entrance gate, and the laying of granite scalplings, alongside a centre hedge to the flying area, where a turn round circle was constructed. This would allow vehicles access to a drop off point for models, and then they would be driven back to the car parking area alongside the entrance gate, a safe 300 metres from the flying patch.

It would be several months, to allow the grass to grow, before we could get to stone pick the already designated patch area, 50 x 40 metres. When this task had been completed, organised flying began at the Newground site.

OTHER GOINGS ON

Meanwhile prior to this at Pednor, much success had been achieved with regard to noise reduction. It was some two and a half years since we had gained full and permanent planning permission, although at the same time we had lost weekend i/c power flying.

We decided to approach the Planning Department at Chiltern District Council with an idea. This was to apply for permission to fly power models on Saturdays at a reduced noise output of 79dBa at 7 metres, compared to the DOE Code of Practice stated figure of 82dBa.

The Inspector had referred to the DOE Code of Practice in ruling that there should be no weekend power flying. A lower figure we argued would mean a different ball game and allow a new application to be judged on its merits. The Planning Officer agreed that the Council would consider such an application.

PLANNING APPLICATION No. 6 - (No. 4 at PEDNOR FIELD)

The likelihood of winning back weekend power flying was a long shot and far from guaranteed. The Council had further indicated that even to consider it depended on firstly proving to the Environmental Health Department that we had aircraft capable of lower noise outputs tested as per the DOE Code of Practice.

Also the permission if granted could only be for temporary use, and would have to run alongside our other permanent use. We were to suggest two 2-hour periods; - these would be 10.00am until 12.00pm and also 2.00pm until 4.00pm.

The Environmental Health Officer tested suitable aircraft at the site, - they all passed at 79dBa or below. The club suggested that all aircraft eligible to be flown on Saturdays would need to be individually certified and recorded in a special logbook.

On 06 April 1993 we submitted the application and wrote to all Councillors and nearby residents outlining our proposal. The Planning Officer's report recommended an 'on balance' conditional permission.

At the planning meeting 8 weeks later, the Councillors had a much different idea, - the Inspector had ruled no weekend power flying at the site, so that was it!

Also, and rather annoyingly, it was still felt that our activities spoilt the enjoyment of the countryside for other users, in particular those using the bridleway. There was no proof of this whatsoever, and the Inspector in his appeal refusal letter had already discounted it. The application was refused, - dated 03 June 1993. We were heading for appeal No. 3, the second at the Pednor site.

PLANNING APPEAL No. 3 - (No. 2 at PEDNOR FIELD)

After our successful appeal against Dacorum Borough Council, we fancied more of the same against Chiltern District Council, - that is another informal hearing. Again the Council was eager for us to go with the Written Representation Procedure.

We submitted our appeal on 08 July 1993. Many representations were made to the Inspectorate at Bristol, by supporters and objectors alike, in the run up to the appeal hearing.

One resident living over 600 metres from the site, enlisted the services of a Town and Country Planning Consultant, - not cheap! Because he would be away on holiday for the next two weeks, he sent a prepared document on how best to object to the application, and circulated it to everyone on the Council's list of interested parties, - **including CMFC**, - a classic own goal!

The club, in a letter sent to the Council and the Inspectorate, suitably countered all the issues raised.

Present at the hearing was the Inspector, myself as Club Chairman, fellow committee member Gordon Hancock, Roger Bellingham (BMFA), the Planning Officer, one Councillor, and three residents, - all living in houses over 500 metres from the site.

The Inspector kept everyone in check and there were many points of view put by both sides. Afterwards we all adjourned to the flying field where several members demonstrated aircraft, varying throttle settings and flight patterns.

The Inspector then visited the garden of one of the residents, some 650 metres distant, to listen from there. Unlike the previous Pednor appeal, there was a fair amount of ambient noise around, much of it courtesy of Jumbos from Heathrow passing overhead at between four and six thousand feet.

Encouraged by how things had gone, we eagerly awaited the Inspector's decision.

On 28 October 1993 we received fantastic news, - he had allowed the appeal. In a mammoth seven page letter he dismissed the residents' objections, and was impressed by the reduced noise emissions which he considered would not be noticed by the casual passerby at any location as far distant as the residents' houses.

He decided against two periods of flying, opting to award instead, - one 5-hour period from 9.00am until 2.00pm. Also he decided there was no reason to make the permission temporary.

Against all odds we had won back permanent weekend power flying at Pednor.

In doing so it should now be accepted by the Council that the Club's activities at this location have no significant adverse affect on the nearby residents, wildlife, or other users of the countryside, - until the next time?

PLANNING APPLICATION No. 7 - (No. 3 at NEWGROUND FIELD)

Although full planning permission had been granted for Newground, it was still a temporary use, albeit for a 5-year period fixed on appeal by the Government Inspector, to expire on 01 July 1997.

Early on as flying commenced at the site, contact was made with a lady living in the nearby village of Aldbury. Her house is some 700 metres from the takeoff and landing patch, and over 500 metres from the railway, which as a club rule no one is permitted to over-fly. As a near neighbour we invited her to inform us of any aircraft she considered being noisy, - she was happy to oblige.

Over a period of two years we received several calls from her to report the day and time of such incidents.

Because of the club's unique on-site logbook system, it was easy to trace the offending aircraft and member responsible. Upon investigation all complaints were upheld with the member reprimanded and the aircraft grounded until noise emissions were improved to comply with the DOE Noise Test.

Such a small number of transgressions of the noise code obviously did not constitute an unreasonable noise disturbance, and by close monitoring the situation and taking appropriate action, reported incidents of noisy aircraft ceased.

In late 1995 with over three years of the five year term expired, it seemed a good time to apply for permanent planning permission. Checks were made with Dacorum Borough Council, which revealed that there had been no complaints received by them concerning any aspect of the club's activities. The submitted application then went before the planning committee. I attended along with several other committee members, and I was allowed three minutes to address the meeting and put forward our case for permanent permission. I also highlighted our land management prescription with MAFF (DEFRA) in particular the benefit to wildlife at the site. This seemed to be well received and the application was passed unanimously. We had finally achieved our goal! We didn't leave the meeting room straight away and were there to hear the next planning application, which was for the erection of a mobile phone mast some 500 metres away at Newground farm. Some Councillors expressed concern that the mast might interfere with the operation of model aircraft that had just been given permanent permission, - we now seemed to be 'friends of the countryside.' The mast however was erected, - is well away from our flight pattern and has never caused a problem.

PLANNING APPLICATION No. 8 - (No. 5 at PEDNOR FIELD)

On 17 November 2003 we submitted to Chiltern District Council our fifth planning application regarding the Pednor site, being the club's eighth in total. The idea this time was to extend the hours of power flying on Monday, Thursday and Friday beyond the permitted 1300 hours to 1900 hours.

This extension would increase the opportunity of midweek power flying for those members living near to the site, and in particular allow for any juniors to perhaps fly after school hours. There was no chance of this resulting in over-use; - indeed regarding the existing permission for power flying on the 3 weekday mornings, out of a possible 156 days per year, power flying had only taken place on 21 days in 2003. For 2002 it was just 8 days, and 2001 it was 11 days. This low usage was due in part to the Newground site having virtually unrestricted flying, and with a 10 acre gang-mown area ideally suited to larger models.

It was 1993 when we won our appeal to get back Saturday power flying, albeit for aircraft certified at 79dBa with a maximum of 2 aircraft in the air at any time.

Over this 10-year period there have been no complaints received by the Council regarding any aspect of the club's activities. The Council has always argued that weekends are more sensitive than weekdays. The thrust of our application, therefore, was that it was reasonable during the additional hours on weekdays for

power flying to take place, subject to the same conditions attached to the permission for Saturday power flying.

To strike a sensible balance, we chose the weekdays already listed in the current planning permission, seeking to extend the hours on these days only. We made clear that we had no intention of seeking to extend power flying on Saturday or to include Tuesday, Wednesday, or Sunday when power flying is not permitted.

A demonstration, for the Council's Environmental Health Officer where we flew 2 aircraft, produced noise readings of just above 30dBa at the nearest residents' houses. This we felt was good and in keeping with mere background noise levels.

Surprisingly, the application attracted 20 letters of objection from residents living 500 metres away and beyond. As predicted, unsubstantiated and mainly exaggerated claims were made regarding the flying already taking place. The only factual record of site usage was contained on the club's Flight Log Sheets, a point we had stressed to the Council.

It was decided that the application would not go before the planning committee, but would be decided by the Planning Officers under the Delegated Powers Procedure. The local Councillor had requested by letter that if the officers saw fit to recommend approval, - could they make sure it went to committee, presumably so that the Councillors themselves could refuse it.

On 09 January 2004 it was refused, the reason given: - A loss of amenities for nearby residents due to the noise. I was far from happy with this result, especially since the 79dBa noise limit, (an integral part of our application), was not properly taken into account. The reason for this, according to the planning officer, was that it was not actually stated on the planning application although was made clear during the planning process. In any case we already had permanent permission for Saturdays under the same conditions that are somehow now unacceptable.

On 14 January 2004, we decided to engage the services of the BMFA's Roger Bellingham to study the application and the Council's decision, with the view to submitting a further application, and/or appealing against the refusal.

PLANNING APPLICATION No. 9 - (No. 6 at PEDNOR FIELD)

This planning application submitted on 05 April 2004 was similar to the previous one but for power flying Monday – Friday and modifying the flying times outlined in the previous planning application to 0900 to 1800 hours. In addition, this time a maximum noise output of 79dBa was included on the application form. However it too received the by now familiar negative response from Councillors and more of the same ‘over the top’ claims of continual flying, every hour, every day, every month in letters opposing the application. Needless to say it was another refusal dated 28 May 2004.

PLANNING APPLICATION No. 10 - (No. 7 at PEDNOR FIELD)

This was our last throw of the dice as far as planning applications to increase power flying at Pednor Field. After much consideration on 03 December 2004 we submitted another application which addressed the ridiculous claims that flying took place continually during our permitted flying times. Since all our flights were and still are logged, important wording was included on the application form: - 'Time in the air shall not exceed 4 hours on any day within the permitted times of operation'. This posed a new problem for the planning department, who ruled that it was to be assumed that power flying took place every minute of every hour of every day within permitted flying times, - something we argued never happened on any site anywhere! The same objections were cited by the Councillors at the planning meeting and it was yet another refusal on 28 January 2005.

PLANNING APPEAL No. 4 - (No. 3 at PEDNOR FIELD)

This was the 'last chance saloon' – would a Govt. Inspector see through all the lies and exaggerated claims opposing our application and overturn the Council's refusal decision. The appeal was lodged on 26 July 2005. There was massive interest in this appeal and the Informal Hearing finally took place at the Council Offices over a year later on 15 August 2006, when after much discussion it was adjourned and resumed for a site visit at the Pednor Field on 19 October 2006.

There were many letters of objection and a big turnout of residents at the Informal Hearing, with several allowed to speak. Surprisingly the main centre of opposition this time was from horse riders, (two in fact) claiming that we made the Bridleway unusable from their perspective. This was just not true since there had been no adverse comments by horse riders passing the site. One person insisted that our aircraft 'dive bombed' her horses in a field beyond the ridge at the top of our field. With tall trees on the ridge the Inspector himself, during a tour of fields surrounding the site, acknowledged that this was impossible as an aircraft would go out of view of the person flying it from the patch. For the Inspector, it was his last appeal before retirement and although especially during the site visit he seemed to be on our side, it did not turn out that way. He dismissed the appeal in his decision letter dated 06 November 2006 stating that the three weekdays that flying already took place, gave the horse riders other days during the week when they could ride without the prospect of aircraft being flown. He had somehow 'forgotten' that electric powered aircraft or gliders could be, and were, flown on any day and at any time. We were well and truly 'stitched up'! All the factual evidence we had supplied was simply ignored.

Interestingly, the Inspector who dismissed the first appeal at Pednor commented on the Council's belief at the time that the flying activity causes disturbance and danger to walkers and horse riders seeking to enjoy the attractive countryside of this area. The Inspector stated: - ***"I find this objection unconvincing. As I observed on my visit, the Club is careful to minimize any hazard when flying is taking place. Almost any location in the countryside, at least in this part of the***

country, would be more or less close to footpaths and bridle-paths. I have no evidence of any objections from walkers or horse riders from the continuance of this activity over the past year; on the contrary, a number have written to express their support. I conclude that this is not a clear objection to this proposal."

And so, - This seemed like a good time to call it a day in terms of getting more power flying time for Pednor, and indeed of making any further planning applications. We had over a period of sixteen years, submitted ten planning applications and made four appeals to the DOE in Bristol and had achieved much more than anyone could have envisaged.

THE WILDLIFE CONNECTION AND SET-ASIDE LAND

At Pednor Field there is no evidence of the wildlife present being adversely affected during the 25 years that the club have been using the site, - in particular birds recorded as being present at the site are still there, - some in greater numbers. These include Goldfinches, Greenfinches, Linnets, Yellowhammers, and Wagtails. Ever present has been the Little Owls which nest each year in the Club Hut, - a disused farm building. They are often seen during daylight hours, and have obviously never been put off by the activities of model flyers at the site.

At Newground Field the club took on a responsibility previously unconnected with their organisation of model flying, - that of managing all of the land that previous to 1989 was in agricultural production. The club purchased the land during up and running five year set aside agreements, whereby no crops were grown and the land classified by MAFF (now DEFRA) as Natural Regenerated Grassland (NRG). These agreements were transferred to the club when it took over ownership of the land.

In return for not growing crops and maintaining the land in accordance with management prescriptions signed up to, - the club received an annual payment, under the terms of the Common Agricultural Policy (CAP). The ten acres used for model flying was still in set-aside but received a reduced payment tariff having been re-classified as non-agricultural use.

The remaining grassland had to be topped in late July / August with the toppings left on the ground to rot. As part of the agreement, these toppings could not even be given away, as the recipient would be deemed to have received payment in kind.

With the total absence of use of fertilisers and pesticides at the site, - another condition of the agreement, wildlife soon began to benefit. In particular the numbers of birds and species increased dramatically as new plant life attracted insects, - serving to provide a food source for the birds.

The gang-mown flying area, once established, complimented the grassland and soon attracted ground feeding birds especially Rooks, Starlings, Jackdaws and

Pigeons. Late summer saw flocks of Goldfinches feeding, and in winter large numbers of Fieldfares and Redwings arrived. At other times there were good numbers of Golden Plovers and Lapwings, together with Swallows and House Martins. In early spring as many as 20 Skylarks have been observed together as they staked out their territory prior to the nesting season. The resident family of Badgers was still active, and at many locations around the one-mile perimeter Rabbits, including some all black ones, were on the increase.

All this activity was taking place alongside the model flying, which showed no signs of adversely affecting the wildlife. Indeed, Skylarks could be seen rising and singing on the wing whilst aircraft were being flown. The numbers of birds nesting at the site has continued to increase since the club began using and managing the land.

During the previous ownership, the land had in fact been entered into two separate 5-year set aside agreements, - the northern end of the field in 1989 and the remainder in 1991. When the first agreement ended, various other agri-environmental schemes were available for ex five year set aside land as an alternative to returning the land to crop production.

It was decided that the northern end be entered into the Habitat Scheme in 1994 for a period of 20 years to expire in 2014, and the remainder of the western side of the field which borders the canal, into the same scheme in 1996 to expire in 2016.

The Habitat Scheme, (since replaced by the Countryside Stewardship Scheme), is a long term agri-environmental set aside scheme aimed to benefit wildlife, and subject to strict land management prescriptions in return for a fixed guaranteed annual income as part of the Common Agricultural Policy. Payments are made each year in late spring by the Rural Payments Agency (RPA); - 50% funded by the UK and the other 50% by the EU.

The remaining land, i.e. the gang mown area and the south eastern corner of grassland, both part of the 1991 set aside agreement, have since 1996 been entered annually into Additional Voluntary Set Aside, for which payments are received in November each year.

A wildlife specialist, working for DEFRA, was assigned to the club and periodically reviewed the management prescriptions laid down.

Studies have been carried out at the Newground site to record the types of plants, birds, insects and mammals that exist there. These include several by MAFF and one by the RSPB. The latest survey was the most comprehensive carried out during 2003 by wildlife specialist Dr. Leo Batten CEnv MCIEEM (Member Chartered Institute of Ecology and Environmental Management) His study to include mapping of all the bird species present and numbers holding territory at the site was funded by the BMFA to record how the wildlife might be affected by model flying. It is believed to be the first such study carried out

anywhere in the world, and concluded that the model flying taking place at the site had no adverse effect on the wildlife. We were more than happy to co-operate, and took an active interest throughout. Seven years later in 2010 Dr. Leo Batten carried out a second survey funded by the BMFA. The idea for these surveys was the brainchild of Roger Bellingham, BMFA Flying Site Officer, who could then use the information to counter objections concerning wildlife, when assisting BMFA member clubs with flying site problems or when seeking planning permission.

ACTING RESPONSIBLY

Model flying has always been subject to close scrutiny, and is judged by some people to be unacceptable in the countryside, sometimes that it should be banned altogether. Like most sports, it will attract criticism, - CMFC soon realised this and set out to respect those individuals and organisations that shared the use of the countryside near to its flying fields. By acting responsibly would, given the passing of time, provide a factual record of the true effects of the club's activities, at both sites, on the surrounding countryside. This information would not only benefit the club itself, but could be used by our governing body, the BMFA, to inform and assist other member clubs who might need assistance with planning applications etc.

At Pednor, its unique setting in a valley means that the aircraft pits area is right next to the bridleway, which runs alongside the field. The takeoff and landing patch is only 30 metres away, just as close as it could get.

The perception from an objector's point of view is that a model aircraft, in particular the noise, adversely affects the enjoyment of anyone seeking to use the bridleway at Pednor for recreational purposes. The reality is quite the opposite, - walkers and ramblers are clearly not bothered, and when horse riders appear, any engines running are shut down in case the horses might be startled. This strategy encourages mutual respect and after 25 years at Pednor, the club's good relationship with other countryside users remains intact.

However, during this period, mindless individuals have on occasions caused the club problems. These include criminal damage to property belonging to the club, several unauthorised raves, fly tipping of building rubble, and aircraft being flown that have taken hits from a maniac with an air rifle.

At Newground field, it soon became clear that the club's activities had no adverse effect on any nearby residents 700 metres away. Likewise, there was no adverse effect on others seeking to enjoy the surrounding countryside; in particular anyone using the Grand Union Canal and towpath which borders the western boundary of the field.

Early on, all organisations likely to have an interest in our activities were contacted, and made aware of our presence in order to demonstrate our willingness to co-operate should any problems arise. These include the BMFA, the

RSPB, English Nature, Herts and Middlesex Wildlife Trust, British Waterways, Railtrack (now Network Rail), Aldbury Parish Council, Ramblers Association, Environment Agency, Thames Water, a local Badger Group and the Police.

At Newground the club has suffered from the actions of others. There have in the past been acts of trespass and several incidents of criminal damage, by persons unknown gaining access to our land from the towpath, due to the general poor state, and in some places non-existence of the boundary fence. In 1993 the club contacted British Waterways explaining the unsatisfactory situation, whereby there were boat users entering the field with their dogs, and their children playing ball games, fishermen dumping used equipment and using the field as a toilet, the odd barbecue, fires being lit and unauthorised camping.

Correspondence continued on and off for the next six years, but the problems were never going to be solved since the placing of polite notices saw most of them disappear or end up being thrown into the canal. In order for these activities to cease, the fence needed replacing, so we wrote to them yet again.

This time I suggested that the builders of the canal system, some 200 years ago, were at the time responsible for installing stock proof fencing between the canal and the adjoining land and for maintaining it indefinitely. Apparently, and surprisingly, after checking archived documents, British Waterways confirmed this was in fact the case, and so finally agreed to replace the entire 900-metre long boundary fence, at an estimated cost to them of around £7,000. In January 2001 their contractors arrived and did a superb job. Since completion all problems previously encountered have ceased.

On the eastern boundary with our other neighbours Railtrack, now Network Rail, unwanted waste materials thrown from the railway onto our land has been a problem. Contractors working for Railtrack, engaged on new installation and routine maintenance work on the West Coast Main Line, employ those responsible. Discarded materials included, - old post and wire fencing, rubber shock absorbing pads, metal and plastic clips, wire, empty welding paste tubs, earth straps, lumps of concrete and drinks cans/bottles etc.

The track system was, and still is, littered with rubbish and redundant materials, - some of which have been there for years, - Clearly, there appeared to be no proper waste management procedure. During the Xmas shutdown of the railway system, following the Hatfield train disaster, over 150 shock absorbing rubber pads were launched into our field.

Following a final straw incident in November 2002, I arranged a meeting at the site with representatives of Railtrack and their contractors Balfour Beatty and Jarvis.

Those present took digital photos of the latest dumped items, were amazed that it was happening, and promised a full investigation and a report on the outcome. This if it happened would at least be something. Just in case nothing much

happened, as was usual, and after more than 10 years of dumping, I persuaded the Environment Agency to become involved.

They sent a senior official to meet me and photographed the latest dumped items, promising some real action; - they were especially concerned from an environmental point of view regarding the apparent lack of any management procedure regarding the proper disposal of waste materials on the tracks. I was later advised that the issues we had raised became a main topic of discussion at the Agency's monthly meetings at national level with Railtrack. Other incidents involving contractors working for Railtrack, (Network Rail) concerned unauthorised access to our land to cut back trackside vegetation, - (removing our entrance gate from its hinges); driving vehicles across our set aside land without permission, and felling trees without permission on land belonging to the club.

Dealing with these issues in terms of correspondence by telephone, letter, fax, and E-mail has taken up a tremendous amount of time, but since 2004 we seldom find any dumped items.

Whilst our relationship with Network Rail (Railtrack) had been far from ideal, in early 2003 an opportunity arose for the club to benefit, by assisting our neighbours. This involved giving permission for their contractors, Balfour Beatty, engaged in the erection of new signaling gantries to enter our land to carry out the work, being part of the massive West Coast Main Line modernisation project for a new signaling system complete with new Signal Gantries.

Contracts were prepared to benefit both parties and signed. In addition to amounts totaling over £12,500 paid to the club, other benefits in kind were agreed. These included new gates, modifying our road entrance, permanent stock proof fencing and some 500 tons of granite scalplings to provide an all weather natural surface for part of our car parking area. The area had been dug up and filled with hardcore in order to accommodate heavy vehicles and lifting equipment visiting the site. Nearly 1000 tons of displaced earth was landscaped into a bund adjacent to our main entrance. When completed, all the work to benefit the club including the cash payments had an estimated worth of around £50,000.

By 1996/7 all member loans to the club (land purchase loan deposit) had been paid back in full. In 2008 the final payment was made on our 15 loan to purchase Newground Field. Mission accomplished! – But there is no Standing still - there's always room for improvement!

This then is the story of the events that have shaped Chesham Model Flying Club Limited.

Dave Humphrey - Chairman CMFC

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