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30 June 2006

Dear Ian,

WALKERS HILL AND KNAPP HILL, ALTON BARNES

Thank you for your email of June 28th 2006 which came to hand yesterday.

In my absence on the 28th our Chief Executive Dave Phipps had a conversation with our Honorary Solicitor Reg Bench as to whether our advice to you and fellow slope soarers should still be to continue to fly from Walkers and Knapp Hills following the encounter that Adrian Smith and his three friends had with Robert Wolstenholme on June 28th 2006.

In a letter dated January 25th 2005 you received a letter from T G Carson of Manor Farm, Alton Barnes, which stated that following a meeting with English Nature it was no longer considered safe to fly gliders from Walkers Hill and Knapp Hill due to increased demand for use of these hills because of the implementation of the Right to Roam legislation. Interestingly Mr Carson stated in his letter *Also (from) the fact that none of you have renewed your licences for more than two years I presume that you are no longer using the site anyway.*

Robert Wolstenholme wrote to you on March 3rd 2005 to tell you that it was necessary for model flying to cease on Knapp Hill and Walkers Hill as a result of a risk assessment which had been carried out in 2004 to ensure that all visitors have a safe experience on the reserve. In assessing the potential effects of model glider flying BMFA Guidelines and the Safety Code for Model Flying were stated to have been used, and Mr Wolstenholme drew your attention to several points arising from the BMFA Codes.

On March 9th 2005 you replied to Mr Wolstenholme rebutting these points, which had been clearly cherry picked from the Codes, and asking for sight of the risk assessment. You also suggested that a brief meeting between model flyers and Mr Wolstenholme would be beneficial.

I note that your request for sight of the English Nature risk assessment has not been granted.

On April 20th 2005 Mr Wolstenholme wrote to you stating that *a meeting to further discuss model glider flying from Knapp Hill and Walkers Hill would not be useful.*

The inauguration of the Right to Roam legislation has clearly not increased the use of these hills by walkers.

The length of use of these slope soaring sites (exceeding 25 years to your certain knowledge) means that Grandfather Rights apply to your activities because of the length of time that flying has been going on. I have no doubt that flying took place there for many years before that.

I understand from you that all slope soarers using these two hills are BMFA members which ensures that you are all covered by the BMFA Third Party Indemnity Policy providing for up to £5m indemnity for any third party claim made against you. Emphasise that this cover extends not only to the land owner but English Nature too as the site controller.

Taking all the above into consideration it is therefore our considered advice to you and your fellow slope soarers to continue to fly from Knapp Hill and Walkers Hill.

Should Mr Wolstenholme or any other representative of English Nature state that you are not allowed to fly tell him that you have contacted us and we have informed you of your rights.

Show him the enclosed copy of the Batten Report Précis and a copy of this letter which tells you that you should keep flying.

If he tries to evict you physically then inform him that any person to person contact would be considered assault.

~~If the police are called show them a copy of this letter and the Batten Report Précis.~~

Please arrange that everyone who uses these two hills has a copy of this letter and the Batten Report Précis in their possession when they fly. They should also be carrying their BMFA membership cards which contain proof of third party insurance cover.

If English Nature write to you about the alleged ban on slope soaring then in reply ask them to write to our Leicester Office at Chacksfield House, 31 St Andrew's Road, Leicester, LE2 8RE.

If you need further assistance, advice and support then please let us know.

Yours sincerely,

Roger Bellingham
Flying Site Adviser

Copied to

BMFA Honorary Solicitor
BMFA Chief Executive