

31 August 2017

## A4R Comments on Airfield's recent Voluntary Code of Conduct

## BAGBY AIRFIELD (EGNG)

## CODE OF CONDUCT

**[THIS CODE OF CONDUCT IS COMPLETELY UNENFORCEABLE AS IT STANDS AND DOES NOT ADDRESS THE WIDER RANGE OF ISSUES SURROUNDING THIS AIRFIELD AND ITS EFFECTS UPON THE LOCAL COMMUNITY.]**

**A. SUMMARY**

This Voluntary Code of Conduct purports to be for the benefit of residents, but it actually offers no effective controls or benefit to residents. The drafting is tortuous in the extreme and is best summarized positively rather than as a list of activities that can't (in theory) be carried out. A non-exhaustive list of highlights expressed in this positive manner therefore now follows and thereafter a comprehensive commentary.

Section 1 Highlights

1. Aircraft can take off and land at any time between 7am and 11pm.
3. There can be 8787 movements a year (9237 with fly in days), without any daily weekly or monthly restraint.
5. Non resident aircraft can take off and land at any time between 9am. and 7pm.
6. Resident aircraft can make 10 movements between 7am and 9 am and 8 movements between 9pm and 11pm.
7. Circuit training will be allowed all day from 9am to 11pm Monday to Friday and from 9am to 1pm on Saturday.
12. There could be up to 150 movements on each of 3 fly in days.

Section 2 Highlights

3. Helicopter hover practice is permitted: there is no daily limit on circuits other than in 7 below.
5. Helicopters can make more than 878 movements per year, without any monthly or weekly restraints.
6. Non resident turbine helicopters are covered by overall annual helicopter limits, but there are no special restrictions on them on weekdays and they are allowed up to 4 movements per day on weekends.

7. 12 Helicopter movements are allowed per day. This can be increased in a very wide and self defined set of circumstances.
8. In such a wide set of circumstances, hot fuelling of helicopters is permitted. This can happen at any time.
9. There is no limit on numbers of out-of-service helicopters which can be based at the airfield awaiting maintenance. Otherwise 5 are permitted to be based at the airfield.

**B. DETAILED COMMENTARY (Code in bold: comments in red underline)**

Section 1

The following restrictions are applicable to ALL Flights.

- 1) Aircraft movements at Bagby Airfield shall only take place between 7am and 11pm except in an emergency. [Emergency must be defined objectively and agreed. Practice to date has been to call many routine flight activities emergencies which they are not]
- 2) No aircraft of any type shall enter the area on the northern side of the runway at any time save for the purpose of access and egress from and to the hangars. [This restriction only applies to aircraft on the ground by reference to “access to hangars”; it does not apply to over-flying of Bagby Village.]
- 3) The total number of aircraft movements shall not exceed 8,787 per annum of all types of aircraft including fixed wing, microlight, and helicopters. [This is a 20% increase on the Airfields’ own 2016 figures which the airfield told the enquiry is in line with long term use (See Appellants Closing Submissions- Paragraph 11). No monthly or weekly controls are proposed with a very long flexible daily limit for helicopters exceeding levels previously held acceptable by HDC. When the Planning Inspector asked the Airfield what would happen if they reached their annual limit by say September, the airfield refused to say if they would close the airfield down; so this “control” is non-existent.]
- 4) Except in an emergency Runway 15/33 shall not be used. [In planning terms Runway 15/33 does not exist; its use is unlawful and any use impermissible.]
- 5) All non-resident aircraft are restricted to use the Airfield between 9.00 and 19.00. [What does “use” mean? Replace with “take off” or “landing”?]
- 6) All resident aircraft are limited to 10 movements per day before 9am and 8 movements per day after 9pm. [This is new but amounts to an unacceptable intensification of current and historic activity and has no monthly, weekly limits. Now permitted by this Code there could be 5 resident helicopters which could each do 10 movements before 9am and after 9 pm, that could be 100 per day! This is not a control it is intensification and who decides which helicopter is “resident”?]
- 7) All circuit training will be banned prior to 9am on Monday to Saturdays and after 9pm on Monday to Saturdays as well as Saturday afternoons (1pm-9pm) and at all times on Sundays. [This is new but unacceptable with only one day

of peace. Currently, training activity is only 2 days per week where circuit training is common; circuits last for 7-10 minutes in lessons of about 45 minutes and can take place throughout the day . Allowing training for 6 days a week amounts to a significant intensification]

- 8) All resident aircraft must have a transponder to undertake movements at the Airfield. [This is new but there is no proposed enforcement of this and nothing stopping pilots turning off the transponder. There is no disciplinary procedure for failure to comply. The purpose of the transponder is said to allow on the ground counting. It will not be used to monitor aircraft if flight and overflying of houses will not be recorded. There is no requirement to seek prior permission to land or communicate to landing pilots, a criticism made by the responsible authorities following a recent accident at the airfield]
- 9) Log of all aircraft movements (A/C Ms) shall be maintained at the Airfield. The log shall record the runway in use and details of all flights including aircraft type, registration, name of pilot in command and time and date of arrival / departure. The log shall be kept up to date and made available to an authorised officer of the LPA within 7 working days of a written request for inspection. The log shall also be made available to the meetings of the Airfield's Liaison Committee. [Unenforcable]
- 10) All aircraft movements will be monitored by the Airfield. The movements will be monitored by way of real time cameras triggered by means of the aircraft transponder together with radar equipment. These movements and pictures will be directly uploaded onto the Airfield website for the Local Authority to monitor. This system together with the log books will record all the aircraft movements at the Airfield. [Unenforceable. The airfield is shifting all responsibility of monitoring and control to the LPA who do not have the time, resources or specialist knowledge to perform such policing. Neither do the LPA have access to software to write in any control parameters. It is up to the airfield to put in the resources to manage their own control with the LPA performing an audit. There is no indication if the data will be recorded or retained for any time period or algorithms used to show enforcement breaches]
- 11) A log of all complaints shall be kept by the Airfield. The log shall identify as a minimum the name of the complainant, the nature of the complaint made, the date and time recorded and any action taken by the airfield. (Excluding members of the public who have indicated that they do not wish to communicate with the airfield directly or indirectly). [Who complains if not the public? In the absence of any management for long periods when the airfield is open, who is there to complain to? In the light of the owners well documented attitude, how will complaints and complainants be treated? Currently accidents appear to be kept secret from the public, and in all probability near misses will go un-investigated. What confidence can the public have that any complaint will be addressed in any professional way?]

The following restrictions are applicable to ALL Flights on designated Fly-In Days Only

- 12) The Maximum number of Aircraft Movements on a Fly-In Day shall be 150.
- 13) No more than 3 fly-in days shall be permitted in any one year, each of which shall have been previously notified to the Council. The aircraft movements on a fly-in day are not included in the aircraft annual counts, but are subject to the restrictions in (1) above as to times. [This application is for 8787 movements excluding fly in days which could add another 450 (total 9237). The Application of 2010 was for 8320 movements and was rejected both by the HDC and the Planning Inspector Braithwaite on appeal. There are no limits here on monthly or weekly numbers so movements could theoretically be 8787 on one summer day; there is no control of flying in good weather when residents are most likely to be out of doors enjoying their gardens. Furthermore, the flight path annexed to the application will lead to increases over Bagby village and Thirkleby Caravan Park. The effects of this change have not been addressed anywhere.]

Miscellaneous Restrictions (for information). [These are not restrictions if they are for information]

- 14) Other than the existing runway lighting and /or its replacement, no additional external lighting shall be installed other than in respect of fuel installations or in complete accordance with a scheme that has been previously approved in writing by the Local Planning Authority (LPA).
- 15) The hangars proposed to be used for the purposes of repair, servicing, maintenance and storage of aircraft, shall only be used for such purposes and for no other purpose except with the prior written permission of the LPA.
- 16) All new buildings that are to be provided on-site will be used for airfield related activities only and for no other business purpose. [Could the tractor shed could be used for maintenance?]
- 17) Except in an emergency, Bagby Airfield shall not be used by jet any fixed wing turbo-jet or turbo fan” (excluding fixed wing turbo-prop aircraft). [In 2010 jet use was to be banned as part of the package that officers saw fit to recommend. Despite the airfield’s obvious unsuitability at the Fly In day weekend of August 13/14 a vintage Jet Provost aircraft did low level passes over the airfield. One wonders if the safety recommendations following the fatal accident to at Shoreham were applied. Also, and very significantly, in 2010 a maximum take off weight of 2730kg was accepted by the airfield as part of the “package” , This has been removed from this Code and one can only presume this is to allow aircraft to use the airfield which are much heavier and larger. With a runway slope which exceeds the maximum slope recommended by the CAA, the arrival of larger aircraft is a major safety concern that has not been addressed anywhere in the application.]

## Section 2

The following restrictions are applicable to HELICOPTER Flights

- 1) All Restrictions listed 1-12 in Section 1 above. [Helicopter movements now permitted until 11p.m. which was not the case in 2010.]
- 2) Helicopters approaching or leaving Bagby Airfield must use the designated helicopter flight path. [Barton Wilmore Drawing No. AIO-IND01 dated 5.6.17 shows the helicopter arrivals and routing. This drawing is not referenced in this Restriction. However we presume it is the one to be used. That said, a very large helicopter two weeks ago totally ignored this approach, both coming to land and taking off and flew right over the top of Bagby Village at a low altitude.]
- 3) No helicopter hover practice shall take place from Bagby Airfield other than for the purposes of taxiing, landing or taking off from the airfield. [So, hover practice, (the noise of which is described as “excruciating” to near neighbours in a recent High Court decision) is allowed, so long as it is associated with movements that “count” towards annual figure. This allows a lot of hover practice. Testing of engines associated with maintenance is unrestricted and there are no controls on where engines might be run. Nor are any noise abatement measures proposed which would push noise (and gases) upwards. Permanent banning for breach is not provided for in the so-called “disciplinary” procedures.]
- 4) Helicopter circuits whether landing, taking off or training shall be limited to 2 circuits per helicopter and shall not exceed 10 minutes in duration. [How is this possible if all helicopters approaching and leaving Bagby Airfield are to follow the Barton Wilmore drawing number AIO1-IND01?]
- 5) Helicopter movements will be restricted to 10% of the 8,787 total annual flights. [The highest recorded helicopter annual figure in last 5 years is 558 (2013). This is now to be 10% of 8787 or 878 helicopters plus “emergencies”? This massive increase doubtless reflects the fact that despite previous indications, helicopter training is an explicit new business activity for the airfield.]
- 6) Non-resident turbine helicopter movements will be restricted to 4 movements per day on Saturday’s and Sunday’s. [Does not apply at all to resident helicopters who can do 10 movements per day before 9am and 8 movements per day after 9pm (according to condition 1.6) 7 days per week and 12 movements per day (according to 2.7 below.)]
- 7) Except in the event of an emergency or essential utility helicopter flights (air ambulance power line, railway inspection and police and royal flights) no more than 12 helicopter movements (a helicopter movement being defined as a landing, touch down or take-off) shall take place on any one day. [“emergency” and “essential” helicopter is defined by airfield and therefore unsatisfactory. Taxiing/ground running has no restriction.]
- 8) Helicopters shall shut down their engine(s) during the process of refuelling save for emergencies or essential utility aircraft as defined above at Bagby Airfield.

- 9) No more than 5 helicopters shall be based at Bagby Airfield except in the case of out of service helicopters which are awaiting maintenance. [No limit on out of service helicopters being based at the airfield. This inevitably increases movements associated with testing - a key part of the proposed business stream which is inevitably very noisy.]
- 10) Quiet Periods - Bagby & Balk Parish Council can request quiet periods when all helicopter flights to and from the airfield will be banned save in relation to emergencies. Notice of such a quiet period must be given at least 1 month before its intended operation. (This is intended to cover particularly noise sensitive activities in the village such as weddings & christenings. In addition, if a quiet period is required for a funeral then if the period is specified only 24 hours notice need be given). This is obviously inadequate as it only applied to “flights” - and even then does not cover “emergencies” as defined by the airfield. To have any meaning at all, quiet periods must include bans on ground testing of helicopters which can be noisy in the extreme and for which no abatement measures are proposed. It is not only helicopters which make excessive noise, so do stunt planes and highly loaded fixed wing planes and ground testing. So these activities should be stopped also in quiet periods.

### Section 3

The following restrictions are applicable to AEROBATIC Flights

- 1) All restrictions listed 1-12 in Section 1 above.
- 2) No aircraft shall take off from Bagby Airfield for the purposes of performing aerobatics overhead the airfield or within a circle radius 2 nautical miles. [This is unenforceable and what/who defines performing aerobatics? Despite this Code of Conduct being in place, within the last two weeks an aircraft was doing stunt flying over Bagby Airfield for about 30 minutes.]
- 3) Aerobatics over the Airfield shall be limited to fly-in days pre-arranged by the Management of Bagby Airfield. Prior Notification of the fly in days will be given to the Council in writing.

The Management

Bagby Airfield (EGNG)

June 2017