

Executive  
17 November 2020

**Title:** Hours of Flying for Model Aircraft on St Mary's Lands, Warwick

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**Portfolio Holder:** Cllr Moira-Ann Grainger, Neighbourhood Services

**Public report**

**Wards of the District directly affected:** Aylesford, Warwick

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision:	No
Included within the Forward Plan:	No
Equality Impact Assessment Undertaken:	Not Applicable
Consultation & Community Engagement:	Discussions with various groups on the St Mary's Lands Working Party over a 2 year period.
Final Decision:	Yes

**Officer/Councillor Approval**

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	20.10.20	Chris Elliot
Head of Service	20.10.20	Julie Lewis
CMT	20.10.20	Chris Elliot, Andrew Jones, Bill Hunt, Dave Barber
Section 151 Officer	20.10.20	Mike Snow
Monitoring Officer	20.10.20	Andrew Jones
Finance	20.10.20	Mike Snow
Portfolio Holder(s)	26.10.20	Cllr Moira-Ann Grainger

### 1. Summary

- 1.1 At the 29<sup>th</sup> November 2017 Executive Committee, members considered a recommendation to amend the current model aeroplane flying hours at St. Mary's Lands, Warwick. The initial request to amend the hours had arisen from the model flyers in 2016, who requested that flying hours were extended to allow for longer periods of flying.
- 1.2 It was agreed by the Executive Committee that before the flying hours could be extended, an assessment of potential ecological, noise and health and safety impacts be undertaken and if that assessment shows no significant issues then a formal public consultation would also be undertaken. The results of that work to be brought back in a report to the Executive for a final decision.
- 1.3 This report summarises the outcome of the work undertaken to date since November 2017 and seeks Member's views on the amended hours of flying.
- 1.4 The outcome of the work above approved by the Executive Committee has concluded that:
  - i) A satisfactory health and safety risk assessment has been completed;
  - ii) An assessment of background noise has not been completed as the move to silent electric flight has largely removed the disturbance to local residents. The extended hours would be linked to a ban on petrol (noisy engine) model aircraft for electric battery powered, silent models only;
  - iii) 2-sets of flying times have been proposed: by an independently appointed ecologist and supported by the wildlife group, and by the model flyers and supported by a majority of the Working Party.
- 1.5 In preparing the assessment, the ecology report has recommended that additional measures are implemented to reduce the impact of disturbance and trampling of ground nesting birds through the use of temporary barriers to protect nesting sites during the breeding season. The Executive Committee is also asked to note the recommendation that the Working Party prepare an access strategy to protecting ground nesting birds and identify any additional maintenance costs for subsequent Committee approval.

### **2. Recommendation**

- 2.1 That the Executive reviews the options for the flying hours of model aircraft as set out in Appendix 1 of this report and considers the St Mary's Lands working Party recommendation to adopt the hours recommended by the model flyers with the Working Party's recommended amendment to review the impact after a year.
- 2.2 Subject to recommendation 2.1 above being agreed, that the hours of operation are made known via the Council website and on-site signage.
- 2.3 That the results of the St Mary's Lands Working Party's assessment of access be reported back to the Executive for a decision on controlling access to sensitive breeding areas, including the costs of additional barriers / site notices.

### **3. Reasons for Recommendations**

- 3.1 St Mary's Lands is a large public open space on the western side of Warwick lying between the edge of town and the countryside leading to the A46. It is an area that falls wholly within the town's Conservation Area; houses a Grade II Listed Building with also the listed Hill Close Gardens immediately adjoining; and, is partly a Local Nature Reserve (see Appendix 2).
- 3.2 St Mary's Lands is also home to a variety of uses and activities many of which are historic in nature; e.g. racecourse; golf course; football; local community use (Corps of Drums); walking, running, dog walking, etc. In addition, the area has for over 90 years been used as an area in which people can use to fly model aircraft. This makes it one of the oldest venues, if not the oldest, in the country for flying of model aircraft.
- 3.3 The improvement of St Mary's Lands area is one of the Council's key projects, the Council having agreed in August 2017 to a Master Plan for the area as well as a delivery plan which is now being implemented. The Working Party that brings together the organisations involved with the area is now focusing on the implementation of the Master Plan. Since July 2017 the local association of model aircraft flyers have been represented on the Working Party. In October 2017 a presentation to Working Party was given by the model flyers' representative in support for a re-introduction of the more extensive hours of operation that used to operate prior to the last consideration of this issue by the Council in 2004.
- 3.4 The main issue previously was the impact of noise on nearby residents and trying to manage the risk of aircraft falling and hitting people or property. The local group outlined that 99.9% of model aircraft now flown are battery driven rather than petrol as was previously the case and therefore are very quiet so that noise nuisance is no longer an issue. The Councils' records bear this out – there have been no noise nuisance complaints registered for at least 5 years. Similarly, there have been no recorded incidents of any crashes affecting people or property in recent times.

- 3.5 St. Mary's Lands is an important site for wildlife recognised by its Local Nature Reserve status. A key objective of the masterplan is increasing the site's wildlife value and overall biodiversity. The model aircraft are flown over areas that are used as breeding grounds by ground nesting birds. Whilst it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest under the Wildlife and Countryside Act 1981, the wildlife group have witnessed unintentional disturbance and the nesting populations at St. Mary's Lands is at best stable.
- 3.6 Following the November 2017 Executive Committee approval, an ecology study was commissioned immediately afterwards. The ecologist undertook 3-site visits over a 7-month period and reported on its findings in August 2018. The findings were inconclusive in that it could not identify any adverse impacts of model flying but could not confirm that they did not exist. The wildlife group were also concerned that whilst 3-site visits were undertaken, none of these coincided with the beginning of the breeding season (mid-February – early-March). Consequently, it was agreed that a more extensive ecological evaluation covering a full 12-month period would be required. A revised brief for the new survey was agreed and the works tendered. The ecologist was appointed in February 2019 and an interim report was issued in the summer of 2019 and a final report after the 12-month study in March 2020.
- 3.7 The ecology report (appendix 3) identifies the site as having high-ecology value for nesting birds and these are being affected by a cumulative impact from various disturbances. It identified the model flying having a low to medium disturbance impact. A higher level of disturbance was being made by dogs running into the nesting sites. The cumulative effect of both the model flying and dogs were seen to be detrimental to nesting birds. The report recommends some physical restrictions are made to prevent dogs from being able to access the sensitive breeding sites and that the model flying hours were adjusted to give a beginning and end of day periods without interruption from flying.
- 3.8 The majority of the Working Party members are supportive of the model flyers request. The Working Party's recommendation is that the increased hours are adopted for a trial period of 12-months with additional ecological monitoring over that period and the use of temporary barriers to protect the area's most sensitive to disturbance during the bird nesting season. This would allow for further evaluation prior to adopting the revised hours.
- 3.9 Contact was made with the revived LADRA in 2017. Many comments from residents and responses to them from the model flyers were received to aid the preparation of the earlier 2017 Executive report. As the final ecology report was received in March 2020, just before the national lockdown began, no wider public consultation beyond the Working Party members has been undertaken.
- 3.10 In summary the issues raised so far have been:
1. Potential of noise nuisance to nearby residents is unlikely

2. Potential of health and safety issues for other users of the area have been considered and are deemed to be very low risk
  3. Impact on the local ecology bearing in mind the flying area overlaps a Local Nature Reserve has now been assessed and the impact of the model flying is considered to be low to medium but that the cumulative affect with dog disturbance is detrimental to the wildlife importance
  4. Policing of any restrictions
- 3.11 There is little recorded evidence of the first two issues now being problems. However, prohibiting petrol driven aircraft completely and preventing drones being used would further mitigate these issues and this would be contained in the revised conditions of use.
- 3.12 In respect of point 3 it is proposed that a combination of measures are adopted to protect the nesting sites with a differentiation in flying hours during the more critical bird nesting season and improved barriers to control dogs and walkers from disturbing nesting sites (this does not restrict access in any designated public rights of way).
- 3.10 Regarding point 4, policing of the existing restrictions relies on the model plane flyers themselves and others in the area being aware of any breaches. The same situation would apply in any revised scenario. The current roping off of bird nesting sites offers little protection from dogs and the use of temporary physical barriers combined with site notices will assist in identifying and managing the nesting sites.
- 3.11 It is suggested that an assessment of the potential type and extent of barrier restrictions is undertaken and developed with the Working Party before the next breeding season starts in mid-February 2021. Once that information has been collected and it demonstrates no significant issues then a formal public consultation could be carried out based around site notices and information displays.
- 3.12 This approach would allow all the issues to be properly examined and considered and this is important given the potential risks that may arise.

## 4. Policy Framework

### 4.1. Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a minor part of one of the Council's Key projects.

### 4.2 FFF Strands

### 4.3 External impacts of proposal(s)

**People - Health, Homes, Communities** – St Mary's Lands enables free to access to a range of opportunities for improved health outcomes with specific

reference to physical and mental well-being. The proposal will not impact on this commitment to access to the open space.

**Services - Green, Clean, Safe** - The Council is committed to maintaining St Mary's Lands and preserving and enhancing public access as well as ensuring the area is well looked after especially given its bio diversity importance. The proposal may have an impact on the bio diversity but the other protective measures may act as appropriate mitigation.

**Money- Infrastructure, Enterprise, Employment** - The proposal enables an existing recreational opportunity to continue to be enjoyed and so will be beneficial in attracting visitors and so the local economy.

#### 4.4 Internal impacts of the proposal(s)

**People - Effective Staff** – No impact

**Services - Maintain or Improve Services** – the proposal recognises customer needs and will improved service provision in line with these

**Money - Firm Financial Footing over the Longer Term** – the proposal will have minimal impact on the Council's budgetary situation.

#### 4.5 Supporting Strategies

The adopted St Mary's Lands Master Plan is relevant to this issue. Provision is made for the model plane flying activity within the masterplan; the issue here is the hours of operation. The Master Plan makes no comment either way but does seek to keep the area "green" and to protect its natural habitats.

#### 4.6 Changes to Existing Policies

This proposal would change a very locational specific policy of the Council.

#### 4.7 Impact Assessments – Not relevant.

### 5. Budgetary Framework

- 5.1 The model flying activity does not directly generate any revenue for the Council and the cost of mowing the landing strip is contained within the budget provision for grounds maintenance. The additional demarcation and information boards form part of the capital works funded to help improve St Mary's Lands.
- 5.2 If the recommended option is adopted, the additional ecological monitoring is likely to cost £1,100.00 as a one off, which will be funded by the St Mary's Lands works budget. The likely costs of the temporary barriers plus information notices is circa £2,500 and would be capable of being funded from the capital allocation for the St Mary's Lands works. Otherwise there is no additional budgetary implication of this proposal.

**6. Risks**

- 6.1 The assessments undertaken to date demonstrate that the level of risks to the Council are low.
- 6.2 Not recognising the need to protect the Local Nature Reserve could result in the denudation of the bio diversity and loss of a rare bird species in the District.

**7. Alternative Option(s) considered**

- 7.1 The Council could decide not to agree to any change but there does now appear to be evidence that a change in technology could mean that longer hours may be acceptable at certain times of year and if combined with other measures to address the cumulative impacts on the local ecology.

**Appendices**

- 1. Options for amended hours
- 2. Local Nature Reserve and Flight Area
- 3. Ecology Report
- 4. Non-technical ecology summary
- 5. Bird survey outcomes
- 6. Comments received from model flyers
- 7. Comments received from wildlife group.