

F/YR12/0024/F
25 January 2012

Applicant : Fenland Wind & Air Sports
Centre

Agent : Mr Charles Johnson
Johnson Design Practice

Land North of Poultry Farm, Cross Road, March, Cambridgeshire

Change of use of land for use as an air sports activity centre (D2) involving the siting of a training room, 2 storage containers, 2 toilet blocks, erection of enclosure fencing and alterations to field access

This proposal is before the Planning Committee due to number of objections received

This application is a major application.

Site area 3.04 ha

1. **SITE DESCRIPTION**

The site comprises a grassed field measuring 3.04 hectares in area served from Cross Road, a narrow metalled road with the site entrance approximately 650 metres from the junction with Knights End Road.

The site lies in open countryside with fields surrounding. Approximately 200 metres to the south of the site is a large poultry farm and 200 metres to the north of the site is a residential dwelling. To the east and west is open farmland. The site lies outside the DAB for March and the site is also located within Flood Zone 3. It is asserted that the site is Grade 2 agricultural land.

2. **HISTORY**

Of relevance to this proposal is:

None

3. **CONSULTATIONS**

Parish/Town Council:

Recommend approval with due regard to boundaries for take-off and landing and welfare of adjacent animals.

Local Highway Authority (CCC):

The carriageway of Cross Road is relatively narrow in places resulting in vehicles having to overrun the grass verge to pass one another. However considers it unreasonable to require the applicant to provide passing bays along the entire length of Cross Road to cater for such a modest level of anticipated traffic.

No objection but recommends that gates are set back 5.0 m from the near channel line of the Cross Road carriageway and that it has a minimum width of 5 metres for 10 metres into the site. All vehicles should be able to park and turn within the site. Recommends conditions.

Environment Agency:

FRA not required as the proposed development falls within the 'water compatible' classification however the IDB should be consulted.

Requests conditions relating to a scheme for the discharge of foul water to be submitted and agreed prior to commencement.

Sport England:

Do not wish to comment on this proposal.

Police Architectural Liaison Officer:

Issues relating to crime and disorder were not discussed as part of any pre-application discussions.

The gates should be secured to avoid anti-social problems when the site is not in use. Storage containers are a crime risk and all equipment should be secured accordingly. Suggests 2.4m high security fencing around the site.

Environmental Protection (FDC):

Do not object to the application based on the information gained from the applicant on their proposed usage of the development and from listening to the machine noise at the nearest local resident's home. Please note that Environmental Protection has a statutory duty to investigate any future noise complaints.

Middle Level Commissioners:

Noted that no pre-app discussions have taken place. The increased discharge of surface water into the Boards system requires consent.

Local residents/interested parties:

10 letters of objection relating to:

- loss of privacy from low flying crafts;
- noise from low flying crafts;
- hours of use will result in early

- morning and late evening disturbance;
- extra traffic along the single track road will lead to passing issues;
- site is unsuitable due to power cables;
- flying hazards such as turbines close to the site;
- low flying problems for horse riders;
- the hours of use is excessive in this location;
- applicants need to find a better location;

Additional comments from the adjacent Poultry Farm:

- expresses concerns regarding the welfare of the stock. Activity should be minimised around the poultry farm and moving the activities closer to the business may result in panic amongst the chickens due to nearby air activity. When the applicant was using the field further away from the poultry farm there was no issues with the low key use but the intensification of the use may result in problems for the business.

4. POLICY FRAMEWORK

FDWLP Policy

- | | |
|------|---|
| E1 | - Development likely to detract from the unique open character of the Fenland landscape will not normally be permitted |
| EMP1 | - Proposals will normally be favoured for new, or the extension or expansion of existing firms engaged in Business, General Industrial or Storage/Distribution uses within the Primary Industrial/ Business Area. Outside DABs the expansion of existing firms will only be permitted where certain criteria are satisfied. |
| EMP4 | - To resist new Business, General Industry, Storage/Distribution uses outside DABs which are unrelated to any existing activity. Proposals for agriculture, horticulture or forestry, tourism and the extraction of minerals may prove the exception. |
| R1 | - Proposals will normally be favoured for recreation and leisure facilities |

where certain criteria can be met.

- it does not result in an irreversible loss of high grade agricultural land;

- it would not create serious amenity problems for adjoining land users or neighbouring settlements;

- it would not be visually intrusive in the open countryside;

- it would not result in the construction of buildings that would be visually detrimental to the character and appearance of the area;

- that traffic generation, highway and parking are all acceptable.

E8 - Proposals for new development should:

- allow for protection of site features;

- be of a design compatible with their surroundings;

- have regard to amenities of adjoining properties;

- provide adequate access.

E20 - To resist any development which by its nature gives rise to unacceptable levels of noise, nuisance and other environmental pollution.

TR3 - To ensure that all proposed developments provide adequate car parking in accordance with the approved parking standards.

East of England Plan

ENV7 - Sustainable Design in Built Development

Fenland Core Strategy
Draft Consultation July
2011

CS1 - Spatial Strategy, The Settlement Hierarchy and the Countryside

National Planning
Policy Framework

CS10 - Rural Areas Development Policy
Para 2 - Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Section 3 - Supporting a prosperous rural economy

5. ASSESSMENT

Nature of Application

This application seeks full consent for the change of use of this 3 ha agricultural field to an airfield for air sports activities including Paragliding; Blokarting; Paramotoring; Radio controlled electric aircraft; Free flying model aircraft; Power kite flying; Stunt kite flying; Kite buggying and Land Boarding. The proposal also involves the siting of a training room, 2 storage containers and 2 portable toilet block together with the erection of stock fencing to form an enclosure around the buildings.

UKPPG (United Kingdom Powered Para Gliding) and Blokarts East Anglia, operating as Fenland Wind and Air Sports Centre offer a unique range of wind and air based activities that are suitable for all age groups and abilities.

Blokarts East Anglia have recently been directly approached by Cambridgeshire County Council's Office of Children and Young People's Services to help provide the local schools and children's centres with Blokarting and other wind and air related activity services. CCC is looking to use the facilities to promote their "positive reward or incentive scheme to promote good attendances at local Fenland school".

The application is considered to raise the following key issues;

- Overview of the proposed use of the site
- Principle of the proposed use
- Impact on the character of the site and surroundings
- Noise implications and impact on residential amenity
- Impact on adjacent Poultry Farm
- Traffic generation and highway safety
- Other matters

Overview of the proposed use of the site

Hours/Days of operation

The hours of operation are proposed for 7 days a week and are subject to weather conditions and light, therefore, hours of operation are significantly reduced due to the British climate. As laid down by the BMAA a paramotor can only fly during daylight which is defined as from 30 minutes before sunrise and 30 minutes after sunset and when the visibility is adequate. Please see attached information sheet. **When You Can Fly (This is attached as Appendix 1 and comprises "The Law and Paramotor Flying – A Simplified Guide).**

Likely number of users of the site

The applicant has indicated that the number of participating visitors attending the site at any one time can vary depending on the type of activity that they are participating in. On a normal training day there could be between 2 – 6 people (excluding instructors and staff). However, if it is Corporate Day for Blokarting or Kite Buggying, for example, then there could be 25-30 people on the site including spectators. The same applies for birthday groups. Group and Corporate days are normally split into 2 sessions so there could be an overlap of people on the site as one session finishes and people arrive

early for the next session.

The flight area and flight heights

The applicant advises that all Students/Members of the flying school will be given clear instructions of flight paths in and out of the field and this will be clearly stipulated to avoid flying over any built up or populated areas. **A plan indicating the No Fly Zones is attached at Appendix 2.**

Noise outputs from the motors used

The two noisiest activities available at the activity centre will be the Electric Radio Control Aircraft and the Paramotors. With the use of new electric powered radio controlled aircraft engines and newly developed paramotor silencer units which are being silenced to below 60 db maximum as required by the new EU regulations (tested at 100m). As such the applicant's equipment is very environmentally friendly and fall below all noise pollution levels.

Code of conduct/safety measures to be adhered to

Paramotoring is not officially regulated by any governing body because it is classed under the category of Foot Launch Aviation which is unregulated in the UK. (See Appendix 1). This is one of the key reasons why the applicants feel strongly that it is essential that full training is available from their training school to reduce the number of individuals buying equipment and experimenting with flight without the prior knowledge or skills. The CAA (Civil Aviation Authority) and ANO (Air Navigation Order) have air and safety laws/regulations in place in the UK, which must be strictly adhered to and, therefore, these regulations will be taught within the Theory Training Syllabus to all Students.

Principle of the proposed use

The proposed air sports centre requires an area of flat grassed land unobstructed by tall trees/buildings and wind obstructions such as turbines.

With regards to the proximity of wind turbines, the requirement is that any over-flying should be a minimum of 400 ft above the turbine blades and a minimum 1.5 miles (2.4 km) to the rear of any blades due to the vortices generated by the propeller wash of the turbines.

It is considered that due to the temporary nature of the buildings and stock fencing that the site could easily be cleared and returned to agriculture instantly.

It is considered that in principle the proposed use meets the requirements of Policies R1 and EMP4 of the Local Plan.

Impact on the character of the site and surroundings

The site is a rectangular shaped featureless grassed field bounded by mainly agricultural land. The proposed involves the siting of a portable training room, 2 metal storage containers and 2 portable toilet blocks located at the north east corner of the site together with the erection of stock fencing to form a secure enclosed area. Car parking will also be accommodated at the front of the site using the existing farm access into the site. Gates are proposed to be erected at the edge of the carriageway to secure the site when not in

operation. No lighting is proposed as part of this application.

Whilst the general openness of the site will be compromised by the proposed use, the proposal shows the structures grouped together to avoid sprawl across the site to minimise the visual impact. Consideration has been given to providing an element of landscaping to lessen the impact of the structures, however, the Council's Arboricultural Officer does not consider that tree planting is appropriate to this location. Should a tree planting scheme be considered necessary then the planting of Willow saplings in small groups would be appropriate and maintaining them as coppice on a 10 – 15 year cycle would provide some screening and provide potential bird nesting habitat.

Noise implications and impact on residential amenity

The noise implications of the proposed use are likely to be minimal in respect of any residential amenity of neighbouring residents living nearby. However, there have been several letters of objection from residents in the area regarding existing noise problems. The Environmental Protection Team has visited the site to assess potential noise problems from this site and is of the opinion that they would not have any objection to the proposed usage of the site after listening to the machine noise at the nearest local resident's home.

All new motors are restricted by EU regulations to 60db maximum noise output. The limit of 60-65db is considered to be relatively low compared to average background noise for a rural area which is in the order of 38-42db. Any noise transmitted to ground from the air will be subject to distance decay and is considered unlikely to be a nuisance.

It is acknowledged that flying could take place early in the morning or late into the evening when flying conditions are at their best and, therefore, it would appear unreasonable to restrict these activities to times when flying cannot take place, i.e. between 10.00am and 2.00pm. Should noise issues cause problems for neighbours the Environmental Protection Team has stated that they would deal with such issues under their own legislation.

Impact on adjacent Poultry Farm

One major concern of the proposal relates to the proximity of the adjacent poultry farm and the possible effect on livestock which lies approximately 240 metres to the south of the application site. Initial concerns have been expressed by the owners of the farm concerning the welfare of their stock. The farm produces poultry to a code of higher welfare and as such have windows fitted to provide natural daylight. Some of these windows face north towards the application site and consider the activities could potentially stress the chickens and cause panic with their natural instinct to flee from an overhead predator. The poultry farm enjoys a low level of traffic movement along the road which will be substantially increased by the activities proposed.

Whilst the applicant has been undertaking his activities from a location nearby without any detriment to the livestock, the poultry farm are concerned that moving the activities closer to the farm and the intensification of the use could have an impact on their business.

Given the concerns of the poultry farm the applicant's were advised to produce an assessment of effect of shadows/movements on livestock created by low flying paragliders, paramotors and other powered or non powered flying devices with wingspans not exceeding 34 metres.

Finding of the assessment report

The report assesses the potential impact on air movement around the poultry farm. It considers that as the sun rises in the east and sets in the west, any shadows created from take-off or landing would appear along the east-west longitudinal shape of the application site and any shadows created would only move marginally southwards and would not have a direct influence on the chicken houses to the south.

A sectional plan has been produced that indicates that any chicken's vision from within the building would be limited to a band between 6.8 and 14.0 metres above ground level at 34 metres distance and to a band between 9.8 and 22 metres at 54 metres distance.

The report states that it is reasonable to conclude given the relatively short sightedness of 'domesticated fowl' that unless the aircraft came within 50 metres of the chicken house and was flying at a height of between 10 metres and 22 metres any shadow would either be outside the visible range of any chicken or other small animals within the building.

The report concludes that it is considered the proposal will have little if any detrimental effect on chicken production at the farm given that the applicant has agreed with the owner of the chicken farm that he will not fly any airborne object/aircraft whether manned or otherwise closer than 75 metres to the north, east, south or west of the chicken farm to minimise latent effect any activity could have on the neighbouring enterprise.

The report has been forwarded to the Council's Environmental Protection team who are currently consulting with DEFRA to ensure the report is robust and accurate. Members will be updated prior to Committee on the findings.

Traffic generation and highway safety

Additional traffic is likely to be fairly light and the Local Highway Authority has not raised any particular issues relating to access to the site. 'Event' days will create a rise in vehicle number, however, these days are fairly low throughout the year and the applicant has already carried out a number of 'event' days on the nearby field without any highway safety issues.

Other matters

The site lies within Flood Zone 3 and the Environment Agency considers that a Flood Risk Assessment is not required in this instance as the proposed development falls within the 'water compatible' classification relating to flood risk. However, they consider that the development should not be commenced until a scheme to dispose of foul water has been submitted to and approved in writing by the LPA.

Conclusion

The LPA generally supports new leisure and recreation facilities in Fenland and the air sports activity centre requires an open countryside location. It is acknowledged that there are a number of noise sensitive locations in the proximity of the site, i.e. residential and livestock. However, given that the Environmental Protection Team considers that there will not be any adverse impact on residential amenity through the use of the site and a report has been produced that states it is unlikely that the poultry farm will be affected, the Local Planning Authority considers the development is acceptable.

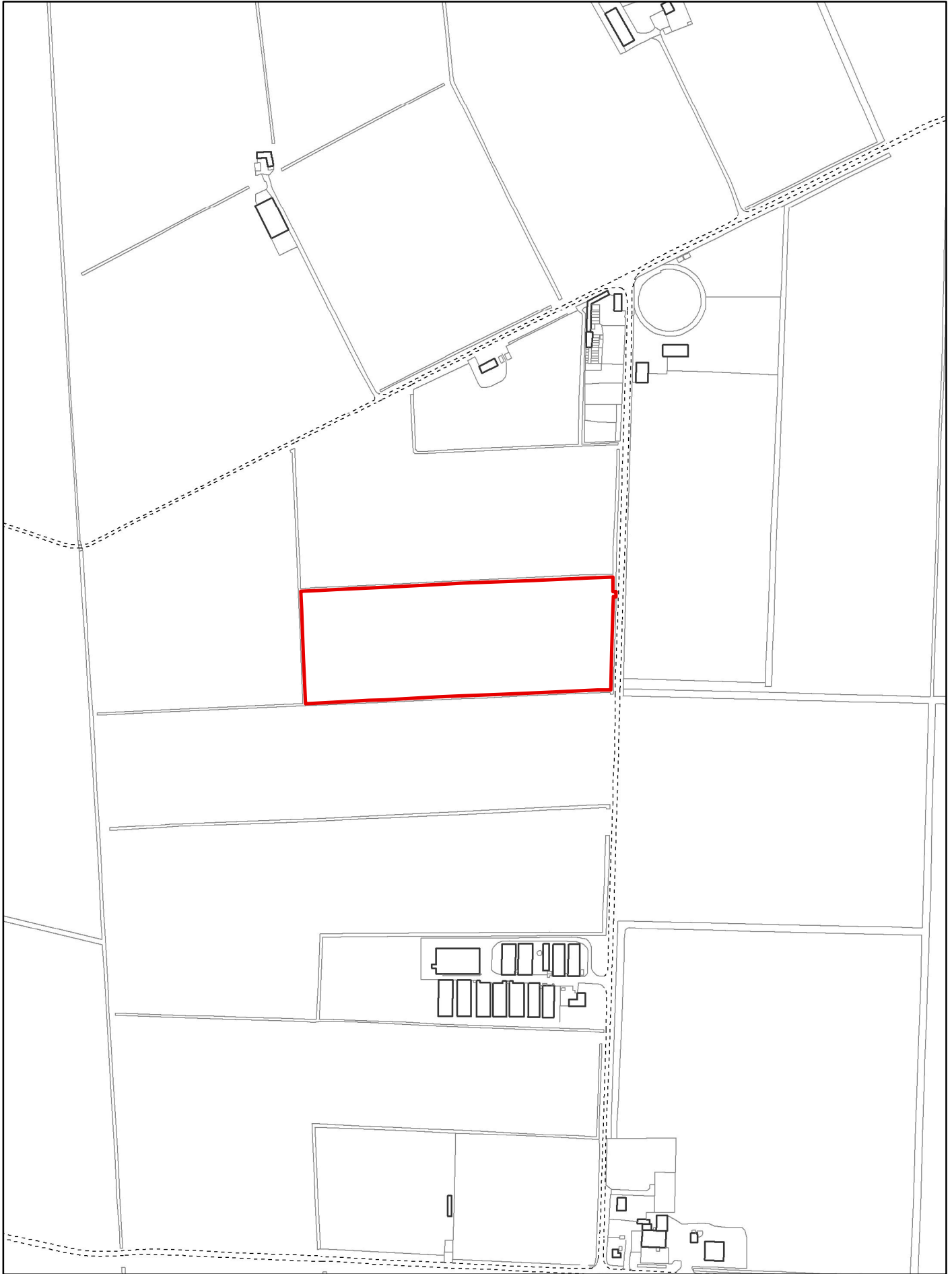
The siting of the temporary structures, however, would only warrant a temporary consent given the nature of the structures and to ensure their removal should the activity centre cease to exist.

Similarly the use proposed should have a certain element of monitoring to ensure that it will not have a detrimental impact on the poultry farm or neighbours and consideration should be given to an initial 5 year temporary consent on the land. The reason for such a condition is that the use proposed as shown in the application is fairly low key however an open D2 use could increase the level of activity on the site to an unacceptable level by virtue of type of activities and traffic generation. The LPA is mindful that the land has been registered as an airfield and accordingly considers that some form of control over the use of the site is essential.

It is considered that the facilities offered by this proposal are limited to mainly wind sports at ground level with an element of flying which will have little impact on the character and appearance of the site and surroundings and is therefore acceptable.

6. RECOMMENDATION

Grant subject to suitable conditions, to be informed through further consultation with stakeholders and consultees and reported by update to the committee meeting.



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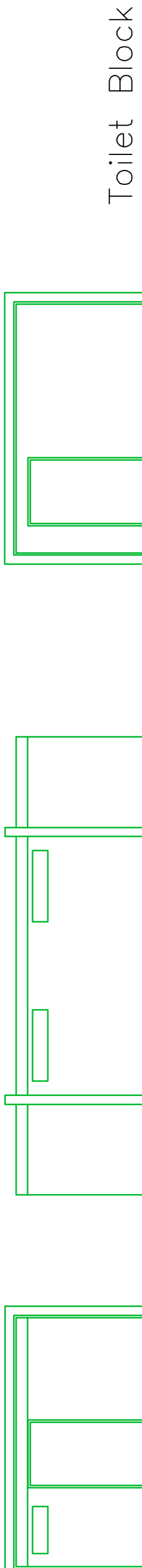
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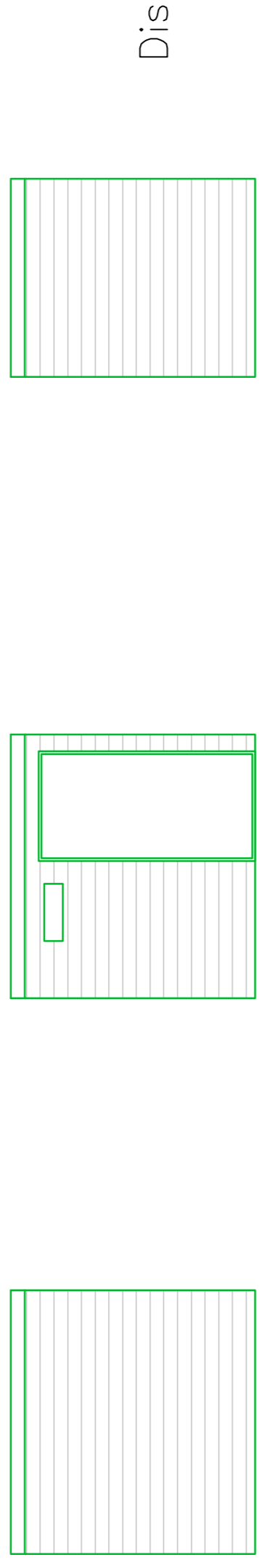
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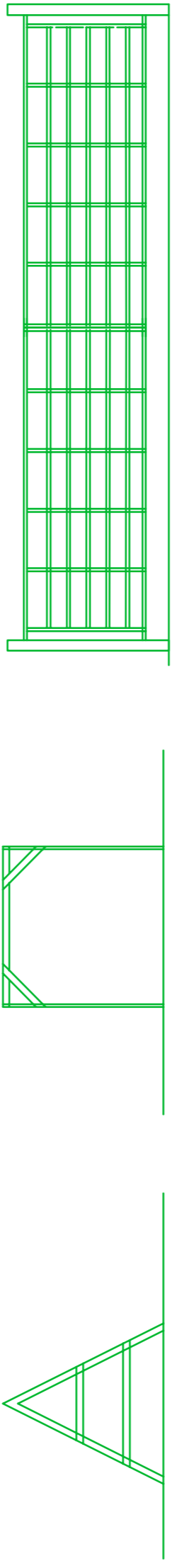
Toilet Block

South Elevation



Disabled W.C

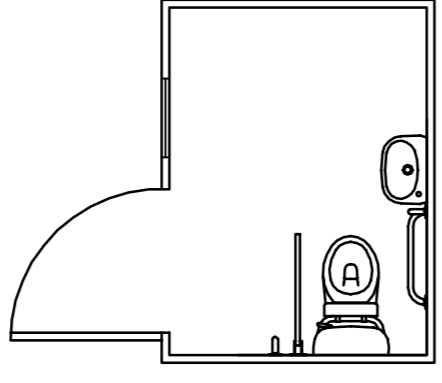
East Elevation



Storage container view



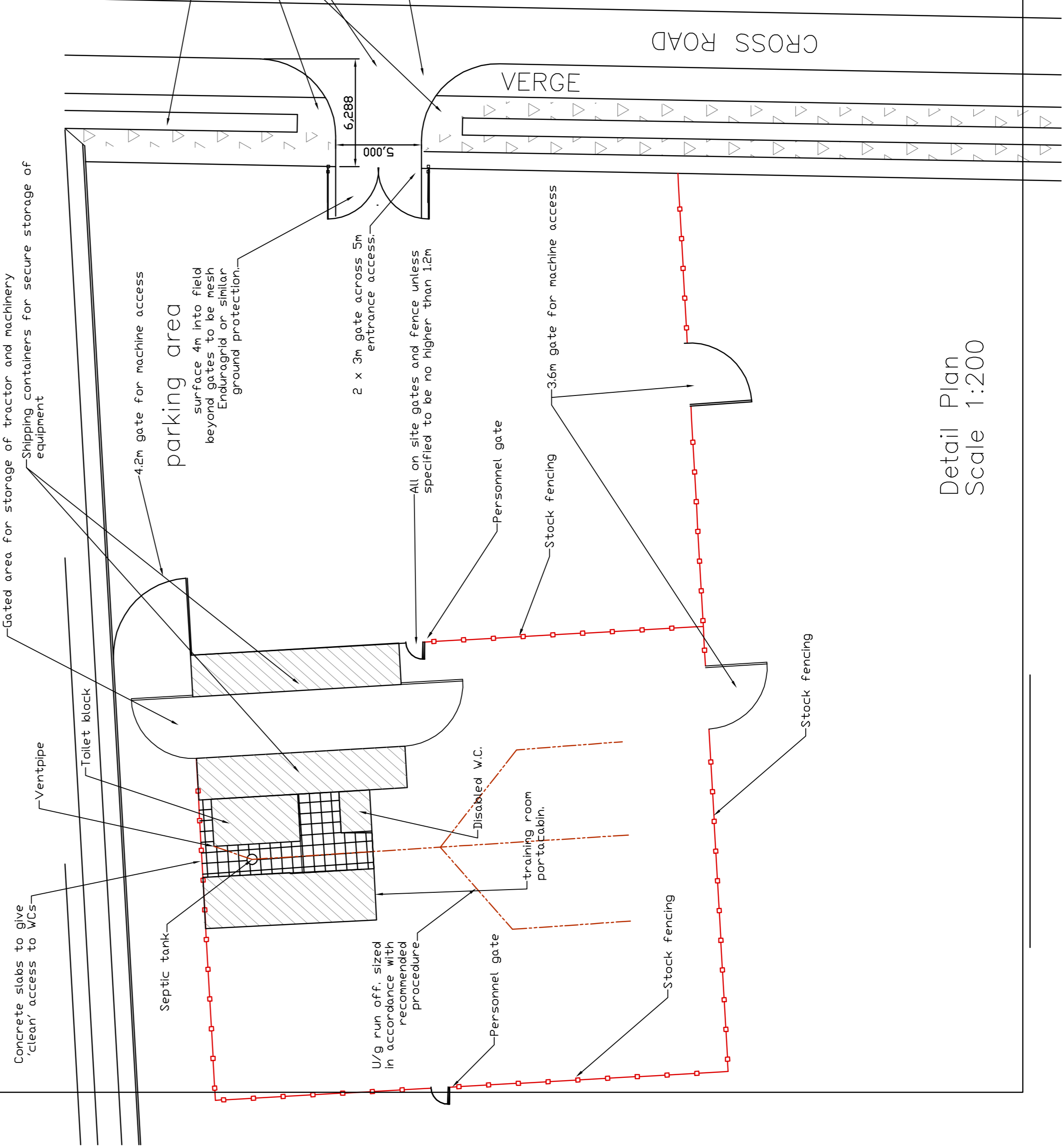
Plan view



Scale 1:50

Flight simulator elevations scale 1:100

Site entrance gate (1:50)



Detail Plan Scale 1:200



Location Plan Scale 1:2500

REF	DATE	ALTERATION
4	08.5.12	Revised layout plus notes
3	31.1.12	Plan amended with highway comments
2	12.1.12	Plan amended, windows, note added
1	4.1.12	Issue

PROJECT

Proposed change of use from agricultural land west of Cross Road, March to use by Fenland Wind & Air Sports Centre.

DRAWING

Site layout and details

SCALE
1:200, 1:1250
1:2500

CLIENT

Fenland Wind & Air Sports Centre.

Johnson Design Practice

Architectural & Engineering Design, Computer Aided,
33c Daddington Rd, Wimlington, Cambs PE15 0RD
01354 741061 & 07802898057
jdp@mypostoffice.co.uk

DATE

PLAN No

1850

SHEET

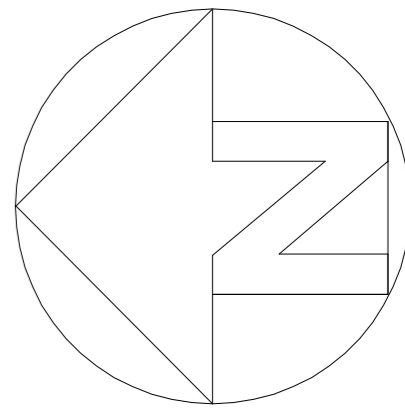
3

ISSUE

4

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Site Plan Scale 1:1250



The Law and Paramotor Flying – A Simplified Guide

A simplified guide prepared by Jeremy Harris

Introduction

This guide is intended to make the relevant parts of CAP 393, The Air Navigation Order (ANO) easier to understand and to highlight the key parts of this law that apply to flying a paramotor within UK airspace. It is not a comprehensive or definitive statement of law, for this the current issue of the ANO should be consulted. Where appropriate, footnote references to the relevant ANO section are provided, with the full text excerpts from the ANO included and referenced in the Annex to this guide.

Aircraft definition

In law, paramotors fall within a class of aircraft termed Self Propelled Hang Gliders (SPHG)¹. All SPHGs are categorised as gliders in law, so some of the relevant aspects of the ANO that apply to gliders also apply to paramotors. Gliders that have an empty weight of less than 80kg are exempted from European Aviation Safety Authority (EASA) regulation and are referred to as “non-EASA gliders” in the ANO. All SPHGs fall into this category of aircraft.

SPHG legal paperwork

Paramotors are exempted from needing any form of Type Approval, Certificate of Airworthiness or Permit to Fly² as they are classed as non-EASA gliders, which are exempted from this form of regulation. This means that there is no legal requirement for any form of “MOT” test or other paperwork to prove that a paramotor is safe to fly. Consequently, the responsibility for ensuring all equipment is safe and well-maintained rests solely with the pilot.

Paramotors are also exempted from the need for any form of aircraft registration³, again as they are classed as non-EASA gliders.

Pilot legal paperwork

No form of licence or training record is legally required to fly a paramotor⁴, again as they are classed in law as non-EASA gliders. The responsibility for ensuring that the pilot is proficient rests solely with the individual.

¹ ANO Article 155 refers – See Annex for details

² ANO Article 8 refers – See Annex for details

³ ANO Article 3 refers – See Annex for details

⁴ ANO Article 26 refers – See Annex for details

Flying rules

The detailed law covering when and where a paramotor can fly are contained within ANO Section 2, The Rules of the Air. Below is a summary of some of the basic rules that apply to paramotors.

When you can fly

A paramotor pilot can only fly during daylight, which is defined as from 30 minutes before sunrise to 30 minutes after sunset, and when the visibility is adequate. Every pilot of any form of flying machine MUST check the weather before they fly⁵. A paramotor pilot must NOT fly in what are legally referred to as Instrument Meteorological Conditions (IMC). This means that in order to fly legally, it must be daytime, and the visibility must meet at least the following requirements:

Below 3000ft above the surface, the visibility must be at least 5km, you must remain clear of cloud and also be able to see the ground.

Between 3000ft and Flight Level 100 (10,000ft indicated altitude at an altimeter pressure setting of 1013mb), the visibility must be at least 5km horizontally, you must remain 1500 metres clear of cloud horizontally and 1000ft clear of cloud vertically.

Above Flight Level 100, the visibility must be at least 8km horizontally, you must remain 1500 metres clear of cloud horizontally and 1000ft clear of cloud vertically.

You cannot fly in cloud or poor visibility.

Where you can fly

You can fly freely anywhere other than in restricted or controlled airspace (clearly marked on air charts) or in airspace that is subject to any temporary restriction. You are required by law to check that the airspace you intend to fly in is clear of temporary restrictions, by checking the Notices to Air Men (NOTAMs) before you fly.

In addition, some areas of Scotland are subject to periods where flight below 5000ft is prohibited (see the ANO excerpt in the Annex).⁶

If you obtain clearance by radio, you may fly in some restricted or controlled airspace, although due to the slow flight speed of a paramotor you are advised to avoid doing so.

You may fly under some areas of controlled airspace that have lower limits sufficiently greater than ground level, but are advised to make radio contact with the controlling unit to advise them of your intentions. Failure to do so may lead them to believe that you are in their airspace if they see you on radar, as they may be unable to determine your height.

⁵ ANO Rule of the Air 16 applies – See Annex for details

⁶ ANO Restrictions on flying regulations

Low flying

In open ground, or over the water, you may fly as low as you wish provided that you remain at least 500ft away from any person, object or structure⁷.

When flying over a congested area, you must fly at sufficient height that you will be able to glide clear in the event of an engine failure without endangering people on the ground. Due to the relatively low air speed of a paramotor, you must take careful account of the wind direction when following this rule.

When flying over any congested area you must also remain at least 1000ft above any fixed obstacle within a 600 metre radius from your position.

You must not fly over an open air assembly of 1000 people or more below 1000ft or below a glide clear height, whichever is the greater.

If you are landing or taking off from any suitable site you may breach the 500ft rule. You cannot breach this rule for a practice landing where you do not actually touch down, except when operating from a Government or licensed airfield.

You may breach all of the low flying rules if you are landing, taking off or making practice landings from a Government or licensed airfield.

Flying with other aircraft, including paramotors

You must ensure that you do not fly so close to another aircraft that there is a danger of collision⁸. You must not fly in formation with other aircraft unless all of the pilots are aware and agree.

The general rule is that powered flying machines should give way to gliders, airships and balloons, airships should give way to gliders and balloons and gliders should give way to balloons. Although SPHGs are classed as gliders the ANO specifically states that all mechanically propelled aircraft must give way to gliders.

When overtaking another aircraft, keep to the right and remain well clear. Do not overtake above or below another aircraft unless this is unavoidable. In particular, NEVER go under or over a balloon, as they may rise or descend vertically very quickly and without warning.

When converging with another aircraft, the aircraft on the right has the right of way, the other aircraft should give way by making a clear and deliberate turn.

When meeting head on with another aircraft, both aircraft should turn to pass to the right of the other.

⁷ ANO Rule 5 – Low Flying – See Annex for details

⁸ ANO Rule 17 – Rules for avoiding aerial collision – See Annex for details

An aircraft landing, or making an approach to land, has right of way over other aircraft, either on the ground or in the air. An aircraft must not overtake another aircraft making a landing approach, the lower aircraft has right of way.

Aerobatics

You cannot perform aerobatic manoeuvres over a congested area or within controlled airspace⁹.

Right hand traffic rule

When in sight of the ground and following a line feature, such as road, railway line, river or canal, you should fly keeping the feature to your left unless directed to do otherwise by an air traffic control unit¹⁰.

Use of radio

To use a VHF airband radio from a paramotor you must hold a Flight Radio Telephony Operators licence and a transportable radio licence. The use of amateur band radio from aircraft is prohibited. Mobile phones and PMR 446 licence exempt radios may be legally used.

To obtain a Flight Radio Telephony Operators licence you need to undertake a short training course and exams. The transportable radio licence just requires an annual fee to be paid. A licence can only be issued to a radio Type Approved by either the CAA or EASA.

A few useful laws often forgotten.....

Alcohol

It's illegal to fly when under the influence of alcohol. The general rule used is "8 hours from bottle to throttle" but this may not be sufficient time if a great deal of alcohol is consumed. It should be noted that the blood alcohol limit for pilots (and paramotor pilots are treated in the same way as licensed pilots in law) is just 20mg per 100ml, which is ¼ of the safe limit for driving a car. The body of an averagely fit male will metabolise alcohol at a rate of around 1 unit per hour. 1 unit is about ½ pint of average strength beer. The legal flying limit is less than 1 unit, so if you have consumed 5 pints the night before and go flying 8 hours later the chances are that you are over the limit. The effect of altitude will be to impair judgement more quickly if you are still under the influence of alcohol.

Smoking

⁹ ANO Rule 18 – Aerobatics – See Annex for details

¹⁰ ANO Rule 19 – Right hand traffic rule – See Annex for details

It's illegal to smoke in any aircraft in the UK¹¹

Flying Displays

It's illegal to put on a flying display without authorisation from the CAA¹².

Dropping things

It's illegal to drop anything from an aircraft, except for water or fine sand used as ballast¹³.

Carrying firearms.....

Unsurprisingly, it's also illegal to carry firearms in an aircraft¹⁴
It's worth noting that this law covers the carriage of things like air pistols, as well as more obvious weapons.

¹¹ ANO Article 76 – Smoking – See Annex for details

¹² ANO Article 80 – Flying displays – See Annex for details

¹³ ANO Article 66 – Dropping of articles and animals – See Annex for details

¹⁴ ANO Article 69 – Carriage of weapons and munitions of war – See Annex for details

Annex to "The Law and Paramotor Flying"

Footnote 1:

Excerpts from ANO Article 155 – Interpretation

"Self-propelled hang-glider" means an aircraft comprising an aerofoil wing and a mechanical propulsion device which:

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;
- (c) carries a maximum of two persons;
- (d) has a maximum fuel capacity of 10 litres; and
- (e) has a maximum unladen weight, including full fuel, of 60 kg for single place aircraft and 70 kg for two place aircraft;"

"Glider" means:

- (a) a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
 - (b) a self-sustaining glider; and
 - (c) a self-propelled hang-glider;
- and a reference in this Order to a glider shall include a reference to a self-sustaining glider and a self-propelled hang-glider;"

Footnote 2:

Excerpts from ANO Article 8 – Certificate of airworthiness to be in force

The relevant section here is paragraph (2)(a), as SPHGs are classed as non-EASA gliders (see above).

"8 (1) Subject to paragraph (2), an aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The foregoing prohibition shall not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of:

- (a) a non-EASA glider, if it is not being used for the public transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
- (b) a non-EASA balloon flying on a private flight;

- (c) a non-EASA kite;
- (d) a non-EASA aircraft flying in accordance with the A Conditions or the B Conditions; or
- (e) an aircraft flying in accordance with a national permit to fly, an EASA permit to fly issued by the CAA or a certificate of validation issued by the CAA under article 13."

Footnote 3:

Excerpt from ANO Article 3 – Aircraft registration

"3 (1) Subject to paragraphs (2), (3) and (4) an aircraft shall not fly in or over the United Kingdom unless it is registered in:

- (a) some part of the Commonwealth;
 - (b) a Contracting State; or
 - (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country.
- (2) A non-EASA glider may fly unregistered, and shall be deemed to be registered in the United Kingdom for the purposes of articles 19, 20, 26 and 52, on any flight which:
- (a) begins and ends in the United Kingdom without passing over any other country; and
 - (b) is not for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members."

Footnote 4:

Excerpt from ANO Article 26 – Requirement for a licence

"26 (1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom unless he is the holder of an appropriate licence granted or rendered valid under this Order."

Exceptions within Article 26 for glider pilots (SPHGs are legally gliders, see above):

"(10) This article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless:

- (a) he acts as a flight radiotelephony operator otherwise than in accordance with paragraph (2)(a)(i); or

(b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members."

Footnote 5:

Excerpt from ANO Rule of the Air 16 – Weather reports and forecasts

"16 (1) Immediately before an aircraft flies the commander of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain, in order to determine whether Instrument Meteorological Conditions prevail or are likely to prevail during any part of the flight."

Footnote 6:

The Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 1981(a)

"Whereas the Secretary of State, for a reason affecting the public interest, deems it necessary in the public interest to restrict flying in the Scottish Highlands and certain approaches thereto by reason of intended military training flights:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by Article 66 of the Air Navigation Order 1980(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations –

1 *These Regulations may be cited as the Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 1981 and shall come into operation on 1st October 1981.*

2 *(1) In Regulation 3 of these Regulations all times referred to are Local Time. (2) The notified authority referred to in these Regulations is the London Air Traffic Control Centre (Military) Tactical Booking Cell.*

3 *(1) Between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft shall not fly at or below a height of 5000 feet above mean sea level within the area bounded by straight lines joining successively the following points:–*

58°30'00"N 03°27'00"W

58°25'24"N 03°25'09"W

58°03'45"N 04°12'34"W

58°03'00"N 04°30'00"W

58°00'00"N 04°37'00"W

57°47'00"N 04°25'00"W

57°39'00"N 04°30'00"W
57°38'00"N 04°45'00"W
57°30'00"N 04°38'00"W
57°18'00"N 04°52'00"W
57°11'00"N 04°53'00"W
57°09'00"N 05°00'00"W
57°00'00"N 05°02'00"W
56°54'00"N 05°05'00"W
56°56'00"N 05°47'00"W
57°13'00"N 05°35'00"W
57°50'00"N 05°43'00"W
58°00'00"N 05°15'00"W
58°30'00"N 04°49'00"W
58°30'00"N 04°30'00"W
58°25'00"N 04°30'00"W
58°30'00"N 04°20'00"W
58°30'00"N 03°27'00"W;

unless the aircraft is flying in accordance with an authorisation given by the notified authority.

(2) Between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft shall not fly at or between 750 feet and 5000 feet above mean sea level within the area bounded by straight lines joining successively the following points:

57°50'00"N 05°43'00"W
57°40'05"N 05°40'50"W
57°38'41"N 05°57'35"W
57°00'00"N 05°56'40"W
57°00'00"N 06°15'00"W
57°47'16"N 06°16'33"W
57°50'00"N 05°43'00"W;

unless the aircraft is flying in accordance with an authorisation given by the notified authority.

(3) Between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft shall not fly below 2000 feet above mean sea level within –

(a) the area bounded by straight lines joining successively the following points:–

58°22'18"N 03°32'00"W
58°14'35"N 03°19'26"W

58°11'22"N 03°26'50"W

58°19'00"N 03°39'18"W

58°22'18"N 03°32'00"W;

or (b) the area bounded by straight lines joining successively the following points:—

57°49'00"N 04°06'06"W

57°45'00"N 04°02'54"W

57°42'35"N 04°10'51"W

57°39'00"N 04°30'00"W

57°47'00"N 04°25'00"W

57°49'00"N 04°06'06"W;

unless the aircraft is flying in accordance with either:—

(i) an authorisation given by the notified authority; or

(ii) an authorisation to cross either area referred to in sub-paragraph (a) or (b) of this paragraph given by the person in charge of Tain Range Danger Area on the notified frequency.

4 Nothing in these Regulations shall apply to any aircraft flying in accordance with an authorisation given by the notified authority to the commander of the aircraft before the flight commences when the purpose of the flight is to save life or property.

(a) SI 1981/1171

(b) Now revoked and replaced by the Air Navigation Order 2000"

Footnote 7:

ANO Rule of the Air 5 – Low flying

"5 (1) The prohibitions to be observed are:

(a) an aircraft shall comply with the low flying prohibitions set out in paragraph (2) subject to the low flying exemptions set out in paragraph (3).

(b) where an aircraft is flying in circumstances such that more than one of the low flying prohibitions apply it must fly at the greatest height required by any of the applicable prohibitions.

(2) The low flying prohibitions

(a) Failure of power unit

An aircraft shall not be flown below such height as would enable it, in the event of a power unit failure, to make an emergency landing without causing danger to persons or property on the surface.

(b) The 500 feet rule

Except with the permission in writing of the CAA, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.

(c) The 1000 feet rule

Except with the permission in writing of the CAA, an aircraft flying over a congested area of a city town or settlement shall not fly below a height of 1,000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft.

(3) Exemptions from the low flying prohibitions

(a) Landing and taking off

(i) Any aircraft shall be exempt from any low flying prohibition in so far as it is flying in accordance with normal aviation practice for the purpose of taking off from, landing at or practising approaches to landing at or checking navigational aids or procedures at a Government or licensed aerodrome.

(ii) Any aircraft shall be exempt from the 500 feet rule when landing and taking off in accordance with normal aviation practice.

(b) Captive balloons and kites

None of the low flying prohibitions shall apply to any captive balloon or kite.

(c) Special VFR flight and notified routes

Any aircraft shall be exempt from the 1000 feet rule when flying on a special VFR flight, or when operating in accordance with the procedures notified for the route being flown; provided that when flying in accordance with this exemption landings may not be made other than at a licensed or Government aerodrome, unless the permission of the CAA has been obtained.

(d) Balloons and helicopters over congested areas

(i) A balloon shall be exempt from the 1000 feet rule when landing because it is becalmed.

(ii) Any helicopter flying over a congested area shall be exempt from the land clear rule.

(e) Police air operator's certificate Any aircraft flying in accordance with the terms of a police air operator's certificate shall be exempt from the 500 feet rule, the 1000 feet rule, the prohibition on flying over open air assemblies and the prohibition on landing and taking off near open air assemblies.

(f) Flying displays etc

An aircraft taking part in a flying display, air race or contest shall be exempt from the 500 feet rule when within a horizontal distance of 1,000 metres of the gathering of persons assembled to witness the event.

(g) Glider hill soaring

A glider when hill-soaring shall be exempt from the 500 feet rule.

(h) Picking up and dropping at an aerodrome

Any aircraft picking up or dropping tow ropes, banners or similar articles at an aerodrome shall be exempt from the 500 feet rule.

(i) Manoeuvring helicopters

A helicopter shall be exempt from the 500 feet rule when conducting manoeuvres in accordance with normal aviation practice, within the boundaries of a licensed or Government aerodrome, or at other sites with the permission of the CAA; provided that when flying in accordance with this exemption the helicopter must not be operated closer than 60 metres to persons, vessels, vehicles or structures located outside the aerodrome or site.

(j) Dropping articles with CAA permission

(i) Any aircraft shall be exempt from the 500 feet rule when flying in accordance with article 56(3)(f) of the Order; and

(ii) Any aircraft shall be exempt from the 500 feet rule when flying in accordance with an aerial application certificate issued by the CAA under article 58 of the Order.”

Footnote 8:

ANO Rule 17 – Rules for avoiding aerial collisions

“17 (1) General

(a) Notwithstanding that the flight is being made with air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(b) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision.

(c) Subject to sub-paragraph (g), aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so.

(d) An aircraft which is obliged by these Rules to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.

(e) Subject to sub-paragraph (g), an aircraft which has the right-of-way under this rule shall maintain its course and speed.

(f) For the purposes of this rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(g) Sub-paragraphs (c) and (e) shall not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(2) Converging

(a) Subject to the provisions of paragraphs (3) and (4), an aircraft in the air shall give way to other converging aircraft as follows:

(i) flying machines shall give way to airships, gliders and balloons;

(ii) airships shall give way to gliders and balloons;

(iii) gliders shall give way to balloons.

(b) (i) Subject to the provisions of sub-paragraphs (a) and (b)(ii), when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way.

(ii) Mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) Approaching head-on

When two aircraft are approaching head-on or approximately so in the air and there is danger of collision, each shall alter its course to the right.

(4) Overtaking

(a) Subject to sub-paragraph (b), an aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.

(b) A glider overtaking another glider in the United Kingdom may alter its course to the right or to the left.

(5) Flight in the vicinity of an aerodrome

Without prejudice to the provisions of rule 39, a flying machine, glider or airship while flying in the vicinity of what the commander of the aircraft knows or ought reasonably to know to be an aerodrome or moving on an aerodrome, shall unless, in the case of an aerodrome having an air traffic control unit that unit otherwise authorises:

(a) conform to the pattern of traffic formed by other aircraft intending to land at that aerodrome, or keep clear of the airspace in which the pattern is formed; and

(b) make all turns to the left unless ground signals otherwise indicate.

(6) Order of landing

(a) An aircraft while landing or on final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water.

(b) (i) Subject to sub-paragraph (ii), in the case of two or more flying machines, gliders or airships approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way, but it shall not cut in front of another aircraft which is on final approach to land or overtake that aircraft.

(ii) (aa) When an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order.

(bb) When the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission so to do.

(7) Landing and take-off

(a) A flying machine, glider or airship shall take-off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(b) A flying machine or glider shall not land on a runway at an aerodrome if the runway is not clear of other aircraft unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises.

(c) Where take-offs and landings are not confined to a runway:

(i) a flying machine or glider when landing shall leave clear on its left any aircraft which has landed or is already landing or about to take off; if such a flying machine or glider is about to turn it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and

(ii) a flying machine about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take off.

(d) A flying machine after landing shall move clear of the landing area as soon as it is possible to do so unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises."

Footnote 9:

ANO Rule 18 – Aerobatic manoeuvres

"18 An aircraft shall not carry out any aerobatic manoeuvre:

(a) over the congested area of any city, town or settlement; or

(b) within controlled airspace except with the consent of the appropriate air traffic control unit."

Footnote 10:

ANO Rule 19 – Right hand traffic rule

"19 (1) Subject to paragraph (2), an aircraft which is flying within the United Kingdom in sight of the ground and following a road, railway, canal or coastline, or any other line of landmarks, shall keep such line of landmarks on its left.

(2) Paragraph (1) shall not apply to an aircraft flying within controlled airspace in accordance with instructions given by the appropriate air traffic control unit."

Footnote 11:

ANO Article 76 - Smoking in aircraft

76 (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the United Kingdom so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Footnote 12:

ANO Article 80 - Flying Displays

80 (1) No person shall act as the organiser of a flying display (in this article referred to as "the flying display director") unless he has obtained the permission in writing of the CAA under paragraph (5) for that flying display.

(2) The commander of an aircraft who is:

(a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that:

(i) the flying display director has been granted an appropriate permission under paragraph (5);

(ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and

(iii) the pilot has been granted an appropriate pilot display authorisation; or

(b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.

(3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.

(4) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(5) The CAA:

(a) shall grant a permission required by virtue of paragraph (1) if it is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display;

(b) may grant such a permission subject to such conditions, which may include conditions in respect of military aircraft, as the CAA thinks fit.

(6) The CAA shall, for the purposes of this article:

(a) grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon it being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the CAA may require; and

(b) authorise a person to conduct such examinations or tests as it may specify.

(7) A pilot display authorisation granted in accordance with this article shall, subject to article 92, remain in force for the period indicated in the pilot display authorisation.

(8) Subject to paragraph (9), for the purposes of this article, an appropriate pilot display authorisation shall mean an authorisation which is valid and appropriate to the intended flight and which has been either:

(a) granted by the CAA under paragraph (6)(a); or

(b) granted by the competent authority of a JAA Full Member State.

(9) A pilot display authorisation granted by the competent authority of a JAA Full Member State shall not be an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.

(10) A direction may be issued under paragraph (9) either in respect of a particular authorisation, a specified category of authorisations or generally.

(11) Paragraph (1) shall not apply to either:

(a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or

(b) a flying display at which the only participating aircraft are military aircraft.

(12) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.

(13) Nothing in this article shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot whether or not such race or contest is held in association with a flying display.

Footnote 13:

ANO Article 66 – Dropping of article and animals

66 *(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.*

(2) Subject to paragraph (3), except under and in accordance with the terms of an aerial

application certificate granted under article 68 of this Order, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom.

(3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the

commander of the aircraft in any of the following circumstances:

(a) the dropping of articles for the purpose of saving life;

(b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;

(c) the dropping of ballast in the form of fine sand or water;

(d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;

(e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;

(f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the CAA; or

(g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the CAA.

(4) For the purposes of this article "dropping" includes projecting and lowering.

(5) Nothing in this article shall prohibit the lowering of any article or animal from a helicopter to the surface, if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

Footnote 14:

ANO Article 69 – Carriage of weapons and munitions of war

69 *(1) Subject to paragraph (6) an aircraft shall not carry any munition of war unless:*

(a) such munition of war is carried with the written permission of the CAA; and

(b) subject to paragraph (2), the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(2) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the commander of the aircraft shall be informed of the matters referred to in sub-paragraph (1)(b) but he need not be so informed in writing.

(3) Subject to paragraph (5), it shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

(4) Subject to paragraph (5), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless:

(a) the sporting weapon or munition of war:

(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;

(ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and

(iii) in the case of a firearm, is unloaded;

(b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and

(c) without prejudice to paragraph (1) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

(5) Paragraphs (3) and (4) shall not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

(6) Nothing in this article shall apply to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(7) For the purposes of this article:

(a) "munition of war" means:

(i) any weapon or ammunition;

(ii) any article containing an explosive, noxious liquid or gas; or

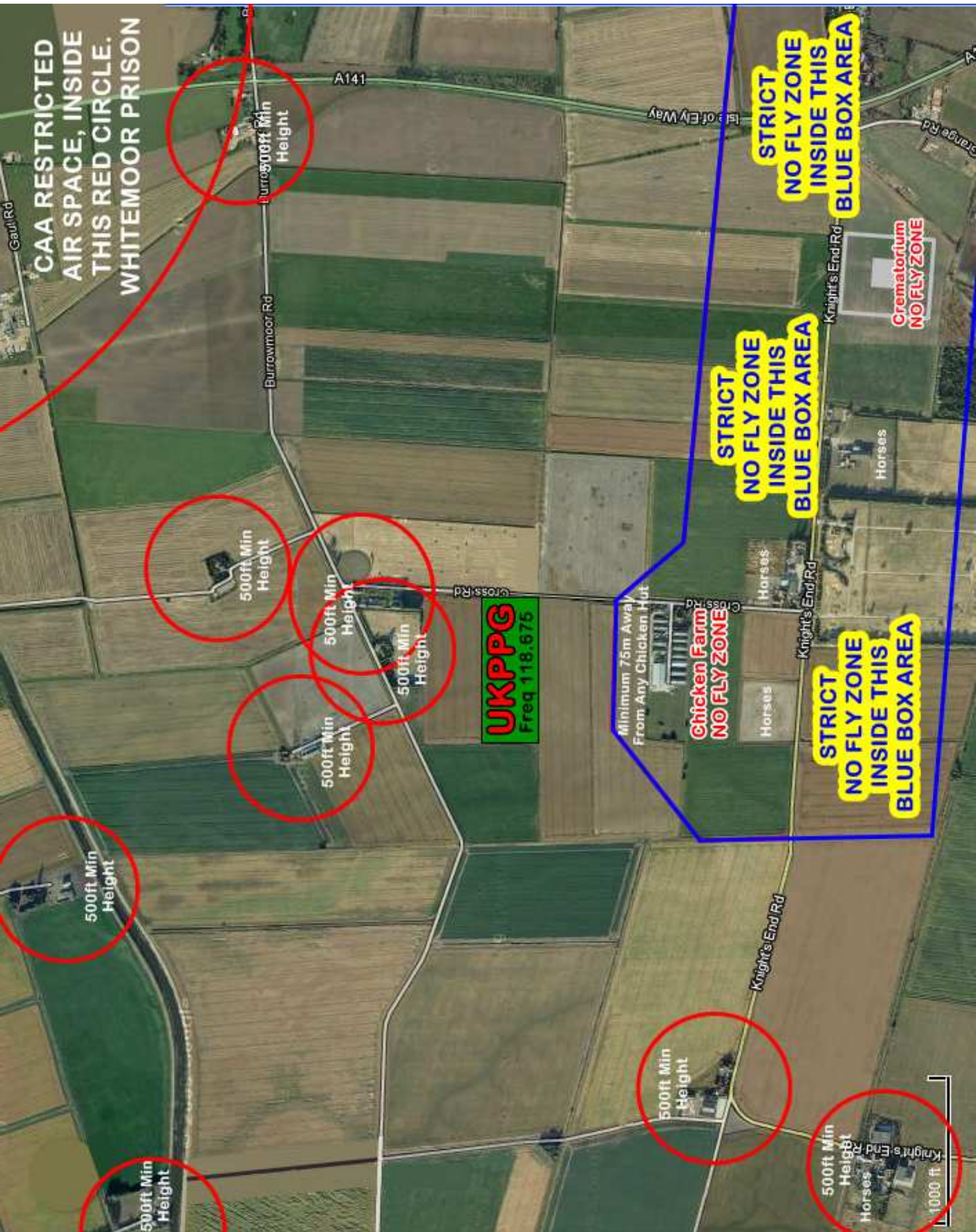
(iii) any other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

(b) "sporting weapon" means:

(i) any weapon or ammunition;

(ii) any article containing an explosive, noxious liquid or gas; or

(iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article; which is not a munition of war.



CAA RESTRICTED
AIR SPACE, INSIDE
THIS RED CIRCLE.
WHITEMOOR PRISON

STRICT
NO FLY ZONE
INSIDE THIS
BLUE BOX AREA

STRICT
NO FLY ZONE
INSIDE THIS
BLUE BOX AREA

STRICT
NO FLY ZONE
INSIDE THIS
BLUE BOX AREA

UKPPG
Freq 118.675

Minimum 75m Away
From Any Chicken Hut

Chicken Farm
NO FLY ZONE

Crematorium
NO FLY ZONE

500ft Min
Height

500ft Min
Height

500ft Min
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1000 ft

Cauld Rd

Burrowmoor Rd

A141

Cross Rd

Knight's End Rd

Knight's End Rd

Knight's End Rd

Isle of Ely Way

Strange Rd

Horses

Horses

Horses

Horses