

# **Code of Conduct for Farmers and Pilots**

## **1. Introduction**

This Code of Conduct is intended to promote effective communication and co-operation between balloonists and the farming and landowning communities. It has been developed in partnership between the British Balloon and Airship Club (BBAC) and the British Association of Balloon Operators (BABO) in conjunction with the National Farmers Union (NFU), the National Trust, the National Farmers Union Scotland (NFUS), the Country Land and Business Association (CLA), the Scottish Rural Property and Business Association (SRPBA) and the Thoroughbred Breeders Association (TBA).

## **2. Interpretation and Abbreviations**

1. In this Code the word pilot shall include pilots, owners or operators. The word farmer shall include farmers, landowners, occupiers and land managers. The phrase 'relevant Country Governments' refers to the Westminster Government (Department of Environment, Food & Rural Affairs), the Scottish Government and the Welsh Assembly Government, collectively.
2. LRO and RLRO refer to Land Relations Officer and Regional Land Relations Officer respectively.
3. A 'Sensitive Area' as referred to within this code is considered to be:-

A defined area notified to the BBAC which requires special consideration when selecting flight paths, flying heights and landing areas to prevent or minimise disturbance.

## **Part A: For Pilots**

## **3. Insurance**

In accordance with EU Legislation, typical minimum insurance covers for balloons are:

- Private (1 to 6 occupants): £2,000,000 and
- Commercial (5 to 16 occupants): £10,000,000

No pilot should fly without adequate public liability insurance. Evidence of adequate insurance should be required from all event participants. Event organisers will check that all Pilots have effective cover in Great Britain.

#### **4. Flight Planning**

1. Pilots should not take off unless they are reasonably certain that the flight path will be over country which is suitable for landing. From May to August (September in Scotland) pilots should avoid flying over large areas of standing cereal crops in light wind conditions. During the lambing period, pilots should take particular care to avoid disturbing sheep RLROs can advise on the months that apply locally.
2. Pilots must have maps marked with up-to-date 'sensitive areas' covering the planned flight and adapt their flight to accommodate these areas. This information is available in the Pilots Circular issued to all pilot members and other members on request and from the members' area of the BBAC web site. Pilots flying outside their usual area are encouraged to contact the RLRO before flying. On completion of a flight, it is helpful if pilots report to the RLRO any information that may be useful for other pilots.
3. Organisers of balloon meets should include a reference to this Code of Conduct in their literature and should explain the main requirements at pre-flight briefings.
4. In Scotland, organisers of balloon meets, pilots and followers should, in addition, comply with Part I of the Land Reform (Scotland) Act 2003, and the Scottish Outdoor Access Code\*, so far as is relevant.
5. Pilots and organisers should familiarise themselves with the current animal disease situation in the areas from which they plan to take-off, over fly and land, and make reasonable adjustments to such plans, including briefing passengers and followers. Details of the prevailing situation can be found under 'Agriculture' on the relevant Country Governments' websites (see also the section on Bio-security, below).

\*See attached note, 'The Right of Responsible Access in Scotland' or visit <http://www.outdooraccess-scotland.com>

#### **5. The Take-Off**

1. Permission must be gained from the farmer before driving on to a field.
2. Check that during the climb-out immediately downwind of the take-off site, the balloon will not have to fly low over livestock. Remember that animals in adjacent fields can be easily frightened. If injury is caused this may not be apparent at the time but might lead to future stock loss.
3. Climb to above 500 ft as soon as possible to avoid unseen animals downwind.

## **6. In the Air**

1. The Air Navigation Order requires that an aircraft (balloon) must not fly closer than 500ft to any person, vessel, vehicle or structure except where taking off or landing. Use of the quieter liquid fire burner is recommended when coming below 1000ft to find a suitable place to land. Pilots should avoid flying low over livestock and respect all sensitive areas.
2. If it appears that livestock have been disturbed for any reason, note the location of the incident and check the cause and after effects with the appropriate farmer as soon as possible after landing. If the pilot cannot locate the farmer then approach the RLRO for assistance. If this still proves unsuccessful then seek assistance from the local police station.

## **7. The Landing**

1. Select a landing field that should cause the least possible inconvenience to the farmer. Particular care should be taken during the spring and summer months when standing crops (including long grass for making hay or silage) cover large areas of the countryside. Remember the risk of fire when landing in dry conditions and extinguish pilot lights before touchdown.
2. Ensure that the ground below and ahead is clear of livestock, overhead power lines, buildings or other property that could be damaged and is not a sensitive area. During the lambing period, disturbance to sheep, in particular, can result in abortion or separation of lambs from ewes.
3. If an emergency dictates a choice between landing in a growing crop or disturbing animals, opt if possible for the crops since any damage is likely to be capable of easier assessment.
4. Immediately after landing take all reasonable steps to discourage onlookers from coming into the field as this unnecessarily risks additional bio-security breaches. By limiting access to the field to the minimum it should also be possible to minimise further damage to the crop in the field, or disturbance to any livestock present, and consequently any additional claim from the farmer for damage arising from the landing.
5. Pilots should never make tethered flights or re-inflate the balloon in the landing field or carry out an intermediate landing unless they have obtained permission to do so from the farmer.
6. Pilots in Scotland are reminded of the need to act responsibly in accordance with the Scottish Land Reform (Scotland) Act and the Outdoor Access Code.

## **8. Record and Retrieve**

1. Always contact the farmer, or in his/her absence a responsible agent (for instance close family or an employee), and obtain authorisation to retrieve the balloon. This should be done before the pilot allows the retrieve vehicle to come on to private property.
2. Always provide a landing record giving as a minimum the pilot's name and contact details, the balloon registration and the map reference of the landing area.
3. Any request made for a recovery fee should, wherever possible, be negotiated along the lines of the guidance in Part B: For farmers - paragraph 5.
4. Where a farmer incurs any extra expense in helping the balloonist with the retrieve, s/he should be reimbursed on a reasonable basis, which should be agreed at the outset.
5. If the pilot is unable to contact any appropriate person then s/he must leave a landing record in a sensible place (e.g. at a neighbouring farm and/or affixed to the gate post of the landing field, sealed in a clear waterproof bag). The pilot must take all reasonable measures to obtain the farmer's name, address and telephone number and make contact as soon as possible afterwards.
6. Pilots and retrieval teams should ensure that all farm gates are left as they were found. Where livestock is present, gates should be kept closed during the retrieval. (Bear in mind that in larger enclosures, livestock may not be immediately visible.)
7. If any damage has been caused, or is alleged to have been caused, then the farmer and balloonist should attempt to agree a statement of facts as to the alleged damage at the scene of the landing. If possible, discuss settlement there and then, to prevent future delays through correspondence. If settlement is to be made at a future date, it may be helpful to make a photographic record of any physical damage and to note down and both sign the statement of facts at the scene. Representative organisations may be able to provide further guidance in such situations.

## **9. Post Flight**

1. If contacted by a BBAC LRO for further information about a particular flight, then the pilot should cooperate by providing details as soon as possible. If a claim is being made against the pilot's insurance policy then notify insurers immediately. If the claim is likely to be within the pilot's policy excess the parties are strongly recommended to attempt to negotiate and settle the matter once the farmer has satisfied the burden of proof showing that the damage sustained is most likely to have been caused by the balloon in flight or on landing.

## **10. Bio-security at times of animal disease outbreaks**

1. A number of livestock diseases, including Foot and Mouth Disease, can be transferred by mud or faeces carried on vehicles, equipment or feet. It is very important that pilots ensure they are not the unwitting carriers of disease by observing good bio-security practices at all times. In short, ensure all equipment is kept clean.
2. Baskets, envelopes, vehicles and clothing, especially shoes, of passengers and crew, plus any other equipment used in the field, should be kept free from mud and other debris, and preferably washed down between flights, where possible with an approved disinfectant. A list of approved disinfectants can be found by searching under 'Approved Disinfectants' at <http://www.opsi.gov.uk/legislation>, or via the relevant Country Governments' websites. Local Animal Health Offices will also have information on approved disinfectants and procedures.
3. Recovery vehicles should carry a knapsack sprayer containing an approved disinfectant for use on the vehicle, if requested by the farmer, before entering a field. On farms participating in 'High Health/Farm Assurance' Schemes this may be a requirement of the scheme.
4. During a disease outbreak, pilots **must** adhere strictly to guidance provided by the relevant Country Government. This will be available through the Westminster (Defra), Scottish and Welsh Government websites or via a link from the BBAC website, and also through RLROs.

## **Part B: For Farmers**

1. Where a landing record is provided to a farmer then in return, and if requested, the farmer should agree to provide his/her own contact details, to include name and address.
2. Whenever there is a difficulty with the retrieval of a balloon, then the farmer should give reasonable assistance at his/her convenience as requested by the pilot to ensure that it is recovered as soon as possible without damage. Any extra expense that is incurred by the farmer in helping the balloonist should be reimbursed on a reasonable basis, which should be agreed at the outset.
3. Farmers are reminded that it is illegal to impound balloons. Any damage caused to the balloon by the farmer is recoverable by the pilot through the County/Sheriff Court. Once the farmer has received sufficient details of the landing, he should not unreasonably object to the retrieval of the balloon.

4. If any damage has been caused then the farmer and balloonist should attempt to agree a statement of facts as to the alleged damage at the scene of the landing. If possible, discuss settlement there and then, to prevent future delays through correspondence. If settlement is to be made at a future date, it may be helpful to make a photographic record of any physical damage, and to note down and both sign the statement of facts at the scene. Representative organisations may be able to provide further guidance in such situations.
5. In the absence of any previously agreed local practice, should a request be made for payment, the following amounts are suggested as a guide. **(NB Any such fee is accepted without prejudice to any potential claim for damage caused.):**

£4.00 for each passenger in a non-partitioned basket with a minimum of £10.00

£5.00 for each passenger in a partitioned basket with a minimum charge of £35.00 and a maximum charge of £80.00

## **FOOTNOTE**

### **The Right of Responsible Access in Scotland**

Part I of the Land Reform (Scotland) Act 2003 introduced a new right of non-motorised, responsible access to most land and inland water in Scotland, for recreation, education and some commercial purposes. This right applies only whilst participants act responsibly. Guidance on responsible behaviour for both those exercising access rights and land managers is contained in the Scottish Outdoor Access Code, which has been approved by the Scottish Government.

Responsible access rights extend to the flying and landing of balloons, providing that participants act responsibly and avoid causing damage. Access rights do not apply to vehicular access, and therefore carrying out a retrieve using a vehicle requires the permission of the land manager.

By following the above Code of Conduct you will be acting in accordance with the Scottish Outdoor Access Code, but please remember that the requirement to comply applies to any followers as well as those in the basket.

The full Scottish Outdoor Access Code can be viewed at <http://www.outdooraccess-scotland.com>.

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The BBAC has a National Landowner Relations Officer (NLRO). The NLRO co-ordinates the work of the RLROs but should you require any information or assistance, he can be contacted by email at [nlro@bbac.org](mailto:nlro@bbac.org).