

Landing Out (courtesy of the Lasham Website).

BGGC Notes are articles produced by experienced Club instructors and pundits. The articles provide topical and informed views on a particular feature of the flying at Nympsfield. They are not intended as substitutes for formal training or detailed instructor briefings.

Introduction

Over the last few years we have seen some cases of difficulties experienced when pilots landed-out in farmer's fields. Such cases are rare but on the increase, primarily due to the increase in commercial balloon flights landing in fields, damaging property and paying the landowner 'on-the-spot' compensation. These practises are sometimes extended to the glider pilot when he inadvertently lands in a field and is expected to pay compensation, sometimes amounting to sums far in excess of a reasonable sum for as a landing fee or as compensation offered in an insurance claim.

Glider pilots need the co-operation of landowners to maintain the freedom we have enjoyed to date. Their assistance and goodwill is imperative if we are to successfully continue to fly in the way we do now. What follows is set of guidelines to assist the glider-pilot in dealing with farmers and landowners when they land in their fields and to advise of your rights.

General

- By landing in a field without first gaining the landowner's permission you are committing an actionable civil wrong. You are, in the eyes of the law, trespassing. With this in mind our initial approach should reflect our position, in other words, be humble, polite and apologetic.
- First impressions count and your being there is going to cost the farmer time if nothing else, bear this in mind when introducing yourself to the farmer. Stress that your landing was unintentional; explain what you were trying to do and why you have to land in his field. Emphasis that you will try to ensure you will be as little trouble to him as possible and that if he would allow you can remove your aircraft with the minimum of fuss and trouble.
- If an aero tow retrieve is required, ask the farmers permission first and explain what will happen, he probably has no comprehension of what you are taking about so take time to explain it clearly.
- Above all do not allow sightseers to wander into the field and respect the farmer's property.
- Many farmers are requesting a landing fee for both balloons and gliders. Balloons remember are mostly commercial ventures and may have up to 20 people on board, the farmer quite rightly expects a bit of the action. Gliders are different and you are not being paid to be there. If the farmer wants a landing fee do not dismiss him out-of-hand but ask why he thinks it is necessary. If you have done no damage, do not require his services to drag the glider out or to prevent sightseers wandering onto his property then no landing fee should be paid; however, consider offering up to £10:00 as a goodwill gesture for his trouble and hospitality.
- If damage has been caused to crop etc. then your glider third party insurance will cover this damage. Do not offer to pay compensation there and then and do not admit any liability.

Costs and Claims

The Landowner or Tenant may claim to have estimated the value of damage himself and require you to pay this value. It is very difficult to accurately value crop damage, this is a job for a professional assessor and your insurance company will arrange this. Exchange addresses and insurance company names with the landowner and contact your insurance company as soon as possible after your return, they will send an assessor out very quickly to assess the damage and reimburse the farmer. If possible take photographs of any damage, this may help in the event of a dispute.

- Several years ago the BGA and the National Farmers Union agreed a code of conduct for glider pilots landing in fields, I have reproduced that code below, it still holds good and recently the NFU have stated that they do not wish to change it. At the same time they set a maximum landing fee for both balloons and gliders of £3:50. Balloons have since exceeded this figure many times over because of commercialisation, the figure was set many years ago and personally I feel £10.00 - 20:00 is about right now.
- If your farmer demands more, refer him to his local NFU representative, you will not know who it is but he most certainly will.
- If anyone threatens you personally, or you feel threatened then call the police immediately. They will not wish to get involved in a case of Trespass as this is a civil case, but in cases where you have been personally threatened then it is a criminal case and they have to.
- Legally the farmer is not allowed to prevent you from leaving his property or from taking your glider with you. He may expel you by force, but no more than is reasonably necessary and not before asking you to leave. He may not confiscate or impound your aircraft, if he does he is guilty of a form of theft.

Precedents

A recent case in 1998 demonstrated this fact when a court injunction was issued to prevent a landowner from detaining a pilot's aircraft.

- Once the landowner has prevented you from retrieving your aircraft he has effectively taken charge of the safe keeping of that glider. It is amazing how quickly he will agree to your removing it if you explain this to him and point out to him the value of the equipment he has just impounded.
- Regardless of your reception, be polite, do not lose your temper and always return after your retrieve to thank, even the most belligerent farmer for his trouble. Make sure you take a note of his name and address and consider offering him a trial flight at your expense (tickets for this can be obtained from the office). If you have landed out along way from Nympsfield then get the nearest club to do it for you, obviously you will have to pay them but I think it is worth it. A little extra thank you for what is really a bit of an imposition for a very busy farmer.

Hopefully you will not experience any of the above problems and you will always be blessed with helpful and happy farmers, they are a good bunch if you treat them with respect. Remember we need their help.