



Leicester City Council
Drone & Model Aircraft Policy
2015

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Introduction

Leicester City Council has introduced a Drone usage policy in response to an upsurge in public request and usage occurrences on council land including parks and public open spaces.

Traditionally unmanned aircraft have only been used by model aircraft enthusiasts for recreational purposes. However, they are increasingly being used for professional applications such as surveillance and data-gathering. Such aircraft are likely to be operated in a way that may pose a greater risk to the general public. Unlike manned aircraft or model aircraft used for recreational purposes, there are no established operating guidelines so operators may not be aware of the potential dangers or indeed the responsibility they have towards not endangering the public.

Furthermore, much larger unmanned aircraft are now being developed. These aircraft are required by National and European law to be designed and manufactured to an approved standard, and very often require a great deal more space in which to operate. Therefore it is often necessary to take additional steps to ensure that the aircraft can be safely integrated with other airspace users - both in the air and on the ground.

In January 2010 the **Civil Aviation Authority** (CAA) introduced new regulations that require operators of small unmanned aircraft used for aerial work purposes and those equipped for data acquisition and/or surveillance to obtain permission from the CAA before commencing a flight within a congested area or in proximity to people or property.

Details of the permission and how to apply are explained in the links below.

Essentially, the person controlling a small **Unmanned Aircraft System** (UAS) is fully responsible for the safe operation of any flight, but it is important to consider whether a permission (not a licence) from the CAA is needed.

You must request permission from the CAA if you plan to:

- fly the aircraft on a commercial basis (i.e. conducting 'aerial work')
- or
- fly a camera/surveillance fitted aircraft within congested areas or closer (than the distances listed within Article 167) to people or properties (vehicles, vessels or structures) that are not under your control

Permission is not required if:

- the aircraft will not be flown close to people or properties, and you will not get 'valuable consideration'

(i.e. payment) from the flight, then a permission is not needed;

Permission is also not required for 'practice' or demonstration flights. However, the other requirements of Articles 166 and 167 must still be complied with, and it must also be ensured that no one is endangered while flying the aircraft.

The regulations are intended to protect people and / or properties that are not involved in the activity. They are also aimed at being as 'light touch' and proportionate as possible, so there is a great deal that can be done (especially for private or recreational flights) without the need to approach the CAA at all.

CAA policy CAP 3939 Air Navigation: The Order and Regulations

Article 166 Small unmanned aircraft

(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft: (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;

(b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or

(c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the CAA.

Article 167 Small unmanned surveillance aircraft

(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are: (a) over or within 150 metres of any congested area;

(b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;

(c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or

(d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article 'a small unmanned surveillance aircraft' means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

For a full copy of the CAA policy CAP 3939 Air Navigation: The Order and Regulations please visit www.caa.co.uk, alongside further information and guidance on operation, safety, formal permission request etc

Leicester City Council Land Owner Stance – Drone Usage

Zero Tolerance/permission will be enforced/granted by Leicester City Council to any request made to us for recreational or commercial purposes as land owner to fly Drones on Leicester City Council land.

Exemptions will only be granted, where usage of drone device aids risk reduction in the work place i.e. working at height, building survey work and or undertake a professional service, i.e. Festivals & Events Media,

Reasons behind our zero tolerance or permission policy for recreational or commercial requests.

- LCC granting permission could leave the local authority liable for subsequent actions brought about by drone activity when operated from land under our ownership.
- The close proximity of many of our sites to neighbouring residential and business properties and the potential risk of causing alarm, distress or harassment to occupants.
- Potential risk of accident, injury to other site users or property as a result of user or drone error.

Leicester City Council Land Owner Stance – Model Aircraft

Zero Tolerance/permission will be enforced/granted by Leicester City Council to any request made to us for recreational or commercial purposes as land owner to fly model aircrafts on Leicester City Council land.

Exemptions will only be considered, where users are part of a formalised model aircraft flying club that can demonstrate all health and safety and insurance measures are in place. A license agreement must be made with Leicester City Council and the formalised club before site usage can be established.

Reasons behind our zero tolerance or permission policy for recreational or commercial requests.

- LCC granting permission could leave the local authority liable for subsequent actions brought about by drone activity when operated from land under our ownership.
- The close proximity of many of our sites to neighbouring residential and business properties and the potential risk of causing alarm, distress or harassment to occupants.

- Potential risk of accident, injury to other site users or property as a result of user or model aircraft error.

Park Enforcement & Bylaws

If person/persons are found to be using a drone device from Leicester City Council land without permission they will be requested to stop immediately. If the user refuses to stop, the Police will be called to attend to cease activity and remove the user from Leicester City Council land.

The Leicester City Council Byelaws for Pleasure Grounds, Public Walks and Open Spaces state under Part 7, Point 44 Obstruction,

No person shall obstruct:

- a) any officer of the council in the proper execution of his/her duties;
- b) any person carrying out an act which is necessary to the proper execution of any contract with the council; or
- c) any other person in the proper use of the ground

Removal of offenders, Point 46 states,

Any person offending against any of these bylaws may be removed from the ground by an officer of the Council or a constable.

References

Air Navigation: The Order and the Regulations CAP 393

Air Navigation Order 2009

www.caa.co.uk