

Fradley Parish Council

Drone Policy for Fradley Parish Council land

Introduction

Unmanned aerial vehicle (UAVs) must not be flown to, from, or over Parish Council property/land for recreational or commercial purposes without written permission.

Fradley Parish Council has introduced a drone policy in response to recent requests for permission. Drones may not be flown to, from or over any Parish Council land without written permission granted by Fradley Parish Council. Permission will not be unreasonably denied and examples of where permission is likely to be granted are where usage of a drone aids searches for missing persons, risk reduction in the work place, such as working at height, land and building survey work or to undertake similar professional services.

What are Drones?

Drones or unmanned aerial vehicles (UAV) are simply machines that are remotely controlled by a person on the ground. They were once exclusively used by the military when it deemed too dangerous to send a manned aircraft.

However drones are now becoming more popular with businesses and the general public as technology gets better and the cost goes down.

Are drones legal?

The short answer is yes. However there are rules and regulations that you must adhere to in order to ensure you are on the right side of the law. As drones are still quite new, the law around their use is constantly evolving so it is a good idea to ensure that you are fully up-to-date with the latest changes.

The Civil Aviation Authority (CAA) [has guidance on using drones](#) for both private and commercial use.

Drone registration

If you are wanting to fly a drone or model aircraft you now have to be registered. This includes the below:

- Anyone who wishes to fly a drone must pass a theory test to get a flyer ID (unless its weight is under 250g)
- The person that is responsible for the drone or model aircraft must register to get an operator ID

More details regarding registration can be found on the [Civil Aviation Authority website](#).

Airfield restrictions

On 13 March 2019 the drone flight restriction zone around airports changed. Find more detailed information regarding [airport and airfield restrictions on the Civil Aviation Authority page](#).

In-depth details

Drones can be flown in many areas of open and 'unrestricted' airspace across the UK, but important restrictions and limitations apply if a drone is being flown outside. These conditions apply at all times of the day or night, and the framework applies to all types of unmanned aircraft.

Drone flights are classed into Categories according to the level of risk they pose to the public and other airspace users. The Categories dictate where drones of a certain weight and type can fly, and how close they can fly to uninvolved people, crowds and built-up areas.

Drone flights will fall into one of three categories, which are explained in more detail later in this document:

- **OPEN:** UAS Operations which present low risk to third parties – further split into 3 subcategories: A1, A2 and A3. (mainly hobbyist/recreational use and some commercial use).
- **SPECIFIC:** UAS Operations which are more complex or which fall outside the Open Category. (mainly commercial use and flights operating under a model flying club authorisation).
- **CERTIFIED:** UAS Operations which are very complex, and which present the same high risk as 'manned' aviation.

In very simple terms:

The higher the RISK involved in a drone flight, the more restrictions and limitations apply. Some restrictions and limitations apply to all drone flights and some only apply to flights within certain categories, involving drones of specific weights/types or drones flying for specific purposes.

This includes whether the Drone Operator needs to be registered with the [CAA](#), whether the Remote Pilot needs to be registered or hold any flying qualifications, and whether insurance is required to operate the drone.

In law, the Operator is the person who is responsible for managing the drone and its operations (in most cases this will be the owner), and the Remote Pilot is the person who

actually flies the drone. In some cases this will be the same person, but in other cases these will be different people. Where they are the same person, they must comply with the requirements of both the remote pilot and the UAS Operator.

The OPEN category

This document focuses on the types of drones that are currently flying within the UK. These drones are referred to as Legacy Drones. General limitations for Legacy Drones flying in the OPEN category include the following:

- Drones must have a take-off mass of less than 25kg
- Drones must not fly over any assemblies of people.
- Direct, unaided VLOS of the drone and its surrounding airspace must be maintained at all times during the flight
- Drones must not fly within the Flight Restricted Zone (FRZ) of a protected aerodrome, or in any other restricted airspace, without the appropriate permission
- The pilot must be in a fit condition to fly, and not impaired through drink, drugs, injury, fatigue, medication, sickness or other causes
- Before taking off, the pilot must ensure the drone is in a condition to safely complete the flight
- The drone must not be flown close to or inside an area where an emergency response is ongoing, without permission from the responsible emergency service

If any of the above are breached, it is likely that the Operator and/or the pilot (where they are not the same person) will be committing one or more offences.

Further conditions and limitations then apply depending on which Subcategory the drone is flying in: – i.e. A1, A2 or A3.

The OPEN A1 Subcategory – ‘Flying over people’

Which Drones can fly in OPEN A1 Subcategory?

- The OPEN A1 Subcategory is available to ‘toys’ and legacy drones with a maximum take-off mass, including any payload, of less than 250g
- If the drone is privately built, in order to fly in the OPEN A1 subcategory it must weigh less than 250g and its maximum speed must be less than 19 metres per second (approx. 42.5 mph)

What operational limitations apply to this subcategory?

- Drones flying in the OPEN A1 Subcategory are allowed to fly within ‘congested areas’ – i.e. Residential, Commercial, Industrial and Recreational areas
- <250g Drones flying in the OPEN A1 Subcategory are allowed to fly over uninvolved persons but they must not fly over assemblies of people
- There is no defined distance for flying <250g drones close to or over uninvolved persons but the laws on endangering persons, property and animals still apply
- Pilots must maintain VLOS of the drone and its surrounding airspace, but they can use an Unmanned Aircraft Observer and they can use ‘Follow Me’ mode up to a maximum 50m horizontally from the pilot

Transitional Arrangements until 31st December 2022

- Until 31st December 2022, the A1 Subcategory is also available to A1 Transitional drones - i.e. drones with a take-off mass <500g – if the Pilot holds an A2 Certificate of Competency.
- The A2 Certificate of Competency is an additional qualification available from the CAA that allows certain drones to be flown in the OPEN A1 and OPEN A2 subcategories until the end of December 2022. Pilots must carry proof of this competency at all times when operating a drone.
- ‘A1 Transitional drones’ flying in the OPEN A1 subcategory must not overfly assemblies, and pilots must “reasonably expect that no uninvolved persons will be overflowed” for the duration of the flight. Where an uninvolved person is unintentionally overflowed, pilots must minimise the time during which they are overflowed

The OPEN A2 Subcategory – ‘Flying close to people’

Which Drones can fly in OPEN A2 Subcategory?

- Until 31st December 2022, the OPEN A2 Subcategory is available to legacy drones with a take-off mass, including any payload, of less than 2Kg. These are known as A2 Transitional Drones
- In order to fly an A2 Transitional Drone in the A2 Subcategory, pilots must hold an A2 Certificate of Competency issued by the CAA. Proof of this competency must be carried by the pilot at all times while operating an A2 Transitional drone in the A2 subcategory

What operational limitations apply to this subcategory?

- Drones flying in the OPEN A2 Subcategory are allowed to fly within ‘congested areas’ – i.e. Residential, Commercial, Industrial and Recreational areas

- A2 Transitional Drones flying in the OPEN A2 Subcategory are not allowed to fly within 50m horizontally of any uninvolved persons, whether in a congested area or not
- There is no height above which people can be overflowed by an A2 Transitional Drone in the A2 subcategory. The horizontal limit effectively creates a cylinder with a radius of 50m around uninvolved persons, reaching from the ground all the way to the sky, within which an A2 Transitional drone must not fly
- The 50m horizontal limit also applies to assemblies of people and any persons inside buildings, vehicles, vessels or structures

Flying in the OPEN A3 Subcategory – ‘Flying far from people’

Which Drones can fly in OPEN A3 Subcategory?

- The OPEN A3 Subcategory is available to Legacy drones with a maximum take-off mass, including any payload, of less than 25Kg
- If a drone cannot fly within the A1 or the A2 subcategory, it can only be flown in the A3 subcategory (or, if Authorisation has been obtained from the CAA, the SPECIFIC category)

What operational limitations apply to this subcategory?

- Drones flying in the OPEN A3 subcategory are not allowed to fly within 150m horizontally of any residential, commercial, industrial or recreational areas
- This horizontal limit effectively creates a cylinder with a radius of 150m around congested areas, reaching from the ground all the way to the sky, within which a drone flying in the A3 category must not fly
- There is no specified minimum distance that a drone flying in the A3 subcategory must keep from uninvolved persons, structures, buildings, roads, bridges, railway lines, vehicles or vessels which are not within a congested area
- However, the Implementing Regulations state that pilots must “check the presence of any uninvolved person” in the operating area before starting their flight, and that flights in the A3 subcategory shall only “be conducted in an area where the pilot reasonably expects that no uninvolved person will be endangered” during the entire time of the UAS operation

Flying in the Specific category

The distinction between ‘Commercial’ and ‘non-Commercial’ drone operations was removed by the changes to legislation at the end of 2020. Accordingly, the previous CAA

'Standard Permission' and 'Permission for Commercial Operations (PfCO)' framework has also been removed.

Now, Operators are able to conduct commercial operations in the OPEN Category as long as the operations are within the parameters of the A1, A2 or A3 subcategories.

Operators wishing to conduct drone operations outside of the OPEN category must apply to the CAA for permission to operate in the SPECIFIC category. Where permission is granted, the Operator will be issued with an Operational Authorisation which sets out the parameters within which the drone operations may take place.

If a drone operation in the SPECIFIC category takes place other than in accordance with the parameters granted by the CAA in the Operational Authorisation, the Operator and/or the pilot is highly likely to be committing one or more offences. Existing Permissions for Commercial Operations (PfCOs) granted before the end of 2020 will be valid until they expire or until 1st January 2022 (whichever is earlier). The CAA have issued a document ([ORS4/1449](#)) which amends existing Permissions to bring them into line with the new standard Operational Authorisations which will be issued from 1st January 2021.

Standard Conditions for flying in the Specific Category

While the CAA can grant a variety of exemptions and permissions through an Operational Authorisation, it is anticipated that the vast majority of Operational Authorisations granted will set out a standard set of limitations and conditions which must be followed by drone operators and pilots for each flight to avoid an offence being committed. These include:

1. Drones must have a maximum take-off weight/flying weight of less than 25kg
2. Pilots must be employed by or contracted to the Operator
3. Pilots must hold a current 'GVC' or 'NQE' qualification (or equivalent), and must carry proof of their competency at all times while operating the drone
4. Insurance cover must be in place that meets EC Regulation No. 785/2004
5. Pilots must maintain the drone within VLOS, out to a maximum of 500m horizontally – pilots can be assisted by a single Unmanned Aircraft Observer who must be positioned next to the pilot, and they must maintain VLOS of the drone and its surrounding airspace for the duration of the flight
6. Pilots must not fly more than 120m from the closest point on the earth's surface
7. Pilots must not fly within the FRZ of a protected aerodrome without the appropriate permission
8. Pilots must not fly within 50m horizontally of any assemblies of people
9. Pilots must not fly within 50m of any uninvolved person, except that during take-off and landing this distance may be reduced to 30 metres
10. The drone must be equipped with a mechanism that causes it to land in the event of disruption to or a failure of any of its control systems, including the radio link, and the remote pilot must have ensured that this mechanism is in working order before the aircraft commences its flight

11. The Pilot must be reasonably satisfied that any load is properly secured, that the aircraft is in a safe condition for the specific flight, and that the flight can safely be made taking into account the wind and other significant weather conditions
12. The flights must be conducted in accordance with the current Operations Manual of the operator, including a site safety assessment, and records must be maintained of each flight undertaken
13. Flights at night shall only be conducted in accordance with the approved Operations Manual procedures and additional requirements set out in the Operational Authorisation/CAA Permission
14. The pilot must always carry a copy of ORS4/1449 and a copy of the relevant Operating Permission document when flying in the SPECIFIC category under the permission

If any of the above conditions are not met for a drone flight in the SPECIFIC category, it is highly likely that the Operator and/or pilot will be committing one of more offences - UNLESS they are in possession of a non-standard Permission/Operational Authorisation granted by the CAA which exempts them from complying with any of the above.

Drone Types

On the 1st January 2021 a new Regulation came into effect in the UK which creates manufacturer standards (class C0 to C6) for any drones newly placed onto the market from 1st January 2023.

It is anticipated that it will be a number of years before 'C' class drones are on sale and flying in UK airspace, and therefore this document will focus on drones that are already on sale and operating within the UK – these are referred to as Legacy Drones.

In general terms, Legacy Drones can be split into different classes depending on their characteristics (terminology used in the below bullet points will be explained later in this document):

- <250g drones – including privately-built drones with a maximum speed of <19m/s

These can fly in the OPEN A1, A2 and A3 subcategories and the SPECIFIC Category. Operators must be registered if the drone has a camera and is not a 'toy'. Pilots do not need to be registered.

- 250g<500g drones

These can fly in the OPEN A3 and SPECIFIC categories, and if the pilot holds a 'Certificate of Competency' they can also be flown in the OPEN A1 and A2 categories until 31st December 2022. Operators and pilots must be registered.

- 500g<2kg drones

These can fly in the OPEN A3 and SPECIFIC categories, and if the pilot holds a 'Certificate of Competency' they can also be flown in the OPEN A2 category until 31st December 2022. Operators and pilots must be registered.

These can only be flown in the OPEN A3 and SPECIFIC categories. Operators and pilots must be registered.

If you intend to use the drone for commercial purposes you must have permission from the CAA and comply with additional laws governing their use.

To get guidance on operating permission for drones, details of the legal requirements are on the [CAA's](#) website for the latest information and regulations regarding drone use. The CAA theory test assesses knowledge and understanding of The Drone and Model Aircraft Code. The Code includes safety, privacy, flyer and operator IDs, and physical limitations on flights.

The Code forbids the flying of UAVs within 150m of people, crowds, buildings, and recreational areas. Examples of recreational areas include tourist attractions, beaches and parks. The Code also stipulates against flying where animals or wildlife may be disturbed or endangered. *This means that UAV operators who fly to, from, or over Fradley Parish Council property could be breaking The Drone and Model Aircraft Code. This policy is therefore an explicit reminder to UAV operators of their CAA obligations in the context of Fradley Parish Council.*

The Drone and Model Aircraft Code is on the CAA website:

<https://register-drones.caa.co.uk/drone-code>

Our Rationale (beyond the legal requirements of The Drone and Model Aircraft Code)

Fraley and Fradley land/open spaces are all in close proximity to residential and commercial properties. This includes the village itself and outlying houses and farms.

There is therefore an unavoidable risk of disturbance, annoyance, and invasion of privacy to residents, and disturbance of domestic and farm animals.

Permission

Fradley Parish Council will consider applications for permission to operate a UAV to, from or over its property in the following situations:

- Where use of a UAV would reduce workplace risk or facilitate operations in building or survey work or similar
- Where use of a UAV would enable the delivery of professional services related to photography or other media for a private or commercial event
- Other circumstances considered on individual merit

To request permission please email the Parish Clerk clerk@fradleyparishcouncil.gov.uk and supply the following information:

1. Purpose of the flight, including use to which any images gathered would be used.
2. Dates, times and durations of the proposed flight(s)
3. Take-off and landing points, anticipated view range
4. Evidence of CAA registration
5. A copy of the operator or flyer's public liability insurance (minimum of £5 Million)
6. Risk assessment for the proposed flights, including evidence of knowledge of specific and local risks
7. Copy of the risk assessment and method statement

Enforcement

This policy will be displayed on the Fradley Parish Council website. UAV flyers breaching this policy should, ideally, be informed immediately and in person. They should be politely asked to stop and referred to this policy. They should also be reminded that they are breaking the CAA Code as referenced above. NOTE Neither councillors nor parishioners should feel obliged to approach a UAV flyer unless they feel entirely safe and comfortable to do so.

Serious concerns about UAV operation should be reported to the Police by calling 101. The CAA has a signed Memorandum of Understanding to the effect that the Police will take the lead in dealing with unmanned aircraft misuse incidents, that may contravene aviation safety legislation or other relevant criminal legislation.

If permission is granted for the specific use of UAV over parish council land, full details will be displayed in advance on the Fradley Parish Council website and Facebook page.

Last Reviewed: May 2023
Next Review: July 2026