

Colchester Borough Council's Policy on Drone Usage

Drones may not be flown from or above council land without permission granted by Colchester Borough Council.

Permission will only be granted, where usage of drone device aids risk reduction in the work place such as working at height, land and building survey work and / or undertaking professional services such as festivals, archaeological survey, events media, etc.

The reasons for this policy for recreational or commercial requests is:

- The close proximity of many of our parks and open spaces or other council owned land to neighbouring residential and business properties and the potential risk of causing disturbance, annoyance or harassment to occupants and the users.
- Potential risk of accident, injury to visitors and site users to parks and green spaces or council property as a result of user or drone error.
- Granting permission could leave the council liable for subsequent actions brought about by drone activity when operated from land in the council's ownership
- Potential risk of causing alarm, distress or harassment to the wildlife and biodiversity within the council's parks and green spaces.
- Civil Aviation Authority guidance specifying that drones must not be flown within 50m from people, vehicles and buildings and/or over congested areas.

How to Request Permission

By email to:
Neighbourhood Services

parks@colchester.gov.uk

Provide the following:

1. A description of the purpose of the flight(s)
2. A copy of your public liability insurance (minimum £5 million)
3. A copy of your flight plan including launch and landing points
4. A copy of the risk assessment

Upon receipt of these documents, consideration and approval/rejection will be given within 10 working days. At this point the fee for commercial photography / filming will be due before final permission is granted.

Park & Public Open Space Enforcement & Bylaws

If person/persons are found to be using a drone device from Colchester Borough Council land without a letter of permission they will be instructed to stop immediately. If the user refuses to stop, the Police will be called to attend to cease activity and remove the user from Colchester Borough Council land and subsequent action may be taken under council bylaws where these apply.

In circumstances where bylaws do not apply security accredited council staff or private security officers will be called to attend to cease activity and remove the user.

Civil Aviation Authority Guidance

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.

Essentially, the person controlling a small Unmanned Aircraft System (UAS) is fully responsible for the safe operation of any flight, but it is important for the operator to ascertain 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.

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 areas;
 - 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.