Colchester City Council

Unmanned Aerial Vehicles (UAV) and Drone Usage Policy

1. Introduction

This policy sets out Colchester City Council's approach to the use of **Unmanned Aerial Vehicles (UAVs), commonly known as drones**, and model aircraft operated **from, over, or in connection with Council-owned land,** including parks, green spaces, buildings, and other assets.

The policy aims to:

- Ensure compliance with **current Civil Aviation Authority (CAA) legislation**
- Protect **public safety, privacy, wildlife and biodiversity**
- Manage **risk and liability** to the Council
- Enable legitimate and beneficial professional use where appropriate

For the purpose of this policy, the terms **"UAV" and "drone"** include all forms of **remotely piloted or autonomous unmanned aircraft,** including model aircraft.

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2. Legal and Regulatory Framework

The operation of drones in the UK is regulated by the **Civil Aviation Authority (CAA)** under:

- The **Air Navigation Order 2016 (as amended)**
- The **UK UAS Implementing Regulation,** retained in UK law

Drone operations are categorised by the CAA into:

- **Open Category** (low-risk operations)
- **Specific Category** (higher-risk operations requiring CAA authorisation)
- **Certified Category** (highest risk – not generally relevant to Council land use)

All drone operators **must comply with CAA regulations at all times**, regardless of whether permission has been granted by the Council.

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3. CAA Drone and Model Aircraft Code

All drone and model aircraft users must comply with the **CAA Drone and Model Aircraft Code** (latest edition).

You must get a Flyer ID if you want to fly a drone or model aircraft that weighs 100g or above.

You must get an Operator ID if you own or are responsible for a drone or model aircraft that:

- weighs 250g or above
- weighs 100g or above and has a camera

You don't need a Flyer ID or Operator ID to fly a drone or model aircraft that weighs less than 100g.

Remember, even if you do not need to register, you must still follow the applicable rules summarised in this Drone and Model Aircraft Code when you fly.

Registration requirements

Weight of drone or model aircraft	**Class**	**Flyer ID**	**Operator ID**
250g to less than 25kg	UK1, UK2, UK3, UK4	Required	Required
100g to less than 250g; with a camera	UK0 with a camera	Required	Required
100g to less than 250g; without a camera	UK0 without a camera	Required	Optional
Less than 100g	Not applicable	Recommended	Optional

Key requirements include (but are not limited to):

- Registration with the CAA as an **Operator**
- Holding a valid **Flyer ID** where required
- Compliance with operational height, distance, and airspace restrictions
- Maintaining **visual line of sight**
- Not endangering people, property, or wildlife

Compliance with the Code **does not of itself grant permission** to operate from or over Council land.

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4. Council Policy Position

4.1 General Position

The Council **does not permit the recreational or commercial use of UAVs or drones from Council-owned land, or low-level operation over Council-owned land where that operation would interfere with the Council's management of the land, public safety, privacy, wildlife, amenities, events or other lawful uses, without explicit written permission.**

This policy does not create restricted airspace and does not replace the role of the **Civil Aviation Authority (CAA)** in regulating aviation safety. Its legal basis is the Council's ability, as landowner and land manager, to control activities taking place from its land and to impose reasonable conditions to protect users, assets, wildlife, privacy and public amenity. CAA compliance or Operational Authorisation does not, by itself, give an operator permission to launch, land, operate from, recover a drone from, or conduct intrusive or unsafe low-level activity affecting Council property.

Where a drone merely transits at a lawful and reasonable height without taking off from, landing on, being controlled from, or otherwise interfering with Council land or land users, the Council will assess the circumstances before taking action. Restrictions will normally be focused on launch, landing, control from Council land, low-level or repeated overflight, hovering, filming, disturbance, nuisance, wildlife impact, privacy risk, safety risk, or any activity linked to unauthorised use of Council land.

Permission will only be considered where there is a **clear operational, professional, or public benefit,** and where risks can be adequately managed.

4.2 Permitted Uses (Subject to Approval)

Permission may be granted for:

- Council-led or Council-commissioned activities
- Health and safety risk reduction (e.g. working at height)
- Land, building, or infrastructure surveys
- Professional filming, photography, or media for events or promotion
- Archaeological or environmental surveys
- Emergency or resilience planning activities

All approvals are **subject to conditions** and may be withdrawn at any time.

4.3 Prohibited Uses

The following are not permitted:

- Recreational or hobby flying
- Unauthorised commercial activity
- Flight for personal filming or photography
- Any operation that poses unacceptable risk to:
    - Members of the public
    - Wildlife or protected habitats
    - Privacy or personal data
    - Council assets

4.4 Castle Park Byelaw

Byelaw 18 of the Castle Park regulations addresses the flying of *model aircraft* within the pleasure ground. The key provisions are:

- **Clause (i)** restricts the flying of *power-driven model aircraft* (defined as those powered by combustion engines) to designated areas only.
- **Clause (ii)** prohibits flying any *model aircraft* unless it is attached to a control line and kept under effective control.
- **Clause (iii)** defines *power-driven model aircraft* as those driven by petrol-vapour or other combustible substances.

Interpretation for Drones/UAVs:

- Modern drones and UAVs are typically powered by electric motors and batteries, not by combustion engines. Therefore, they do **not** fall under the definition of *power-driven model aircraft* in clause (iii).
- However, drones are considered *model aircraft* in a general sense. Since clause (ii) prohibits flying any model aircraft unless attached to a control line, drones—which are free-flying and not tethered—are **not permitted** under this byelaw.

In summary, this byelaw effectively **prohibits the flying of drones/UAVs anywhere in the pleasure ground,** as they cannot comply with the control line requirement.

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5. Rationale for Restrictions

The Council restricts drone use to manage the following risks:

- **Public Safety**
  Risk of injury to park users, staff, contractors, or members of the public.
- **Privacy and Data Protection**
  Risk of unauthorised image or data capture, including breach of UK GDPR.
- **Liability and Reputational Risk**
  Potential legal or civil claims arising from drone operations linked to Council land.
- **Disturbance and Nuisance**
  Noise, intrusion, or distress to residents, visitors, and businesses.
- **Wildlife and Biodiversity Protection**
  Risk of disturbance, harassment, or harm to wildlife, especially during breeding seasons.

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6. CAA Operational Authorisation

Where a proposed activity falls outside the **Open Category,** the operator **must hold a valid CAA Operational Authorisation** (previously known as Permission for Commercial Operations – PfCO).

The Council will not grant permission without evidence of appropriate CAA authorisation where required.

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7. How to Request Permission

Requests must be submitted in advance and will be assessed on a case-by-case basis.

7.1 Submission Method

Requests should be submitted by email to:
Parks@colchester.gov.uk

7.2 Required Documentation

Applicants must provide:

1. **Completed Permission Application Form** (Appendix A), including purpose and scope
2. **Public Liability Insurance** (minimum £5 million indemnity)
3. **Flight Plan**, including launch and landing locations and operating area
4. **Risk Assessment and Method Statement (RAMS)**
5. **CAA documentation,** including:
    - Operator ID
    - Flyer ID (where applicable)
    - Operational Authorisation (if required)
6. **Details of data capture and privacy safeguards**, where filming or photography is involved

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8. Assessment and Fees

- Applications will be assessed within **10 working days**
- Approval may be conditional or refused at the Council's discretion
- A **fee for commercial photography or filming** will apply where relevant
- Permission is **site-specific, time-limited, and non-transferable**

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9. Conditions of Use

All operators must:

- Comply with **CAA legislation and Council conditions**
- Maintain safe separation distances at all times
- Avoid flying over uninvolved persons
- Cease operations immediately if instructed by Council officers
- Report any **incident, near miss, or complaint** arising from drone activity

Failure to comply may result in:

- Withdrawal of permission
- Refusal of future applications
- Reporting to the CAA where appropriate

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10. Review and Enforcement

This policy will be reviewed periodically to ensure continued compliance with legislation and best practice.

The Council reserves the right to:

- Enforce this policy
- Remove unauthorised drone operators from Council land
- Take further action where legislation, byelaws, site rules, permission conditions, privacy obligations, wildlife protection requirements, or lawful land-management controls have been breached

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Appendix A

Colchester City Council Drone Flight Permission Form

Drone Flight Permission	
Purpose of flight/s	
Name of Operator	
Address	
Areas of Drone Flight	
Date/s Of Drone Flights	
Documents Provided List: see 7.2 above 1. **Completed Permission Application Form** 2. **Public Liability Insurance** 3. **Flight Plan,** 4. **Risk Assessment and Method Statement (RAMS)** 5. **CAA documentation,** 6. **Details of data capture and privacy safeguards,**	1……. 2…….. 3……. 4……. 5……. 6…….
Permission granted by relevant service area Date	

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Appendix B

Wildlife and Biodiversity Protection Requirements for UAV / Drone Operations

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1. Purpose

This appendix sets out specific requirements to **protect wildlife, habitats, and biodiversity** during any UAV or drone operations approved on Council-owned land.

The Council has statutory and ethical duties under **UK wildlife and conservation legislation** and will prioritise the protection of wildlife over UAV operations where conflicts arise.

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2. Legal Context

Drone operations must comply with, but are not limited to, the following legislation:

- **Wildlife and Countryside Act 1981**
  (Protection of birds, nests, and certain animals)
- **Countryside and Rights of Way Act 2000**
- **Conservation of Habitats and Species Regulations 2017**
- **Environment Act 2021**
- **Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018** (where relevant)

Breaching wildlife legislation is a **criminal offence** and responsibility rests with the operator.

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3. Sensitive Wildlife and Habitats

Drone operations present a known risk of **disturbance, stress, and behavioural change** to wildlife, particularly:

- Nesting and breeding birds
- Birds of prey
- Waterfowl and wetland species
- Mammals such as bats, deer, and badgers
- Protected species and habitats
- Areas designated as:
    - Local Nature Reserves (LNRs)
    - Sites of Special Scientific Interest (SSSIs)
    - Priority Habitats or Biodiversity Action Plan areas

4. Seasonal Restrictions

Unless explicitly agreed in writing, **no drone operations will be permitted during sensitive periods,** including:

- **Bird nesting and breeding season:**
  1 March – 31 August
- Other periods identified by Council ecologists or biodiversity officers

Permission requests during these periods will normally be **refused** unless:

- There is a demonstrable **overriding public benefit,** AND
- Appropriate ecological safeguards are in place

5. Protected Sites and Species

Drone use **will not normally be permitted:**

- Within or over:
  - Wildlife reserves
  - Designated conservation sites
  - Known nesting, roosting, or breeding locations
- Where protected species may be present unless:
  - A competent ecological assessment has been undertaken
  - Any required statutory consents are in place

Applicants may be required to provide:

- An **Ecological Impact Assessment**
- Written confirmation from a **qualified ecologist**

6. Operating Controls and Mitigation Measures

Where permission is granted, the following controls will apply:

- UAVs must be flown:
    - At the **minimum safe altitude**
    - For the **shortest possible duration**
- Hovering near wildlife is prohibited
- Repeated take-off, landing, or circling over sensitive areas is not permitted
- Flight paths must avoid known nesting, roosting, or resting areas
- Operators must immediately:
    - Alter flight path, OR
    - Cease operation
      if wildlife shows signs of distress or altered behaviour

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7. Council Officer Authority

Authorised Council officers may:

- Impose **additional wildlife protection conditions**
- Restrict flight times or locations
- Require ecological supervision on site
- Suspend or terminate operations immediately where wildlife welfare is at risk

Decisions made on wildlife protection grounds are **final**.

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8. Responsibility and Enforcement

The UAV operator is fully responsible for:

- Identifying wildlife risks
- Acting to prevent disturbance or harm
- Complying with all conditions

Failure to comply may result in:

- Immediate withdrawal of permission
- Refusal of future applications
- Removal from Council land
- Reporting to enforcement bodies where appropriate

9. Emergencies and Statutory Functions

In exceptional circumstances (e.g. emergency response, public safety incidents), this appendix may be varied where:

- There is an urgent operational need, AND
- Risks to wildlife are mitigated as far as reasonably practicable