



Burnley Borough Council

Drone Policy 2016

July 2016

Green Spaces & Amenities
93 Rossendale Road
Burnley
BB11 5DD

Burnley Borough Council's Policy on Drone Usage

Burnley Borough Council has introduced a Drone Policy in response to an upsurge in public request and usage occurrences on council land including parks and public open spaces.

Drones may not be flown from or above council land without permission granted by Burnley 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 undertake a professional services such as festivals & events media.

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

- BBC granting permission could leave the 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 disturbance, annoyance or harassment to occupants and the users of public open space.
- Potential risk of accident, injury to other site users or property as a result of user or drone error.

How to Request Permission

By email to: greenspaces@burnley.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.

Park Enforcement & Bylaws

If person / persons are found to be using a drone device from Burnley 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 Burnley Borough council land and subsequent action may be taken under the Council bylaws.

The Council's Bylaws for Parks and Pleasure Grounds 1977 state that:

Byelaw 8

8. A person shall not except in the exercise of any lawful right or privilege bring or cause to be brought into the pleasure ground any barrow, truck, machine or vehicle other than

- (a) a wheeled bicycle, tricycle or other similar machine;
- (b) a wheel chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

A drone is a "machine" for the purpose of this byelaw.

Byelaw 22

22. A person shall not in the pleasure ground wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the pleasure ground, or wilfully obstruct, disturb, or interrupt any officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connection with the laying out and maintenance of the pleasure ground.

The flying of a drone in a public park is likely to disturb, interrupt and annoy persons in the proper use of the pleasure ground.

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 (ie 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 393 of the Air Navigation Order 2016 : 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.

For a full copy of the CAA policy CAP 393 of the Air Navigation Order 2016: The Order and Regulations please visit www.caa.co.uk alongside further information and guidance on operation, safety, formal permission request etc.