

Drone Guidance

Community Directorate
Harrow Council
Civic Centre
Station Road
Harrow
HA1 2XA

Tel: 020 8863 5611

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1 Introduction

The safety of residents is of paramount importance to the council. The council wants people to enjoy their local surroundings. Harrow Council has introduced Drone Guidance in response to an increase in requests to use drones on council land including parks and public open spaces. Drones may not be flown from or above council land without permission granted by Harrow Council. This guidance will be reviewed after 12 months or earlier if there are changes to the law or guidance. A small drone can be defined as an unmanned aircraft having a mass of not more than 20 kg (without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, including batteries).

2 Drones (Commercial and Filming)

Permission is required for the use of drones for commercial and filming purposes. This is to ensure that the use of drones is managed in a coherent way.

3 Hobby Drones

A personal drone, also known as a hobby or consumer drone, is an unmanned aerial vehicle (UAV) designed for the mass market and flown for fun and recreation

At present, the use of hobby drones has not caused concern within the borough and permission is not required for their use unless being used for filming. However, users need to be mindful of the national guidance that relates to their usage.

The Civil Aviation Authority (CAA) has issued a 'Drone code' (<http://dronesafe.uk/wp-content/uploads/2016/11/Dronecode.pdf>) which advises the following:

- Always keep your drone in sight Stay below 400 feet (120m)
- Every time you fly follow the manufacturer's instructions
- Keep the drone away from aircraft, helicopters, airports and airfields.
- Keep the right distance from people and property (People and properties – 150ft (50m) Crowds and built up areas – 500ft (150m)) and don't overfly
- You are legally responsible for each flight

You may still need to request permission from the CAA to fly a drone, even if you are only doing so as a hobby (see section 7).

4 How to Request Permission

Permission is needed for take-off, landing or flying over council land if you are filming or flying your drone for commercial purposes.

You should apply by post to:

Business and Commercial

Commercial and Commissioning

Community Directorate

4th Floor –Civic Centre 1

Harrow Council

P O Box 57
Civic Centre
Station Road
Harrow HA1 2XF

Please provide the following:

1. A description of the purpose of the flight(s) (including why filming is needed, as appropriate)
2. A copy of the public liability insurance (minimum £5 million)
3. A copy of the flight plan including launch and landing points
4. A copy of the risk assessment
5. A copy of your CAA permission.

Upon receipt of these documents consideration and approval/rejection will be given within 10 working days. The permission decision will be communicated to you.

Permission will be given if CAA permission has been granted.

5 Complaints

If you want to make a complaint about the flying of Drones from or above council land for commercial and filming purposes, please e-mail e-members@harrow.gov.uk. Complaints will be dealt with in line with the council's corporate complaints procedure.

6 Enforcement

If a person / persons are found to be using a drone device from Harrow Council land without a letter of permission they will be instructed to stop immediately. If the user refuses to stop and it appears that a criminal offence is being committed, the Police will be called to take appropriate action. Action may also be taken by the Council for trespass and/or nuisance and/or under the Council bylaws.

7 Legislation

In January 2010 the Civil Aviation Authority (CAA) introduced updated regulations (the Air Navigation Order) 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 permission (not a license) 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 95) to people or properties (vehicles; vessels or structures) that are not under your control.

Air Navigation Order

The CAA advises that persons who intend to fly small drones should be particularly aware of the following:

Article 241 – endangering safety of any person or property

A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Article 94 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 commercial operations except in accordance with a permission granted by the CAA.

Article 95 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 further information about flying drones please visit
<https://www.caa.co.uk/Consumers/Model-aircraft-and-drones/Flying-drones/>***

