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**Guidance on use of drones in North East Lincolnshire**

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# **North East Lincolnshire Council’s priorities**

## ‘Stronger economy and stronger communities’

# **Introduction**

To achieve this vision we need to work in new ways with partners in the public and private sectors, the voluntary and community sector, and with individuals, families and communities. We must support and enable the achievement of improved community outcomes with creativity and innovation.

We want North East Lincolnshire to be seen as an attractive place to live, work, visit and invest. We know that we have significant and exciting opportunities for investment and growth in North East Lincolnshire.

Our outcomes framework is the means by which our priorities will be translated into action and delivered, developed and achieved in conjunction with our partners across sectors. This is intended to drive a culture of evidence-based decision-making that will enable elected members to take informed key decisions, knowing the risks and the opportunities for citizens, communities and businesses. Our commissioning plan will ensure and foster clear links between the outcomes framework and the resources available to achieve them.

The framework, sets out the five high level outcomes that we and our partners aspire to achieve to ensure prosperity and wellbeing for the residents of North East Lincolnshire.

The five outcomes are that all people in North East Lincolnshire will:

• Enjoy and benefit from a strong economy

• Feel safe and are safe

• Enjoy good health and well being

• Benefit from sustainable communities

• Fulfil their potential through skills and learning

North East Lincolnshire Council's (NELC) guidance on local drone usage sets out the organisations stance on the use of drones generally, as well as for specific events as part of the advice given by the Event Safety Advisory Group (ESAG).

# **Civil Aviation Authority Mandatory Registration**

In November 2019, the Civil Aviation authority (CAA) introduced mandatory requirement to register which covers owners of drones or model aircraft weighing more than 250g (8.8oz). Owners of unregistered drones could then face the threat of a fine. Read the details here: https://www.caa.co.uk/Consumers/Unmanned-aircraft/Our-role/Drone-and-model-aircraft- registration/

You must provide evidence of permission granted by the CAA if you aren’t required to adhere to any of the following exemptions or restrictions.

# **Aims of this Guidance**

* To ensure that if the use of drones is agreed the operator complies with all current legislation
* That any use of drones is undertaken away from groups of people in line with current guidance to minimise the risk to the general public
* To clarify that the position of the Council is only to agree the use of drones on Council land where there is a clear case for the use of the drone and we will only allow qualified drone pilots to operate drones from council owned land (including Public highways, public rights of way & the coastline)
* If drones are to be used, that they will be used only after consultation with ESAG and will comply with all reasonable requests from ESAG member organisations, and drones will only be operated by a qualified and experienced operator, within the guidelines detailed below.

Important note: Any government and national policy and statute pertaining to the operation of drones that is published after the date of this document, but prior to its inclusion here, will take precedence

# **Objectives**

* Establish local guidance on the use of drones in the area
* Offer guidance to operators to support use
* Enhance the health and safety of the public nearby drone usage
* Ensuring adherence to important drone safety rules designed to protect the public from harm

# **Guidelines**

NOTE: this information is advisory only and you should refer to and follow the legislation on the CAA website, failure to comply with current legislation could lead to legal action being taken against you.

## **Drone usage at events**

If you’re paying for a drone service then your pilot needs to have, by law, CAA permission. This is known as PfCO. You need to specify within the Event Safety Advisory Group event notification form that you are considering the use of a drone. Specifying this in the form will ensure that all organisations will be able to consider the use of a drone and provide advice on whether or not the use of a drone at your event is possible. Simply ask to see their Permission for Commercial Operation (PfCO) document. Check it’s valid and in date.

* Always seek permission from the landowner.
* Even if you have permission from the land or property owner, without a PfCO, pilots can be prosecuted
* Always ensure your drone pilot has commercial drone insurance. This covers you if something goes wrong.

## **General drone usage**

* https://dronesafe.uk/ a website with advice on how you should use a drone
* CAA registration details [https://www.caa.co.uk/Consumers/Unmanned-aircraft/Our- role/Drone-and-model-aircraft-registration/](https://www.caa.co.uk/Consumers/Unmanned-aircraft/Our-%20role/Drone-and-model-aircraft-registration/)
* Various websites offer advice, including the Civil Aviation Authority
* <https://dronesaferegister.org.uk/blog/2017/03/18/drone-safety-at-events>
* 1 – 1000 persons- Drones must be 50 metres away. If closer, all 1000 persons must have consented
* 1000 + persons- Drones must be 150 metres away regardless of any consent
* If you want to fly over privately owned property, you need the property owner's permission otherwise your drone must be kept at least 50 metres away from people and private property

Example: You are at a public or private event such as a wedding and you are part of a crowd of less than 1000 people – suddenly a drone flies above you or within 50 metres of you; without your consent. If this happens you are witnessing an illegal drone operator. Why? Because for this to happen legally, the pilot must clear the flight with you, tell you exactly what’s going to happen, provide a safety brief and obtain your consent. All bystanders (up to 1000 people) must be under the control of the pilot.

For larger crowds, more than a 1000 people, if the drone flies above you or within 150 metres of you without your consent, again, this will be an illegal operator. NELC will require proof of registration with the CAA prior to granting permission for use locally.

* <http://publicapps.caa.co.uk/docs/33/CAP1687-SUAANOAmendmentOrder-3.pdf>
* Your drone must weigh under 20kg
* You can’t fly above 400 feet in altitude or 500 metres from you horizontally
* Ensure your drone is always in sight
* Always keep away from aircraft, helicopters, airports and airfields
* Use your common sense and fly your aircraft safely

## **If your drone has a camera**

* You must not fly within 50 metres of people, vehicles, buildings or vessels without permission
* Your drone must not be flown within 150 metres of a congested area or any large group of people such as a concert or sporting event as you may be prosecuted
* If you intend to record in an area where people are, you must inform them before you start
* You should not fly within 150 metres of a school, care home, hospital or similar without prior consent

## **Other flight restrictions**

* On 13 March 2019 the drone flight restriction zone around airports and airfields changed. The government has introduced a new rule stating that the 1km restriction from the airfield boundary is replaced by a restriction using the airfield’s existing aerodrome traffic zone, which has a radius of either two or two and a half nautical miles and then five kilometres by one kilometre zones starting from the point known as the ‘threshold’ at the end of each of the airfield’s runways. Both zones extend upwards to a height of 2,000 feet above the airfield. It is illegal to fly any drone at any time within these restricted zones unless you have permission from air traffic control at the airport or, if air traffic control is not operational, from the airport itself.
* Different areas around the UK have different classifications, allowing flight or restricting it (check Civil Aviation website)

## **Flying drones for commercial purposes**

* You must have permission from the CAA and comply with additional laws governing their use
* Commercial drone insurance must be held up to date with a minimum public liability limit of
* £5,000,000
* The use of drones by event organisers (at events) is likely to have a commercial element, for example collecting marketing images, crowd monitoring, traffic management etc.
* Using a drone for commercial purposes is subject to specific regulations as well those required for non-commercial flying. Some of the key areas event organisers should be aware of:
  + The operator must maintain visual contact with the drone at all times
  + The drone must not be flown:
    - Over or within 150 metres of any congested area;
    - Over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
    - Within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft
    - Within 50 metres of any person during flight or within 30 metres of a person if a small unmanned surveillance aircraft nor within 30 metres of a person during take-off/landing

You must provide evidence of exemption from these restrictions which has been granted by the CAA if you aren’t required to adhere to them.

## **Drones and Wildlife**

The Potential Impact of Drones on Sensitive Habitats and Species

Specific and unique to the area, drone pilots need to take account of the highly sensitive habitats and protected species that occur around the Humber Estuary. Much of the estuary, the mudflats, saltmarshes, reed beds and sand-dunes are protected by international legislation, which applies equally to drone users. The most important issues relate to the potential disturbance of internationally important bird and seal populations.

There are four key considerations

1. The potential to disturb legally protected breeding birds, primarily from May to September. Scaring birds from their nests can lead to birds abandoning their eggs or young and can lead to increased predation of nests. Legally protected species that are most at risk include

* Little Terns
* Avocets
* Bitterns
* Marsh Harriers
* Peregrine Falcons

It is a criminal offence to intentionally or recklessly disturb these specifies on or near their nest sites. If found guilty you could be subject to an unlimited fine or up to 6 months in prison.

1. The disturbance of feeding or roosting migratory birds in autumn and winter can also have a deleterious effect. Up to 120,000 water birds (waders, ducks and geese) visit and live on the estuary in winter. Forcing birds to fly from roost sites where they are resting, or disrupting the normal feeding patterns of birds, both affect the bird’s ability to build up excess fat to fuel their next vital long migration flight. It may affect the birds’ ability to obtain sufficient fitness to breed in the following season. In particularly cold or wet winter weather, excessive disturbance can lead to exhaustion and death.
2. Disturbance of seals during their breeding season from October to December can lead to panic and accidental death of pups, crushed by fleeing adults.
3. Many people come to the Humber to enjoy its wildlife and tranquillity. Drone use can prevent other estuary users from achieving their enjoyment.

Some Recommendations to help drone users protect wildlife

Avoid flying near important bird breeding locations between May and September.

These include:

* Spurn, Kilnsea Wetlands and Beacon Ponds
* North Cave Wetlands
* Blacktoft Sands
* Alkborough
* Far Ings
* Tetney
* Donna Nook
* Saltfleetby-Theddlethorpe Dunes

(This is not an exhaustive list)

* Avoid flying your drone towards flocks of roosting or feeding birds between September and March. There are many important locations around the estuary at these times of year.
* Avoid flying near the breeding seal populations around Donna Nook between October and January. In any event, Donna Nook is an active RAF training ground so drone flying here at any time risks interference with flying aircraft and breaking the law.
* If you are planning a commercial flight, in the vicinity of land designated as a Special Protection Area, Special Area of Conservation or Ramsar Site, you will require, (in addition to the landowners permission), a consent to operate at that location, at that time, from Natural England.
* If in doubt, contact Natural England or Humber Nature Partnership for advice

## **Further Information**

* [Dronesafe UK](https://dronesafe.uk/safe-flying/)
* [Crowd Management Academy](http://www.crowdmanagementacademy.com/dronecourses.htm) - information on the use of drones at events
* [Civil Aviation Authority](https://www.caa.co.uk/Consumers/Unmanned-aircraft/General-%20guidance/Information-for-the-public-about-drones/) – Information for the public about drones
* [Civil Aviation Authority](Civil%20Aviation%20Authority) – Drone and model aircraft registration