

# MEETING REPORT

**Meeting:** Assets Committee, 2<sup>nd</sup> September 2024  
**Agenda item:** AS24-006  
**Report subject:** Drone policy  
**Report author:** K Elliott-Turner, Town Clerk

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## PROPOSAL

To consider taking a view on whether drone/model plane launching/flying should be permitted on Town Council owned land (public open spaces) or property. An appropriate policy will be drafted if required, for consideration at a future meeting.

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### Background

With the increase in popularity of private drones and model aircraft for recreational use, we are seeing an increase in use of our public open spaces for launching or flying of such equipment. Concerns have been expressed by some users of our open spaces when recreational drones have been overflying, and sometimes in close proximity to other park users.

### Legal requirements

The Civil Aviation Authority (CAA)<sup>1</sup> says that you must register before flying most drones or model aircraft outdoors in the UK. You do not need to register if you'll only use a drone or model aircraft that weighs below 250g and is a toy or does not have a camera. However, for those outside that description, anyone who will fly a drone or model aircraft must pass a theory test to obtain a flyer ID, and the person or organisation that owns or is responsible for the drone or model aircraft must register for an operator ID.

Whilst use of a drone or model aircraft below 250g, is a toy and does not have a camera isn't bound by the Drone Code (applicable to any drone/model aircraft outside that description) [https://register-drones.caa.co.uk/drone-code/the\\_drone\\_code.pdf](https://register-drones.caa.co.uk/drone-code/the_drone_code.pdf), all drone/model aircraft users should follow these rules:

- Always keep your drone or model aircraft in direct sight
- Never fly more than 400ft (120m) above the surface and stay well away from aircraft, airports and airfields
- Never fly closer than 50m to people. Even when your drone is more than 50m away from people it is safer to avoid directly overflying them
- Never fly closer than 50m to buildings, cars, trains or boats
- Never fly closer than 150m to a crowd of 1,000 or more
- Never fly directly over a crowd
- Never fly closer than 150m to built-up areas, and so never fly directly over a built-up area
- Never fly in an airport's flight restriction zone

There are different rules for different weights of drones and there are different rules for small private drones and commercial drones when it comes to using cameras.

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<sup>1</sup> <https://register-drones.caa.co.uk/>

# MEETING REPORT

The CAA also says care should be taken about the collection of images of identifiable individuals, even inadvertently, when using surveillance cameras mounted on a small unmanned surveillance aircraft, as these will be subject to the Data Protection Act. This Act contains requirements concerning the collection, storage and use of such images, Small Unmanned Aircraft operators need to ensure that they are complying with these requirements. It is possible otherwise that individuals might be able to bring actions under existing legislation relating to injury, trespass, privacy, nuisance and data protection.

Further information is available from <https://www.caa.co.uk/Consumers/Unmanned-aircraft/Our-role/Drone-and-model-aircraft-registration/>

## Considerations

In recognising the growing recreational use of Unmanned Aerial Vehicles (UAVs), if council wishes to take a view on use of UAVs, it has two options:

- 1) To prohibit launching or flying of recreational use UAVs from or over Town Council owned public open spaces, but permitting commercial use UAVs after written request and committee approval
- 2) To permit launching or flying of recreational use UAVs from or over Town Council owned public open space, following written request and meeting certain criteria, and permitting commercial user UAVs after written request and committee approval

## Risks and measures

### Commercial purposes

Use of UAVs for professional/commercial purposes could include:

- Law enforcement – by police or other law-enforcement agencies
- Surveying – to facilitate inspection of dangerous structures, footpaths and bridleways, and 'difficult to reach' areas where a drone is the only means of access
- Conservation – aerial inspection of listed buildings or conservation areas
- Arboriculture and Biodiversity – to identify distribution of flora and fauna
- Archaeology – to identify possible sites of archaeological interest prior to groundworks being initiated
- Academic and educational – to gather evidence/information for inclusion in scientific studies, dissertations or for other purposes related to learning
- Commercial – use by property developers, TV and film production companies

Any application to the Council for permission to use UAVs over Council land or properties for professional/commercial use should include the name of the applicant, the business or organisation they represent, the flight plan, including launch and landing points, purpose of the flight, copy of risk assessment and public liability insurance, and for commercial purposes a copy of the Permission for Aerial Work issued by the Civil Aviation Authority.

These measures should provide surety to Council that the persons/business operating the UAV has a 'legitimate' reason, is competent and has the required RAMS and permissions.

### Recreational purposes

Use of UAVs for recreational use over land and property owned by the Town Council brings several risks:

- Granting permission could render Ivybridge Town Council liable to prosecution in the event of injury to a third party, or damage to property owned by a third party;

## MEETING REPORT

- Proximity of Council land and properties to private housing, businesses and road/rail infrastructure, where drone activity could cause harassment, alarm or danger;
- The possibility that subsequent actions against the Council may be brought about because of drone activity on Council land.

### Conclusions

Our four main areas of public open space are:

Victoria Park

MacAndrews Field

Longtimber Wood

Filham Park

All of these areas are well-used by the public, which presents potential issues when launching or flying UAVs in those areas.

Victoria Park is a well-used walking, recreation and dog-walking area, and is also used by the adjacent primary school.

MacAndrews Field is surrounded on three sides by residential development, and can be well populated, particularly at the weekends for general play and informal football.

Longtimber Wood is a very busy public space, and runs beneath a railway line.

Filham Park is a well-used walking, recreation and dog-walking area, and also includes a fishing lake. The lake attracts birdlife, some of significant size, such as swans and geese. The Park is also located in close proximity to the A38.

The Officer conclusion is therefore that use of UAVs on Town Council owned land or property by professional/commercial organisations could be permitted by council approval, as there are sufficient measures to ensure that those flying, do so in a safe manner.

However, recreational use on Town Council owned land or property, regardless of whether the UAV is a toy or above, should not be permitted due to the risk to other users of public open spaces, the close proximity to the A38, a railway line and a local primary school, and that those flying the UAV would not necessarily be required to prove they are safe to fly and operate the equipment.