



Somersham Parish Council

Drone Policy 2016

Adopted 21st November 2016

Somersham Parish Council
The Norwood Building
Parkhall Road
Somersham
Cambridgeshire, PE28 3HE

Somersham Parish Council's Policy on Drone Usage

Somersham Parish 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 parish council land without permission granted by Somersham Parish Council.

Permission will only be granted where usage of a drone device aids risk reduction in the work place such as working at height, land and building survey work or to undertake a professional service such as festivals & events media.

Somersham Parish Council Land Owner Stance – Drone Usage

Zero Tolerance OR permission will be enforced / granted by Somersham Parish Council to any request made to us for recreational or commercial purposes as land owner to fly Drones on Somersham Parish Council land.

Exemptions will only be granted, where usage of drone device aids risk reduction in the work place i.e. working at height, building survey work and or undertake a professional service, i.e. Festivals & Events Media,

Reasons behind our zero tolerance or permission policy for recreational or commercial requests.

- Somersham Parish Council granting permission could leave the local 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 alarm, distress or harassment to occupants.
- Potential risk of accident, injury to other site users or property as a result of user or drone error.

Somersham Council Land Owner Stance – Model Aircraft

Zero Tolerance OR permission will be enforced / granted by Somersham Parish Council to any request made to us for recreational or commercial purposes as land owner to fly model aircrafts on Somersham Parish Council land.

Exemptions will only be considered, where users are part of a formalised model aircraft flying club that can demonstrate all health and safety and insurance measures are in place. A license agreement must be made with Somersham Parish Council and the formalised club before site usage can be established.

Reasons behind our zero tolerance or permission policy for recreational or commercial requests.

Somersham Parish Council granting permission could leave the local 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 alarm, distress or harassment to occupants.

Potential risk of accident, injury to other site users or property as a result of user or model aircraft error.

How to Request Permission

In writing or by email to:

The Parish Clerk
The Norwood Building
Parkhall Road
Somersham
Cambridgeshire PE28 3HE

Email: clerk@somersham-pc.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.

Pleasure Grounds, Public Walks & Open Spaces Enforcement & Byelaws

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

Somersham Parish Council's Bylaws for Pleasure Grounds, Public Walks and Open Spaces 2007 state that:

Byelaw 11 - Missiles

No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

Part 6 – Model Aircraft

Byelaw 36 – ‘model aircraft’ means an aircraft which weighs not more than 7 kilograms without its fuel;

‘power-driven’ means driven by:

- (a) The combustion of petrol vapor or other combustible substances
- (b) Jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimeter's in length; or
- (c) One or more motors or by compressed gas,

General Prohibition

Byelaw 37 – No person shall cause any power-driven model aircraft to:

- (a) Take off or otherwise be released for flight or control the flight of such aircraft in the ground; or
- (b) Land in the ground without reasonable excuse.

A drone is an ‘aircraft’ for the purposes of these byelaws.

Obstruction

Byelaw 44 – No person shall obstruct:

- (a) Any officer of the Council in the proper execution of his duties;
- (b) Any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
- (c) Any other person in the proper use of the ground.

Removal of Offenders

Byelaw 46 – Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a Constable.

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 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 167) to people or properties (vehicles; vessels or structures) that are not under your control.

CAA Policy CAP 3939 Air Navigation: 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;

(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 3939 Air Navigation: The Order and Regulations please visit www.caa.co.uk alongside further information and guidance on operation, safety, formal permission request etc.

Ends.