

Drone filming in Edinburgh

The City of Edinburgh Council has introduced a Drone Policy in response to an upsurge in public request and usage of drones (or Unmanned Aircraft Systems (UAS)) on council managed land including parks, roads and public open spaces. Following the update to the Civil Aviation Authority's drone regulations on 31 December 2020, we have updated our guidance for drone usage in the city.

You can find a great deal of guidance on the CAA website:

www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones

Since 31 December 2020 there is no longer a regulatory distinction between commercial and non-commercial operation. Drone categories and sub-categories, which determine what operators are allowed to do, are now based only on the estimated risk associated with that category or drone, which is determined by the weight of the drone.

The person controlling a UAS is fully responsible for the safe operation of any flight, but it is important to consider whether permission, in addition to and separate from a license from the CAA or others, is needed. The key restriction that covers all drone activity is Article 241 of the Air Navigation Order 2016 which states that:

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

City of Edinburgh Council Land Owner Stance – Drone Usage

In general terms, and in line with CAA advice, The City of Edinburgh Council (CEC) should be contacted as a landowner with regard to access to Council land or property from which to launch or land a drone. The operator is responsible for the proper use of the airspace itself, and it is the responsibility of the operator to ensure compliance with the CAA regulations, the law, and terms of insurance.

Under the new regulations, there are some UAS that fall within the Open Category which can be operated from public land or public rights of way without requiring permission. However, please note the Park Enforcement & Bylaws below. If permission is required for take-off and landing sites, the Council should be presented with the operator's up-to-date documentation. If the paperwork is correct and current, no additional responsibilities or legal liabilities will be incurred by the Council.

Park Enforcement & Bylaws

The Management Rules for Public Parks and Greenspace can be seen here:

<https://www.edinburgh.gov.uk/downloads/file/22552/management-rules-for-parks-and-greenspaces>

Item 4 of those rules advises that “The following acts are prohibited unless the Council's written permission has been obtained first:

...4.13 Engaging in any commercial activity whatsoever (including, without limitation, dog walking services, photography, filming and fitness training services)”

Further, item 8 advises that “The following acts are prohibited:

8.2 Operating any motorised or mechanically propelled toy or model vehicle, aircraft or boat so as to disturb wildlife, endanger or give annoyance to other people or if asked by a Council Official not to do so.

If person/persons are found to be using an unauthorised drone or model aircraft on or from CEC land without permission they will be requested to stop immediately. If the user refuses to stop, Police Scotland will be called to attend to cease activity and remove the user from CEC land.

Transport

Roads

Requests to control any part of the roads network of the City of Edinburgh should be made via the appropriate "ROAD OCCUPATION PERMIT"

<https://www.edinburgh.gov.uk/downloads/download/13190/road-occupation-permits>

Trams / Rail

Requests to fly from or near any part of the tram network should be made through the through the "AUTHORITY TO WORK PERMIT" outlined in the Code of Practice.

<https://edinburghtrams.com/uploads/general/AtWform.pdf>

Similar requests for filming on or near railways and rail property should be made to the relevant part of the Rail Authority.

Application Process

Any person whose drone category requires them to seek permission to launch or land their UAS from Council owned or managed land/property should contact the appropriate Council team as below.

Drone use for filming should first contact the Council's film office Film Edinburgh. Drone use for other purposes (e.g. surveys, engineering) should contact the relevant department directly.

Film Edinburgh – film@edinburgh.gov.uk

Apply here: <https://www.filmedinburgh.org/Filming/Permits>

Parks & Greenspaces - parks@edinburgh.gov.uk

Apply here: <https://cultureedinburgh.com/plan-my-eventplaces/parks-greenspace-and-cemeteries>

Roads Permits - roads@edinburgh.gov.uk

Apply here: <https://www.edinburgh.gov.uk/downloads/download/13190/road-occupation-permits>

Applications should be made well in advance and should detail:

- Nature of the proposed activity (e.g. filming, event, structural survey etc);
- Operator details including Operator ID and Flyer ID if applicable;
- Take-off and landing site(s), minimum distance from persons not directly under the operator's control, whether the drone will fly above any people including pedestrians, roads and buildings;
- Category and weight of UAS and CAA paperwork;
- Public Liability Insurance and appropriate UAS insurance compliant to [EC 785/2004](#)
- Risk Assessment and Method Statement which must be specific to the operation in question and include the maximum height, flight plan and control measures.

Depending on the assessment of the above further documentation is likely, these commonly include;

- **A Traffic Order or Traffic Notice as well as A Traffic Management Plan:** required if the flight is close to or includes a highway. A fee will be applicable to obtain this additional permission.
- **Stewarding Plan:** description and maps of what control measures will be in place and where stewards will be located whilst the UAS in use.