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Authorisation for Drone/UAS Filming in the Public Realm – Updated Guide for Local Authorities

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Overview

In the proper hands, drone/UAS (Unmanned Aircraft Systems) flight is extremely safe.

This guide is intended to help local authority partners to more easily confirm that the required measures to properly authorise drone filming have been met, and thereby to ensure public safety and adherence to the law.

This guidance has been updated in line with regulatory changes implemented on 31st December 2020.

- As a landowner, you are granting permission to take off and land, not necessarily to access any given airspace (which is a state-owned asset). This is the council's key responsibility, if council/public land is being used and if permission is required. The operator is responsible for proper use of the airspace itself.
- Authorisation for drone / UAS pilots comes from the Civil Aviation Authority (CAA) when they are operating under the terms of an operational authorisation. If the operator is within the "Open" Category – Sub Category A1, A2 or A3 then no authorisation is needed.
- All planning and paperwork should be prepared by the person or company operating the drone. The council is responsible for ensuring that the pilot has the correct authorisation and paperwork that is required for each category.
- The pilot should complete a site recce before flying, although some details (such as whether airspace is restricted) should be confirmed before the shoot day. If accurate information is available then a qualified



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operator should be able to plan a safe flight so long as there is appropriate control over people within the area of operation. If there is any traffic control required then this would also need to be incorporated into the flight plan.

As a local authority, what are your legal responsibilities?

The local authority can grant permission to take off and land on council/public property, where required. The operator is responsible for proper use of the airspace itself, and it is the responsibility of the operator to ensure compliance with the regulations, the law, and terms of insurance.

A drone pilot will have different types of paperwork depending on the category they are operating in. The council's responsibility is to ensure that the operator is a CAA-registered pilot with up-to-date documentation, if documentation is required for that category of drone. Under the new regulations, there are some drones that fall within the Open Category that can be operated from and over public land or public rights of way, including streets, roads and built up areas, without requiring any permission.

If the paperwork is all correct and up to date, and you (and appropriate colleagues e.g. highways) don't see any other safety issues or other concerns (based on flight plan, local traffic & events etc.) then there are no additional responsibilities or legal liabilities incurred by the council.

From a legal perspective the local authority is not responsible for approving drone flights that are not taking off or landing on its own property. Under the updated regulations, it is the responsibility of the operator to ensure adherence to the restrictions attached to the category of drone they are using, and specific permissions for individual flights are not required by the regulations, so long as operating within the restrictions associated with that Category.

Authorities may wish to make their own determinations of what is appropriate for particular areas to inform their decisions to grant or withhold permission to use authority-owned land (e.g. require that operators have passed a practical flight exam such as an A2 Certificate of Competency), or to consider implementing local by-laws.

The key restriction that covers all drone activity anywhere 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”

Drone Categories

Since Dec 31st 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 of drone, which is determined by the weight of the drone.



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Anyone operating in the **Open Category** is not subjected to an operations manual requirement and therefore is not under the oversight of the CAA. These operators do not require any paperwork and they only need to check that the airspace is clear and abide by the terms of the Open Category (and respective sub category – see [Drone Category Tables](#) and [CAP2012](#)) in which they intend to operate. Unless there are local bylaws in place, it is not a legal requirement for operators in the Open Category to seek permission from local authorities or the CAA so long as they operate within the given restrictions for their sub-category.

Anyone operating within the **Specific category** falls under the CAA's oversight and therefore must abide by their CAA Operational Authorisation. These operators require an operations manual that determines how they will operate. Their paperwork should include a risk assessment, on site survey form, and pre-deployment form. Operators in the Specific category do not need to apply to the CAA for each individual operation, but they must work within the conditions of a pre determined risk assessment or their own risk assessment that is agreed with the CAA to obtain their Operational Authorisation.

Permissions – What to Ask for

When seeking local authority permission, the drone operator should supply the authority with details of the proposed activity, including:

WHAT: Nature of the proposed activity, maximum height, flight plan, any control measures, & operator details, including Operator ID (All drones must have an operator ID attached to them and no flights should be conducted without a valid Operator ID), and Flyer ID unless the aircraft is in open category, sub category A1.

You can check the operator's registration here: <https://register-drones.caa.co.uk/check-a-registration>

WHERE: Take off and landing locations, minimum distance from persons not directly under the operator's control, whether drone will fly above any people including pedestrians, roads, and buildings

CATEGORY: What aircraft are they using, what category is it, and what is its weight?

The operator should supply their CAA paperwork which will allow the authority to confirm that the proposed activity is within the regulatory boundaries for that category/operator, along with risk assessment and insurance. The CAA paperwork specific to each drone category can be found in the [Drone Category Tables](#)

RISK ASSESSMENTS: Consider that any Pilot flying within the Specific Category or who holds an Operational Authorisation, will have undergone a practical flight assessment during their training, whereas operators solely within the Open Category are self-assessed.

INSURANCE: All commercial activity requires insurance compliant to [EC 785/2004](#)



Remember:

- Always ensure that production companies are using suitably qualified pilots for the intended task. The CAA issues a list of operators with a valid Operational Authorisation within [CAP1361](#)
- Ask for flight details and copies of the paperwork early on to allow time to discuss any potential issues. It is the operator's responsibility to confirm the category of drone they will be using, and the paperwork required. The production company may need to consult a drone company to confirm the category of drone required for the proposed activity before making an application.
- Engage early with the production planning process, raise your concerns and have them addressed by the Drone Operator or Pilot in Command directly. Do not assume that all production, media or TV companies know about drones and drone laws!

Key Rules for Drone Operation

- A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property
- Drone must be in Visual Line of Sight (VLOS) at all times to a max of 500m (Unless the operator holds an exemption).
- Must not fly higher than 400ft (120m)
- Must not fly within 50m (492ft) of assemblies of people (unless in A1 sub-category);
- No Overflight of people, (unless in A1 sub-category, or operating within the boundaries of a CAA Operational Authorisation. (Pilots cannot fly within 150m of a 'Congested Area' unless they sit in the A1/A2 or Specific categories)
- Must not fly within 50m of (164ft) of any 'Person that is not 'Under the Remote Pilot's Control' (unless in A1 sub-category or operating under a CAA exemption for reduced distances); ****Note**** New drones will hold a C mark or UK mark and this will change the distances to 30m or 5m in a low speed mode. These drones are not currently available on the market.
- Must not fly (without permission) within 5km of an airport or aerodrome boundary in compliance with their existing boundary/approaches. This is classed as a flight restriction zone. You can use [this map](#) to check these.
- Any exceptions will be detailed in the OSC (Operations Safety Case) or Operational Authorisation document



- The rule of thumb in the Open Category only is the 1:1 rule – for every meter of height, there should be a meter of horizontal distance from any persons. This is a strongly recommended guideline but not legally binding.
- For further information full details are available in the [CAA drone code](#)

Drone Category Tables

<u>Aircraft Weight</u>	<u>Aircraft Category</u>	<u>Separation Distance from People</u> (including take off & landing)	<u>CAA Documentation Required</u>	<u>Link</u>
Open Category (No flight-specific paperwork is required. The operator does not have to contact the CAA to approve their flight plan.)				
Under 250g	Open Category Sub Category – A1	None – Can overfly people but no overflight of crowds.	Operator ID only	CAP2012
Under 500g	Open Category Sub Category - A1 Until Dec 2022	None – But cannot overfly uninvolved people	Operator ID Flyer ID A2 Certificate of Competency	CAP2012
Up to 2kg Not C2 class	Open Category Sub Category - A2 Until Dec 2022	50m horizontally, using 1-1 rule No overflight at any height.	Operator ID Flyer ID A2 Certificate of Competency	CAP2012



Up to 4kg Aircraft must be C – Class.	Open Category Sub Category - A2	30m horizontally in normal mode or 5m in low speed mode. No overflight at any height.	Operator ID Flyer ID A2 Certificate of Competency	CAP2012
Up to 25kg	Open Category Sub Category - A3	150m from congested area 50m from uninvolved people	Operator ID Flyer ID	CAP2012
Specific Category (Flight-specific Paperwork required; operator must comply with the Pre-defined risk assessment but does not need CAA approval for each individual flight)				
Up to 25kg	Specific Category	30m take-off and landing. 50m when in flight. Can overfly uninvolved people if at least 50m above. Must remain 50m distance from assemblies of people and no overflight.	Operator ID Flyer ID GVC certificate Operational Authorisation	CAP1361 CAP722
Note All commercial activity requires insurance compliant to EC 785/2004				



Glossary	
Operational Authorisation	Based upon a risk assessment submitted to the CAA, this authorises a specific instance of drone activity. This document defines what the operator is allowed to do in this instance. <i>*THIS DOCUMENT MUST NOT BE SHARED OUTSIDE THE AUTHORITY UNDER ANY CIRCUMSTANCES.</i>
A2 Certificate of Competency (CofC)	Qualification required to operate drones in the A2 Subcategory of the Open Category. These are issued by an RAE (Recognised Assessment Entity) authorised by the CAA to deliver training courses.
General Visual Line of Sight Certificate (GVC)	Qualification required for operational authorisation, which allows drone pilots to operate within the Specific Category, issued by an RAE. <i>* Please note: the Operational Authorisation has replaced the PFCO 'permission for commercial operations'</i>
Congested area	Defined by the CAA as "any area of a city, town or settlement which is substantially used for residential, industrial, commercial or recreational purposes."
Crowd	Defined by the CAA as any group of people who cannot move away quickly because of the number of other people around them." e.g. a crowded beach, concert etc.
C-class	Aircraft designed to fit the new regulations with some enhanced capabilities or limitations, none are commercially available at time of writing
Legacy Drone	Drones that are not specifically designed to comply with the new regulations, this includes all currently commercially available drones at time of writing
UAS	Unmanned Aircraft System – the combined system of an Unmanned Aerial Vehicle (UAV), an operator, and the system that links them.



Further Information and resources	
CAP2003	Drone Rules: FLYING FOR FUN
CAP2004	Drone Rules: FLYING AS A HOBBY AND AT A CLUB
CAP2005	Drone Rules: USING A DRONE FOR WORK
CAP2006	Drone Rules: FLYING IN THE COUNTRYSIDE
CAP2007	Drone Rules: FLYING IN TOWNS AND CITIES (OR BUSY AREAS)
CAP2008	Drone Rules: THE NEW UAS REGULATIONS
CAP2012	Drone Rules: REQUIREMENTS FOR FLYING IN THE OPEN CATEGORY
CAP2013	Air Navigation Order 2020 Amendment – Guidance for unmanned aircraft system users

About [Osprey Drone Training](#):

Osprey Drone Training are a CAA approved drone training organisation providing a number of courses with qualifications to ensure safe drone flying.

For more info on **Creative England's Filming in England team**, please visit www.filminginengland.co.uk
To get in touch please email; production@creativeengland.co.uk