



# Winchester

## City Council

FOI REF:	14102
RESPONSE SENT:	08/04/2024

### Request:

We are writing to make an information request under the Freedom of Information Act 2000. We seek information regarding your authority's regulations on the recreational use of drones from land under your jurisdiction.

1. Do you have any byelaws specifically relating to the recreational use of drones from your land? If yes, please provide:

- a) The date(s) of these byelaws.
- b) A digital copy of the byelaw(s) or a link to where these can be found on your website.

2. In the absence of specific byelaws, do you have any policies relating to the recreational use of drones from your land? If yes, please provide:

- a) The date(s) of these policies.
- b) A digital copy of the policy(ies) or a link to where these can be found on your website.

We look forward to your full and prompt response

### Response:

Further to your recent request made under the Freedom of Information Act 2000, please see the response from Winchester City Council outlined below:-

1. Do you have any byelaws specifically relating to the recreational use of drones from your land? If yes, please provide: - **We do not have any byelaws for drones. Attached is a document about drone use from council land, please note that it is for guidance only and currently under review.**

- a) The date(s) of these byelaws. - **Not applicable**
- b) A digital copy of the byelaw(s) or a link to where these can be found on your website. - **Not applicable**

2. In the absence of specific byelaws, do you have any policies relating to the recreational use of drones from your land? If yes, please provide: - **No**

- a) The date(s) of these policies. - **Not applicable**
- b) A digital copy of the policy(ies) or a link to where these can be found on your website. - **Not applicable**

Regards



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### **DRONE USE FROM COUNCIL LAND**

We are receiving an increasing number of enquiries about filming with drones. To help with requests we have produced the following guidelines.

Drones (more formally known as Unmanned Aerial Vehicles – UAV's) cannot take off or land on Council land without our permission. It is important to note that some areas of land, particularly highways and pedestrian walkways, may well be the responsibility of Hampshire County Council. It will be necessary to enquire with both Authorities to confirm ownership / responsibility when requesting permission.

In addition, some parts of the Winchester City Council district come under the South Downs National Park Authority. If drone operation is wanted in this Park, please contact the SDNPA to check. <https://www.southdowns.gov.uk/>

#### **BEFORE YOU FLY A DRONE YOU MUST:**

- Comply with current CAA (Civil Aviation Authority) requirements regarding training and registration. You must have two registrations in place before you fly a drone or model aircraft that's 250g to 20kg:
  - anyone who will fly must pass a theory test to get a flyer ID;
  - the person that is responsible for the drone or model aircraft must register to get an operator ID.
- Have the necessary insurance cover in case of accident, injury or damage to property, etc.
- Have undertaken a site assessment of the area / location involved in order to check suitability and safety to operate the drone. Consider overhead cables, trees, nesting birds, livestock, etc.
- Be fully aware of any areas which may be subject to flight restrictions – this might include areas of designated controlled airspace, air traffic zones, military or Ministry of Defence establishments.
- Please consider the proximity of Southampton Airport and their flight restriction zones.
- Ensure you have the necessary CAA Air Navigation Order(s).
- Check for any new or amended guidance, Regulations, Orders, Codes of Practice, etc issued by the CAA regarding the operation of drones.
- Ensure you have the appropriate landowner permissions to take off, fly over and land depending on the location.
- Consider any implications for Data Protection (GDPR), noise or nuisance, privacy and security, etc.
- If appropriate, seek independent advice regarding the legal implications applicable to the drone operation at the site / location.

The responsibility of any drone flight and its legalities rest with the drone operator. The following links provide useful information to drone operators:



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CAA – Unmanned Aircraft and Drones:

<https://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones/>

CAA – The Drone Code:

<https://register-drones.caa.co.uk/drone-code>

Drone Safe – Website:

<https://dronesafe.uk/>

Drone Safe – The Drone Code leaflet:

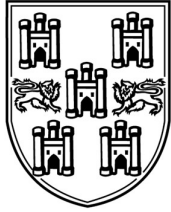
[https://dronesafe.uk/wp-content/uploads/2019/11/Drone-Code\\_October2019.pdf](https://dronesafe.uk/wp-content/uploads/2019/11/Drone-Code_October2019.pdf)

### **GENERAL GUIDANCE:**

- The drone user is responsible for the safe operation of each flight.
- Check the drone and associated equipment to ensure it operates correctly before any flight.
- People not in connection with the agreed operation of the drone flight must be at a safe distance from take off / landing sites. Suitable signage and barriers must be in place as necessary.
- You should not operate a drone in poor weather, especially in high winds or low visibility.
- Consideration should be made for data protection and CCTV use.
- Specific rules apply for the operation of drones when out of a direct line of sight, or at night. Refer to the CAA for information.
- General information for members of the public about drones and their use can be found on the CAA website:  
<https://www.caa.co.uk/Consumers/Unmanned-aircraft/General-guidance/Reporting-misuse-of-a-unmanned-aircraft-and-drones>

### **FILMING REQUESTS:**

- Any filming requests, whether for television, film production, marketing or promotional purposes, building or land inspections and surveys, festivals, educational or historical requirements, etc, must be made in advance to Winchester City Council Media Team who will liaise with all appropriate Services of the Council to obtain permission.
  - <https://www.winchester.gov.uk/media-centre>
- In addition, it may be necessary to put in a request to Hampshire County Council.
  - <https://www.hants.gov.uk/business/filmhampshire/film-planning>
- Our decision to approve a request will take into consideration potential issues such as disturbance, annoyance, harassment, privacy and security, etc.
- Depending on the nature of your request, you may be required to pay an administrative fee and/or a location fee.



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**Disclaimer:**

Whilst the information and web links provided above are intended to be a useful guide, it is the pilot / operator's responsibility to ensure that any activities which are carried out are within the law. This is the case whether your UAV / drone is on land or airborne. You should not infringe the public or private legal rights of other individuals. Winchester City Council accepts no responsibility for those relying on this guide in the event that they face any legal action.