

Bath Film Office Guidance Notes for the use of Small Unmanned Aircraft (Drones)

The use of SUAs (Small Unmanned Aircraft) may also be referred to as Unmanned Aerial Vehicles, drones, octocopters as well as by other names are becoming more and more popular with filmmakers as they offer great flexibility.

Filming with SUAs in large open air areas where there are few people is relatively straightforward. However, filming in congested areas such as City Centres is more complex, there are multiple stakeholders and authorities and presents greater risk.

This document sets out a non-exhaustive explanation of matters to consider and procedural steps required in order to use SUAs

Obtaining Permissions

There are 2 basic permissions needed to film with a SUA these are;

1. Permission to fly from the Civil Aviation Authority (CAA)
2. Permission to from owner, manager or authority for the land in which the SUA will be taking off and landing

1. Civil Aviation Authority (CAA) Permission

The Air Navigation Order 2016 is the principal piece of legislation governing aircraft, including SUAs, in the UK with articles 94 and 95 being the main points covering use SUAs for filming. This state an SUA operator must request a "Permission from the CAA if it plans to:

- fly the aircraft on a commercial basis (i.e. conducting "Commercial Operations"); or
- fly a camera/surveillance fitted aircraft within Congested Areas or closer than the distances listed within Article 95 to people or properties (vehicles, vessels or structures) that are not under its control.

No request should be granted from the land owner to take off or land unless confirmation is received from the Production Company/Operator that the received permission from the CAA to fly in the defined airspaces at the defined time(s).

The minimum distances in which an SUA cannot be operated without a Permission are specified in the Air Navigation Order as:-

Not within **50 metres of any person, vessel, vehicle or structure that is not under the control of the person flying the SUA.**

Not within **150 metres of any Congested Area** (this is defined as a City, Town or settlement that is substantially used for residential, industrial, commercial or recreational purposes).

Not within **150 metres of any** organised assemblies of 1,000 people or more.

If the complete mass (including camera) of your SUA is 7kg or less, the Permission issued by the CAA will automatically permit flight within a congested area but the 50 metre distances from person, vehicles, vessels or structures must still be observed, as must the 150 meter distance from open air assemblies

A limited number of operators have been granted permission by the CAA to fly in congested areas within a smaller amount of space. These have had their SUA specifically tested by the CAA and will be indicated in the operators Operational Safety Case (OSC).

Here's a summary from CAA <http://dronesafe.uk/drone-code/>

But more detailed guidance on this can be found at www.caa.co.uk/CAP722. For further information you can contact the CAA at UAVenquiries@caa.co.uk.

2. Land Owner/Authorities Permission

The CAA will look at your flight operations however permission to take off and land and assessment of your Flight Impact Zone is likely to come from the owner, manager and/or authorities over the area the SUA is operating. This is likely to come from the appropriate Film Office and you must demonstrate how this area will be controlled

To make this assessment the responsible party (the individual or legal entity assume ultimate responsibility for all aspects of the SUA activities – most commonly the Production Company) must submit an application form to film using the SUA which will include the following;

- **Filming Application Form – Bath Film Office will only permit filming with SUA from certain parks and open spaces locations and there will be an additional location fee for any aerial filming, depending on the nature of the request**
- **A valid Permission issued by the CAA, which entitles the operator to conduct the flight that us being requested**
- **A Flight Impact Zone (FIZ) Map:** a planning map, highlighting the flight area and appropriate control points for the applicable areas where the SUAs will be flown, this should also include any Contingency flight area - any area the SUA may need to go should there be a reason to abandon the flight.
- **RAMS:** Risk Assessment and Method Statement of the whole production, which must be specific to the operation in question and include
- **Responsible Parties Public Liability Insurance** (minimum £5million however depending on location and activity may need to be £10million)

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 FIZ is close to or includes a highway.
- **Stewarding Plan:** description and maps of what control measures will be in place and where stewards will be located whilst the UAS in use.
- **Evidence of Consultation:** reasonable evidence to show an agreement has been secured with all individuals to be impacted by the use of the UAS.

All uses of SUAs are treated on a case by case basis as such further documentation may be required. Because of this notice periods can vary dramatically however for guidance a minimum notice period for use of SUAs perceived to have no impact Bath Film Office is **7 working days having received all required documents and for those that are likely to involve road closures a minimum of 6 to 8 weeks**

It is also best practice to notify the relevant Film Office if the SUA is to be used on private land, even if it will not be overflying the highway or council owned property. Should SUA activity overfly, or be used within 50m of any thoroughfares, in addition to making a filming application further documentation and permissions are likely be required.

Privacy and Copyright

The Information Commissioner's Office (ICO) has issued guidelines relating to the Data Protection Act regarding the use of SUVs for filming purposes – highlighting the privacy risk their use pose.

For more information please visit <https://ico.org.uk/for-the-public/drones/>