UNMANNED AERIAL VEHICLE (UAV) POLICY

Policy summary

Unmanned Aerial Vehicles (UAVs) are increasingly popular in filming, photography and data capture.

Historic Environment Scotland (HES) has a duty of care to protect our monuments and ensure the safety of those who visit them, and it is our policy to ensure that UAV system operations are:

- Carried out in compliance with relevant Civil Aviation Authority (CAA) guidelines and regulations;
- Only carried out after appropriate control measures have been considered in line with the selection of suitable equipment and working practices; including any updates or modifications recommended by the manufacturer of the UAV.
- Carried out using planned safe systems of work, including arrangements for emergencies;
- Carried out only when personnel are appropriately trained and supervised;
- Carried out in a manner which is, so far as is reasonably practicable, safe;
- Compliant in accordance with the latest data protection legislation and privacy laws;
- Carried out with an appropriate level of Public Liability Insurance (minimum £5million);
- Requested via the submission of an application form in advance of operation.

Where necessary, to prevent injury to any person, steps are taken to prevent, so far as is reasonably practicable, unauthorised operations on Historic Environment Scotland sites.

UAV operation is to be carried out only when the weather conditions (e.g. high winds) do not jeopardise the health and safety of those affected by the works. Pilots should be aware of all environmental conditions that may affect the drone, including water ingress from precipitation.

Permission to film

Anyone who wishes to operate a UAV on a property under the care of HES must first obtain prior consent.
Consent to the usage of UAVs is dependent on the satisfaction of several requirements:

- An application form must be submitted to filming@hes.scot in advance of filming. A notice period of up to 10 working days may be required to arrange this (or longer for more complicated requests).

- UAV filming/activity must be carried out by a pilot accredited by the Civil Aviation Authority (CAA). A copy of the operator’s Permit for Commercial UAV Operations (PfCO) must be supplied to HES. The pilot must abide by all CAA guidelines for UAV usage.

- The pilot must also supply their Operator ID

- A site-specific Risk Assessment and Method Statement must be provided. This should also include an aerial image of the site. This image should have take-off/landing points clearly marked, as well as an indication of the area the UAV will fly over and notification of observers and cordons in place.

- You may also be asked to provide a Privacy Impact Statement.

- A copy of Public Liability Insurance must be submitted (minimum £5m).

The documents provided will allow the HES Filming and Photography team, working closely with our Monument Conservation Unit, Visitor Operation, Site staff and in-house UAV operators, to make a well-informed decision about the potential UAV filming/activity. This process takes a considerable amount of time as each team can contribute any of their concerns/requested changes which will be discussed during the application process before formal permission can be given.

**Factors considered**

There are many factors that contribute to the decision of whether drone filming can be permitted, such as:

- Environmental restrictions, for example nesting/protected birds in the area.
- Proximity to roads, residential areas and public spaces.
- Planned or unplanned works being carried out at the site.
- Events at the site that may prevent the filming taking place on the requested date or time.
- Monitoring and supervising UAV activity may be necessary to ensure that risk control measures are used and are effective, and therefore permission may depend on staff availability (and may incur a staffing fee due to working additional hours).

**Filming outside of visitor opening hours**

If a site under the care of HES has set opening hours, UAV filming/activity cannot be carried out while these properties are open to the public. This is in order to protect visitor safety and security and ensure their enjoyment of the site is not impeded.

UAVs are subject to malfunctioning for many reasons including mechanical and/or electrical failure as well as pilot error. A drone falling from height would pose a very
serious risk to the safety of visitors and cause potentially irrevocable damage to the historic properties under our care.

In addition, although CAA regulations state that UAVs must remain 50m away from people as well as property (reduced to 30m during take-off or landing), many people still feel uncomfortable with UAVs flying overhead and view it as an invasion of their privacy. We would not facilitate any activities that would have the potential to cause frustration or unpleasantness at our sites.

Although UAV operation cannot take place while our sites are open to the public, HES are able to accommodate this filming before or after site opening hours. This will be organised with the sites upon completion of the filming application form and the correct documents provided. As mentioned above, out of hours activity may incur a staffing fee for the additional time worked dependent on the site and the necessity of staff supervision.

**Flying safely**

When UAV activity has been formally permitted, there are some clear regulations to follow while on site, as set out by the CAA.

The following are of particular importance to note:

- The UAV must stay 50m away from people and property (30m during take-off and landing) - this increases to 150m in congested areas or gatherings of 1,000 people or more. Even though our staffed sites must be closed at the time of filming/activity, these regulations must be upheld.

- The pilot in charge of the UAV must have clear line of sight of the UAV, maintaining unaided visual contact with the aircraft and not relying on the image on the monitor.

- The pilot must fly defensively and expect that control of the UAV may be lost, with emergency landing procedures in place in such an event. The pilot must ensure that the battery power/charge is sufficient to provide the intended flying time.

- The UAV cannot be used to drop anything on to the site, nor used in the removal/extraction of items on site or the fabric of the site itself.

A pilot may only operate a UAV if the flight can be safely made, making sure that there are appropriate weather conditions for safe flight to be possible. Although weather can be unpredictable, due to the high volume of requests received, HES must know the specific date of filming and cannot accommodate several contingency filming dates and times in the event of adverse weather and unsuitable flying conditions. One extra date of filming may be provided at point of application, however any additional dates will require another application to be reviewed and given consent by the team.

**Flying from land that is not within our care**

HES will only request an application process to be carried out when it involves UAVs being launched from land within our care.
Pilots are at liberty to launch a UAV from land that is outside our ownership, and may be able to obtain visuals of our property whilst remaining compliant with CAA rules of safe flying as outlined above.

However, no UAV, regardless of launch point, is permitted to fly within 50m of people or property at our sites. In addition, HES will not allow any direct overflying of our sites while they are open to visitors. This is for the safety and privacy of our visitors to whom we have a duty of care while they are on our property. Without a filming application process we cannot ensure a pilot is CAA trained and certified in the safe usage of the UAV. Nor can we be sure that the pilot has the appropriate insurance to cover potential damage to these historic monuments. Therefore we encourage pilots to consider this risk even when flying compliantly. Any damage to our sites may be an offence and can be followed up.

**Failure to comply**

Site staff reserve the right to ask those who wish to operate a UAV outside of visitor opening hours and on property in the care of HES to provide evidence of consent. This will take the form of a signed agreement provided by the HES Filming and Photography team following satisfaction of all steps of the application process. If staff are supervising the approved UAV filming, they also have the right to ask that the flight is amended if they feel it is not following safe UAV practices.

Any unauthorised UAV that is launched from HES land will be brought to an end as safely and as practicably as possible by a member of onsite staff speaking with the UAV operator. The operator will be advised of our UAV filming policy and can contact filming@hes.scot to begin the application process. A pilot launching a UAV from outside HES land who is not following a safe mode of flight or who is overflying our site will be asked, where possible, to land the UAV or navigate it away from our site. In both instances, if the request is refused or if the pilot cannot be located then the incident will be reported to the police.

**Operational factors**

There are some unique operational requirements at our sites that must be taken into consideration and extends the required notice period for drone filming to at least three weeks or more.

These include:

- **Holyrood Park.** Due to its proximity to Holyrood Palace, requests require additional organisation and clearance.

- **Edinburgh Castle.** UAV filming will not be considered between the months of May and October due to the construction and subsequent de-construction of stands on the Castle esplanade for the Edinburgh Royal Military Tattoo.

- **Fort George.** As it is an active military base, approval from the Military of Defence as well as the Defence Infrastructure Organisation is required before any UAV activity can be permitted here. This requires a high level of security clearance and takes considerable time to arrange.
• Lochleven Castle. Loch Leven is classified as a Site of Special Scientific Interest (SSSI) for its wildlife and is also a Loch Leven Special Protection Area (SPA) designated as a Ramsar site. Flying a drone over the loch at certain times of the year could have a significantly negative impact on the qualifying species of Loch Leven SPA. Scottish Natural Heritage must be consulted about any drone activity which can add extra time onto the process. It may not be possible to operate a drone here during the months of June and July.

• Linlithgow Palace. As with Loch Leven, Linlithgow Loch is designated as a Site of Special Scientific Interest and therefore Scottish Natural Heritage must be consulted before any drone activity planned around the Palace. This requires additional time to process.