



## The use of model aircraft and drones (Remotely Piloted Aircraft Systems) Policy

### Introduction

The Malvern Hills Trust has created this policy in response to an increased number of drone flights and enquiries relating to drones on the Hills and Commons.

This policy applies to model aircraft and all other Unmanned Aerial Vehicles, commonly known as drones but also referred to as multicopters, Unmanned Aircraft Systems, Small Unmanned Aircraft and Remotely Piloted Aircraft Systems. Throughout this policy, for consistency, all the above shall be referred to as Remotely Piloted Aircraft Systems (RPAS). This policy applies to RPAS with and without fitted cameras.

The use of RPAS is regulated by the UK Civil Aviation Authority (CAA) and permission must be sought from the landowner before any flight.

Under MHT's current byelaws RPAS are not permitted and this policy applies to all land under the jurisdiction of the Malvern Hills Trust.

This policy has been put in place to provide clarity and information for those wishing to fly RPAS on or over land under the jurisdiction of the Malvern Hills Trust. This policy aims to protect MHT staff, volunteers, visitors, livestock and wildlife on Trust land and pilots who may be liable should there be an incident.

### Byelaws relating to RPAS

MHT byelaws state that:

*11. (a) No person shall, except in the case of accident or other sufficient cause take off from or land on the hills any glider manned or unmanned or any other aircraft, save that this byelaw shall not apply, subject to clauses (b) and (c) hereof*

- a. To a glider weighing 10kg or less*
- b. To a non-mechanically powered hang glider.*

*(b) No unauthorised person shall except in the case of accident or other sufficient cause take off from or land any hang glider on any part of the Hills lying to the north of the Wyche Cutting or on any part of the Herefordshire Beacon (British Camp).*

*(c) No person shall fly any glider or aircraft on or over the Hills in such a manner as to be likely to cause undue interference with the use or enjoyment of the Hills by persons or animals lawfully thereon.*



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Under MHT's byelaws, taking off from or landing of RPAS on land under the jurisdiction of the Malvern Hills Trust is not permitted.

The Trust do not permit the flying of RPAS over land under the jurisdiction of MHT for the following reasons:

- RPAS should not be flown over people and RPAS with cameras must not be flown within 50 metres of a person (CAA regulations). As much of our land is open access we cannot guarantee an area, even if remote, is completely free from people.
- RPAS could pose a significant risk to other users, particularly hang gliders and horse riders who frequently use the Hills.
- The Malvern Hills and Commons are an important place for wildlife and are covered by national and international conservation designations. Wildlife is sensitive to disturbance and some species are given additional protection that can result in prosecution if photographed in certain situations. Many birds see RPAS as a threat and may abandon nests.
- The Malvern Hills and Commons are grazed by cattle and sheep which are sensitive to disturbance by RPAS. Much of the Hills and Commons are registered Common Land where you should expect to see livestock at any time.
- RPAS with cameras could infringe data protection laws (filming people without permission). Filming and photography of the Malvern Hills from RPAS could contravene Trust's position on filming and photography.
- The presence of RPAS can be detrimental to the enjoyment of the Hills and Commons by other visitors.

## Licensing

MHT recognises the value of using RPAS and aerial technology for the management of the Hills. For example, aerial photographs taken from a RPAS could be used to record erosion or to map bracken coverage for management purposes. MHT may also use RPAS footage in the future to promote the charity's work, highlight and identify issues and raise awareness of the important features of the Hills and Commons.

There may also be occasions where local communities, individuals and organisations wish to film or photography using a RPAS.

MHT may issue licences for flights, filming and photography using RPAS for specific purposes and projects where appropriate. Applications for RPAS flights will be reviewed and impacts will be assessed by MHT staff. In their application, pilots must provide evidence of training and pilot qualifications from the UK



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Civil Aviation Authority (CAA) and Public Liability Insurance Cover. Operator IDs and Flying IDs must also be provided with your application (see below).

Any footage or photography to be used commercially will be subject to MHT's filming and photography policy and must seek further permission.

All RPAS must be flown in accordance with the CAA flight rules. More information can be found here: <https://www.caa.co.uk/Consumers/Model-aircraft-and-drones/Flying-drones/>

This includes the following requirements for all model aircraft and drones between 250g to 20kg that are used outdoors:

- Anyone responsible for a drone or unmanned aircraft (including model aircraft) weighing between 250g and 20kg needs to register as an operator. Operator ID is renewable annually.
- Anyone flying a drone or unmanned aircraft (including model aircraft) weighing between 250g and 20kg must take and pass an online education package. Flyer ID is renewable every three years.
- Label any drones and model aircraft with the operator ID.

## Policy statement

Remotely Piloted Aircraft Systems, including drones, are included within MHT's existing byelaws and are therefore not permitted on the Hills and Commons or on any other land under the jurisdiction of the Malvern Hills Trust without their prior authorisation.

MHT will review requests for specific project and may authorise the use of RPAS where appropriate.

## Review date

This policy will be reviewed as required, or by September 2023.

For further information, please contact

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