



The use of model aircraft and drones (Unmanned 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 Unmanned Aircraft Systems (UAS). This policy applies to UAS with and without fitted cameras.

The use of UAS is regulated by the UK Civil Aviation Authority (CAA) and flight restrictions depend on the size and class of UAS in addition to the purpose for the flight.

Under MHT's byelaws UAS are not permitted without prior authorisation and this policy applies to all land under the jurisdiction of the Malvern Hills Trust. This applies to UAS of all sizes and classes.

This policy has been put in place to provide clarity and information for those wishing to fly UAS 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 UAS

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 UAS on land under the jurisdiction of the Malvern Hills Trust is not permitted.

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

- 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 UAS as a threat and may abandon nests.
- The Malvern Hills and Commons are grazed by cattle and sheep which are sensitive to disturbance by UAS. Much of the Hills and Commons are registered Common Land where you should expect to see livestock at any time.
- UAS could pose a significant risk to other users, particularly hang gliders and horse riders who frequently use the Hills. Many private drone users do not have the correct insurances or levels of insurance should an incident occur involving a member of the public.
- UAS with cameras could infringe data protection laws (filming people without permission). Filming and photography of the Malvern Hills from UAS could contravene Trust's position on filming and photography.
- The presence of UAS can be detrimental to the enjoyment of the Hills and Commons by other visitors.

Licensing

MHT recognises the value of using UAS and aerial technology for the management of the Hills. For example, aerial photographs taken from a UAS could be used to record erosion or to map bracken coverage for management purposes. MHT may also use UAS 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 photograph using a UAS.

MHT may issue licences for flights, filming and photography using UAS for specific purposes and projects where appropriate. The purposes of UAS use must be specific and detailed plans, including flight maps, must be submitted with applications. Applications for UAS flights will be reviewed and impacts will be assessed by MHT staff.



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Hobby flights, recreational flights, flights for private filming/photography purposes, or applications for the use of UAS < 250g without a camera will not be granted permission for the reasons laid out in this policy.

All pilots must provide evidence of online training, public liability insurance cover (minimum £5 million) and their Operator ID/Flyer ID alongside their application.

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

All UAS 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/>

Policy statement

Unmanned 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 UAS where appropriate.

Review date

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

For further information, please contact

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