



## **THE BATTLE OF BRITAIN MEMORIAL TRUST CIO**

### **OPERATION OF SMALL UNMANNED FLYING VEHICLES (DRONES)**

1. The Battle of Britain Memorial Site, containing the National Memorial to the Few, is a place for remembrance, particularly in the area surrounding the Memorial statue and the Memorial Wall. The Trustees want visitors to be able to remember appropriately and to enjoy their visit. The Trustees consider that the unrestricted use of drones, and similar remotely controlled devices, is not conducive to this stated objective and have, therefore, decided that unauthorised use of such equipment will not be permitted within the boundaries of the Memorial site.
2. Application for authorisation for the use of drones or similar equipment must be made to the Site Manager. Applications will be considered by, at least, two of the Trustees who will take account of:
  - a. Purpose and future use of images/video to be obtained
  - b. Timings and duration proposed
3. The decision of the Trustees will be final.
4. The use of drones will not normally be permitted during the advertised opening hours for the Memorial site.
5. Privately owned (non-commercial) drones must be operated in accordance with the requirements of the Civil Aviation Authority (CAA) Regulations and Guidelines as summarised in Appendix 1 of this policy document. Evidence of insurance cover will be required. Uninsured devices will not be permitted in any circumstances.
6. Commercial operators must comply with all requirements of the commercial regulations and guidelines issued by the CAA as summarised in Appendix 2.

In the following Appendices the information given was correct at the date of approval of the policy and is reproduced for general guidance only. All potential users are urged to check the references given to obtain possible updates from the relevant authorities.

**(Appendix 1 reference updated 13 March 2019 – new regulations introduced by CAA)**

Authorised by the Trustees at the meeting of The Battle of Britain Memorial Trust CIO held on 27 April 2017

## **Appendix 1**

The Civil Aviation Authority directs potential users of, privately owned, small unmanned vehicles (drones) to the 'Dronecode' which can be viewed at

[https://dronesafe.uk/wp-content/uploads/2019/02/Drone-Code\\_March19.pdf](https://dronesafe.uk/wp-content/uploads/2019/02/Drone-Code_March19.pdf)

In summary this states:

- Always keep your drone in sight
- Keep the drone below 400 feet to avoid conflicting with manned aircraft
- Fly your drone according to the manufacturer's instructions
- Keep the right distances from people and objects (no closer than 150 feet (50 metres) from people and property and 500 feet (150 metres) from crowds and built-up areas with no overflying)
- The operator is responsible for the flight. Failure to fly responsibly could result in prosecution by the authorities.
- Do not fly close to aircraft, airports and airfields. Endangering aircraft is a criminal offence punishable by up to 5 years imprisonment.

## **Appendix 2**

Commercially operated drones will be expected to comply with the CAA Regulations.

<http://www.caa.co.uk/Commercial-industry/Aircraft/Unmanned-aircraft/Unmanned-Aircraft/>

In summary:

Anyone using a small drone needs to be aware of the regulations contained in the [Air Navigation Order](#), specifically:

- **Article 241 - endangering safety of any person or property**  
A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property  
**Article 94 - small unmanned aircraft**  
(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.  
(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.  
(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.  
(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft:  
(a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;  
(b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;  
or  
(c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of commercial operations except in accordance with a permission granted by the CAA.

**Article 95 - small unmanned surveillance aircraft**

(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are:

- (a) over or within 150 metres of any congested area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft;

or

(d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article 'a small unmanned surveillance aircraft' means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

**Article 2 and Schedule 1 - Definition of terms**

**Commercial operation**

For the purposes of the Air Navigation Order 2016, "commercial operation" means any operation of an aircraft other than for public transport -

- (a) which is available to the public; or
- (b) which, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator, in return for remuneration or other valuable consideration

**Small unmanned aircraft**

means any unmanned aircraft, other than a balloon or a kite, having a mass of not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight.

**What is a congested area?**

The Air Navigation Order defines a congested area as being 'any area of a city, town or settlement which is substantially used for residential, industrial, commercial or recreational purposes'.

- These rules have been established to provide a safe environment in which small drones can be flown without coming into conflict with manned aircraft and without risk to other people or properties.  
You must be in possession of a Permission issued by the CAA before you conduct any aerial work with your drone.

## **Appendix 3**

### **Local Information**

1. The position of the Memorial site means that overflights by manned aircraft occur. Where possible these flights are indicated at the Memorial but all timings given are indicative only and are subject to change. The Battle of Britain Memorial Trust CIO does not control these overflights.
2. From time to time, military and other aircraft will overfly the Memorial, unannounced

3. Lydd (London Ashford) Airport (EGMD) is situated in the vicinity (1.4 miles NE of Lydd) (Elevation 13ft, position 50°57'22"N 00°56'21"E) and generates local low-level flights in the area.
4. Maritime and Coastguard Agency Search and Rescue Helicopters are stationed at Lydd Airport and operate 24 hours a day all year round.
5. At least once a year, usually in July, the site will host a private display by WW2 aircraft. Details will be published by NOTAM and the airspace above and around the Memorial site will be restricted for the published hours.