

# TPT-1077 Policy for recreational and commercial drone operators on Parks Trust land

## 1.0 Introduction

This policy outlines The Parks Trust's approach to the use by recreational and commercial operators of Unmanned Aircraft Systems (UASs), commonly known as 'drones' and referred to as such in this policy. Any reference to drones can also be taken to refer to model aircraft. The use of drones is regulated by the Civil Aviation Authority (CAA).

## 2.0 Background Information

### 2.1 Regulation

The CAA defines three categories of operation for drones; *Open*, *Specific* and *Certified*. Most recreational drone operators will be operating under the *Open* category, these flights are considered to present little or no risk to third parties and can take place without permission from the CAA. The *Open* category is subdivided into:

- A1 Flying Over People – This covers drones under 250g. The operator can fly with only basic registration (see [2.2 Registration](#)). They can fly over uninvolved people (but not assemblies of people, see [3.3 Restrictions](#)).
- A2 Flying Close to People – Drones over 250g but under 4kg. An 'A2CofC' must be held by the operator (see [2.2 Registration](#)). They should not intentionally fly over uninvolved people, but it is not illegal do this unintentionally.
- A3 Flying Far Away From People – Drones under 25kg. This is for low-risk flying 150m away from buildings, recreation spaces and people. Essentially it is intended for flights in very remote locations.

Note that the categories apply to the drone and how it is being used by the operator, rather than the model of the drone itself.

To be defined as operating under the *Open* category, the operator must:

- Pass an online test and hold a Flyer-ID, register as a drone operator with the CAA, and display an Operator-ID on the drone.
- Operate a drone with a maximum take-off mass of less than 25kg.
- Operate within the visual line of sight of the drone.
- Fly the drone no higher than 120 metres (400 feet).

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- Stay clear of protected airspace without permission.

Flights which deviate from these prescriptions will fall under the *Specific* category and require Operational Authorisation from the CAA. The third, *Certified* category covers drones which resemble traditional aircraft in size and attract appropriate regulation and scrutiny from the CAA.

## 2.2 Registration

The CAA requires operators to register with them and will issue them with a Flyer-ID. This can be obtained for free online after completing a test of multiple-choice questions. They must also obtain an Operator-ID and this too can be obtained online, for a fee of £10, and this must be displayed on the drone. Operators are free to fly drones below 250g in weight as soon as they've obtained these documents and can operate under the A1 and A3 categories. It is against the law to operate without these IDs.

Operators wishing to fly heavier drones, up to 4kg, must obtain an 'A2 Certificate of Competence' (A2CofC) from a licensed facility, either in-person or online. This costs £50-£150 and involves multiple-choice questions taken under exam conditions.

## 2.3 Overflying

It is illegal for operators to fly over 'assemblies of people' without authorisation from the CAA. The Drone Code defines an assembly as "*any group of people who cannot move away quickly because of the number of other people around them*" and will apply to any event taking place in the parks.

## 2.4 The Drone Code

It is recommended that operators study and understand the CAA's Drone Code which can be found at <https://register-drones.caa.co.uk/drone-code>

## 3.0 Policy for Recreational Drone Operators

### 3.1 Recreational Flights

Competent recreational drone operators are permitted to fly drones from parkland managed by The Parks Trust under the *Open A1* subcategory, or *Open A2* for those holding an A2CofC (with some exceptions – see [3.3 Restrictions](#)). Flights under the *Open A3* sub-category will not be permitted as these cannot take place within 150m of recreational sites, which under The Drone Code definition includes parks. Flights in the *Specific* or *Certified* categories will not be allowed without permission and the production of supporting documentation. It is up to the operator to understand in which sub-category they are operating and ensure they are complying with the criteria. If you are flying the drone to earn money then you are considered to be a commercial operator, see [4.0 Policy for Commercial Drone Operators](#).

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### 3.2 Competent Recreational Drone Operators

The Parks Trust are obliged to ensure the safety of park users. The Trust reserves the right for their staff to approach recreational drone operators and ask them to clarify their competence, especially if the drone is large or there are questions of good practice. Trust staff will normally wait for the operator to end a flight before engaging with them. They will not normally disturb the operator during an active flight unless they are flying dangerously, and/or are causing a nuisance and/or are disturbing livestock or wildlife with the potential to endanger members of the public.

Recreational operators will be judged to be incompetent and may be asked to end their drone operation if:

- They are not aware of the need to obtain a FlyerID from the CAA and are not displaying their OperatorID on their drone.
- They are flying a drone over 250g without an A2CofC.
- They are flying a drone over 4kg without first obtaining permission.
- They are flying over assemblies of people (see also [3.3 Restrictions](#)).
- They are flying out of the line of sight (except in 'follow me' mode)
- They are flying in first-person view without a spotter.
- They are carrying something with the drone.
- They are causing a nuisance to other park users (see [3.4 Nuisance](#)).
- They are displaying poor practice, for instance flying in high winds, failing to fly from a safe take-off and landing space etc.
- They are flying over or disturbing livestock or wildlife (see also [3.3 Restrictions](#)).
- They are flying in airspace in use by another drone or aircraft.
- They are flying contrary to other requirements of The Drone Code.

### 3.3 Restrictions

You may not carry out flights in the following circumstances without permission from The Parks Trust:

- Flights below 50m over the nature reserves at Linford Lakes, The Floodplain Forest, Walton Lake or Stony Stratford. This is due to the presence of large numbers of wild birds. The Parks Trust reserves the right to apply this restriction to any areas of its land or waterbodies where wild birds may be congregating at any time.
- Flights below 50m over grazing land where sheep or cattle are grazing.

Flights in the following circumstances will never be permitted.

- Flights over a parkland event. This is because parkland events will involve assemblies of people who cannot move away quickly because of the number of other people around them. Such flights would be illegal under the *Open* category.

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### 3.4 Nuisance

Operators should understand that some members of the public are not comfortable with drones, either from the point of view of safety or the perception that they are being photographed. Operators should respect other members of the public and refrain from flying in a manner that causes concern, annoyance or nuisance while the member(s) of the public is(are) still present.

### 3.5 Adjacent Land

The Parks Trust understand that operators may choose to operate their drone from neighbouring land and overfly Parks Trust land. This is acceptable provided the operation is in the ordinary incidence of such flight. However, if an operator is displaying incompetence then the use of the drone will be outside the ordinary incidence of such flight, the operator may be judged to be trespassing and may be asked to remove the drone from Parks Trust land.

## 4.0 Policy for Commercial Drone Operators

### 4.1 Commercial Flights

The Parks Trust expects all commercial drone operators to understand the need for risk assessments, insurance etc to protect themselves, their staff and the public from harm and from claims arising from that harm. All commercial drone operators must gain permission from The Parks Trust before flying a drone from Parks Trust land. The operator will need to demonstrate their competence to fly in the correct sub-category by first providing their OperatorID, a risk assessment and evidence of public liability insurance. Permission will not be unreasonably withheld for competent operators, however The Parks Trust reserves the right to deny permission for operational reasons. (Refer also to [4.7 Restrictions](#)).

### 4.2 Adjacent Land

The Parks Trust understand that commercial drone operators may choose to operate their drone from neighbouring land and overfly Parks Trust land. This is acceptable provided that the operation is in the ordinary incidence of such flight. However, good practice would dictate that the operator should still first inform The Parks Trust. If an operator is displaying incompetence then the use of the drone will be outside the ordinary incidence of such flight, the operator may be judged to be trespassing and they may be asked to remove the drone from Trust land.

### 4.3 Competent Commercial Drone Operators

The Parks Trust reserves the right for its staff to approach commercial drone operators to clarify the operator's permission. Trust staff will normally wait for the operator to end a flight before engaging with them. They will not normally disturb the operator during an active flight unless they are flying dangerously, and/or are causing a nuisance and/or are disturbing livestock or wildlife with the potential to endanger members of the public.

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Commercial operators will be judged to be incompetent and may be asked to end their drone operation if:

- They have not obtained permission from The Parks Trust.
- They are not flying per the information they provided for their permission.
- They are flying over assemblies of people (see also [4.7 Restrictions](#)).
- They are flying out of line-of-sight (except in 'follow me' mode)
- They are flying in first-person view without a spotter.
- They are carrying something with the drone.
- They are causing a nuisance to park users (see [4.8 Nuisance](#)).
- They are displaying poor practice, for instance flying in high winds, failing to fly from a safe take-off and landing space etc.
- They are flying over or disturbing livestock or wildlife (see also [4.7 Restrictions](#)).
- They are flying in airspace in use by another drone or aircraft.
- They are flying contrary to other requirements of The Drone Code.

#### 4.4 Photography and Videography

If the purpose of the flight is for commercial photography or filming then a fee may apply. The operator should apply for permission under The Parks Trust's standard photography license procedure.

#### 4.5 Surveys

If the purpose of the flight is to carry out a technical or academic survey then a fee will not normally apply.

#### 4.6 Events

If the purpose of the flight is to record a licenced event then permission to fly will require additional permission from The Parks Trust in addition to their event license. However, operators should be aware that flights over their event cannot take place under the *Open* category and that separate Operational Authorisation will be required from the CAA.

#### 4.7 Restrictions

Permission will not normally be given to flights in the following circumstances:

- Flights below 50m over the nature reserves at Linford Lakes, The Floodplain Forest, Walton Lake and Stony Stratford. This is due to the presence of large numbers of wild birds. The Parks Trust reserves the right to apply this restriction to any areas of its land or waterbodies where wild birds may be congregating at any time.
- Flights below 50m over grazing land where sheep or cattle are grazing.
- Flights over an event unless explicit in the event's license.

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- Flights where permission to fly in the airspace has been granted to another contractor or operator.

#### 4.8 Nuisance

Operators should understand that some members of the public are not comfortable with drones, either from the point of view of safety or the perception that they are being photographed. Operators should respect members of the public and refrain from flying in the manner that causes concern, annoyance or nuisance while the member(s) of the public is(are) still present. Permission from The Parks Trust may not be used as justification for the flight in these circumstances.

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