

### **Purpose and Scope**

This policy sets out requirements for the use of small unmanned aircraft (SUAs), including drones, at Trust properties. SUAs can help more people learn about and enjoy Trust properties, but their use should not interfere with other visitors' experiences or damage our heritage.

SUAs should not be launched or landed at Trust properties without permission. Commercial operators should hold public liability insurance and any relevant Civil Aviation Authority (CAA) permissions. Recreational operators should hold adequate public liability insurance and adhere to all CAA requirements. All operators should follow relevant guidance on safe and appropriate use.

## **1. Introduction**

The Trust protects and promotes Scotland's natural and cultural heritage. Our aim is to make everyone welcome at our properties and engage them to promote greater understanding of Scotland's heritage and our work.

Engaging people in an enjoyable and interesting way is a key part of encouraging them to discover more about the Trust and Scotland's heritage. The use of SUAs can help us achieve this as they allow recreational and commercial operators to bring Trust properties to new audiences.

SUAs also create opportunity to showcase our properties and land in new ways. New and unusual viewpoints allow potential and existing visitors and members to see previously hidden parts of our built heritage, as well as appreciate the scale and grandeur of our landscapes and natural heritage.

Additionally, SUAs can be valuable to the Trust's conservation activities, for example they can be used to carry out survey work.

Although SUAs can be beneficial, inappropriate or unsafe operation of SUAs can cause damage to built heritage and gardens; disturb wildlife, habitats and livestock; and negatively impact visitor enjoyment. These risks may be more or less prevalent at different

properties. For example, the risk of SUAs causing detriment to wildlife would be much higher at St Kilda during breeding season.

Under the Air Navigation (Amendment) Order 2019, anyone responsible for a SUA, including drones, weighing between 250g and 20kg needs to pass an online theory test to obtain a Flyer ID. Operators must then register with the CAA for an Operator ID, which must be displayed on any drones or model aircraft. Operators must adhere to the Drone and Model Aircraft Code, which sets out guidance to ensure the safety of people and buildings.

The CAA sets out in section 241 of the Air Navigation Order 2016 and Regulations CAP393 that *"A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property."*

The Scottish Outdoor Access Code does not permit *"motorised activities, such as motor biking and scrambling, off-road driving, the use of any powered craft on water, microlighting, and the use of **powered model craft**"* without the permission of the relevant owner or manager (Section 2.14).

The Archaeology team has provided a paper which outlines the benefits and risks to the Trust from drones entitled '[Conservation Uses of UAVs within the Trust](#)'.

## 2. Policy Statement

The Trust welcomes the use of SUAs but has a duty to protect the heritage it is entrusted with and will only permit operators to launch and land SUAs where it will not damage built heritage, how enjoyable the visitor experience is, or the natural environment.

All recreational and commercial operators must seek permission to launch and land SUAs at Trust properties from the Filming Manager. The Filming Manager will then consult the Property Manager of the property in question.

Commercial and recreational operators should enquire in writing to the Trust's Filming Manager via email at [filming@nts.org.uk](mailto:filming@nts.org.uk). Applicants should expect to wait up to 1 week for consent/refusal.

## 3. Policy Guidance

In determining whether or not to permit SUAs to launch and land on Trust property, consideration should be given to:

- 1) the potential impact on:
  - a. The visitor enjoyment of Trust properties, including expectations of tranquility and privacy.

- b. The conservation of the heritage in the Trust's care, including species which may be disturbed by these operations and fragile built heritage.
- 2) If the property is situated in a restricted space (e.g. a military practice and exercise areas).
- 3) If the property is situated in a sensitive area, such as a National Park, Site of Special Scientific Interest or RAMSAR site.
- 4) If any works or events are taking place at the property, and if SUA activity would impact on these.

Where there are potential impacts on natural or cultural heritage, the Film Manager should seek advice from the relevant conservation experts on the nature and seriousness of these to inform their decision.

Where properties are situated in sensitive areas, the Film Manager may also wish to consult the appropriate Park Authorities and Scottish Natural Heritage to understand any negative impacts to the natural environment.

When applying for permission operators must:

- 1) Agree to adhere to: CAA requirements, under the Civil Aviation Act 1982, the Air Navigation Order 2016 and subsequent 2018 and 2019 amendments; the Drone and Model Aircraft Code 2019; and other Trust guidance. Key points operators must abide by include:
  - Operators must have a Flyer ID, an Operator ID and all SUAs must be marked with the Operator ID.
  - Operators 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;
  - SUA must not exceed an altitude of 120m;
  - SUA must keep a minimum distance of 50m from people and property, such as vehicles and buildings, that are not under the control of the operator;
  - SUA must keep a minimum distance of 50m from people during take-off and landing;
  - SUA should not be flown directly above people;
  - SUA must keep a minimum distance of 150m from congested or built-up areas, or crowds of at least 1000 persons;
  - SUA must keep a minimum distance from airports and their flight restriction zones, unless permission is granted by the relevant Air Traffic Control;
  - Operators must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small SUA so as to endanger persons or property;

- Operators may only fly the aircraft if reasonably satisfied that the flight can safely be made. This includes:
    - Checking for and abiding by local restrictions and temporary hazards;
    - Making sure operators know how to fly the safely;
    - Making sure SUAs are ready for flight (with full battery levels, latest software updates, etc.);
    - Not flying if the weather could affect the flight;
    - Making sure the operator is fit to fly;
  - Operators must respect other people and their privacy and making sure no data protection laws are broken;
  - Operators must make sure SUAs can be clearly seen by people on the ground;
  - Operators must keep photos and videos secure and consider peoples' right to privacy before sharing them so no GDPR breaches occur.
- 2) Have received an operator ID from the CAA and marked all relevant SUAs with it. Operators must also supply the Trust with the Operator ID details.
  - 3) Have in place public liability insurance of up to £2 million.
  - 4) For commercial operators, SUA filming/activity must be carried out by a pilot accredited by the CAA. A copy of the operator's Permit for Commercial SUA Operations must be supplied.

## Compliance

The Trust reserves the right to ask operators to evidence the permission to launch and land a SUA.

The Trust reserves the right to request any operator not fully complying with the guidance end activities as safely and soon as possible.

## 4. Related Documents

The Civil Aviation Authority '[The Air Navigation Order 2016 and Regulations](#)'

The Civil Aviation Authority '[CAP 1763 - Air Navigation Order 2018 and 2019 Amendments - Guidance for Small Unmanned Aircraft operators](#)'

[The Scottish Government, on drones and wildlife](#)

The Civil Aviation Authority '[Drone and Model Aircraft Code](#)'

## 5. Definitions

The Air Navigation order 2016 refers to small unmanned aircraft as aircraft that is between 250g-20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commence of its flight.

The Drones and Model Aircraft Code refers to drones, model airplanes, model helicopters and model gliders.

The Trust has used the phrase 'small unmanned aircraft' in this Policy and Guidance. This most commonly will refer to drones with cameras and/or surveillance equipment that are being used for recreational or commercial purposes.

## Further Information

Please contact the Policy Team for further support at [policy@nts.org.uk](mailto:policy@nts.org.uk) or the Filming Manager at [filming@nts.org.uk](mailto:filming@nts.org.uk).