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Unmanned Aircraft System (UAS) / Drone policy

Policy summary

The use of Unmanned Aircraft Systems (UAS), commonly known as 'drones', is increasingly popular for filming, photography and data capture.

Historic Environment Scotland (HES) has a duty of care to protect the monuments in our estate and ensure the safety of our staff and our visitors. It is our policy to ensure that, when UAS operations take place on our properties, they are:

- carried out in compliance with relevant [UK Civil Aviation Authority \(CAA\)](#) guidelines and regulations as set out in this policy
- only carried out after appropriate control measures have been considered
- using suitable equipment and working practices; including any updates or modifications recommended by the manufacturer of the UAS
- carried out using planned and safe work systems, including a risk assessment and arrangements for emergencies
- carried out only when personnel are appropriately trained and supervised
- carried out in a safe manner
- compliant in accordance with the latest [data protection legislation](#) and privacy laws
- carried out with an appropriate level of Public Liability Insurance (minimum £5 million)
- requested by contacting the HES Filming team on filming@hes.scot, who will provide the application form to be completed and approved in advance of an operation

Where necessary, appropriate steps will be taken to deter unauthorised UAS operations on HES Properties in Care (PiCs) to prevent personal injury, damage to the historic monuments or disruption of the visitor experience. Similarly, appropriate steps may be taken to pursue those who carry out unauthorised operations.

Permission to operate UAS

Anyone who wishes to carry out UAS operations within an HES Property in Care **must** first obtain prior consent.

Consent is dependent on the applicant satisfying several requirements:

- An application form must be submitted to filming@hes.scot in advance of filming. Applicants should allow for at least 10 working days (or longer for more complicated requests).
- UAS filming/activity must be carried out by a pilot accredited by the UK CAA under the terms of a Specific Category Operational Authorisation or, at HES discretion, operate under the Open Category A2 subcategory restrictions.

The UAV pilot must provide proof of one of the following:

- a **CAA Operational Authorisation including valid General Visual Line of Sight Certificate (GVC)**
- an **A2 CofC (Certificate of Competency)**

- The pilot must supply their Flyer and Operator ID registration certificate issued by the CAA.

- A site-specific Risk Assessment and Flight Plan must be provided to HES. This should also include an aerial image of the site. The plan should include the following details:
 - Take-off/landing points clearly marked
 - Area of operations - an indication of the area/s the UAS will fly over
 - Emergency landing areas
 - Location of observers/spotters and safety cordons when present.
 - Demonstration that the flight abides by all CAA guidelines for your category of operation

- You may also be asked to provide a Privacy Impact Statement if your UAS activity is likely to capture personal or sensitive data.

- You must hold current Public Liability Insurance (of a minimum £5 million) and a copy of relevant documents must be submitted.

We will not accept applications from UAS users who hold only the Drone and Model Aircraft Registration and Education Service (DMARES) registration (i.e., with only Flyer ID and Operator ID).

Application process

The documents provided by the applicant will allow the HES Filming and Photography team to work closely with our wider team – including the Monument Conservation Unit, Visitor Operations, Site staff and in-house UAS operators - to make a well-informed decision about the potential UAS filming/activity.

The review of all applications and supplementary documentation can take considerable time. Any concerns will be discussed with the applicant during the application process before formal permission is given.

Application decisions: Factors considered

There are many factors that contribute to the decision of whether UAS filming can be permitted. Factors include:

- environmental restrictions, for example nesting/protected birds in the area.
- proximity to roads, residential areas and public spaces.
- conservation works being carried out at the site.
- events at the site that may prevent the filming taking place on the requested date or time.
- monitoring and supervising UAS activity may be necessary to ensure that risk control measures are used and are effective, and therefore permission may depend on staff availability (and may incur a staffing fee due to working additional hours).

If a historic site in the care of HES has set opening hours, UAS filming/activity cannot be carried out while these properties are open to the public. This is in order to protect visitor and staff safety and security, and to ensure enjoyment of the site is not impeded.

A UAS may malfunction for many reasons including mechanical and/or electrical failure as well as pilot error. A drone falling from height would pose a very serious risk to visitors or staff and may cause irrevocable damage to the historic properties in our care.

Many of our visitors and members of staff on site may feel uncomfortable with a UAS flying overhead and view it as an invasion of their privacy. We will not facilitate any activities that could potentially cause frustration or unpleasantness at our sites and be detrimental to visitor experience.

Although UAS operations cannot take place while our sites are open, we can accommodate filming activity before or after site opening hours. If you wish to operate a UAS at one of our sites that does not have set opening hours, then we will discuss with you the most appropriate time for this to take place. This would be most likely, early morning or late evening to avoid UAS operations taking place while members of the public may be visiting.

What will happen if your application is successful

When you successfully complete the application process and gain approval for UAS operation, you will sign a HES Filming Agreement with agreed details of UAS activity. You will then receive a signed permission letter provided by the HES Filming and Photography team confirming agreed activity.

The HES Filming and Photography team will communicate with site colleagues to notify them that UAS activity is scheduled to take place. Site colleagues may be on site to provide any necessary safety briefings or to allow you access if applicable. As mentioned above, out of hours activity may incur a staffing fee for the additional time worked, dependent on the site and the necessity of staff supervision.

HES site staff may ask you to provide evidence that you have consent, by way of your signed permission letter, and reserve the right not to allow the filming to go ahead unless you have the signed permission letter to hand. If site staff are supervising the approved UAS filming, they also have the right to ask that the flight is amended if they consider it is not following safe UAS practices.

If you are at a site without set opening hours, you are still required to keep a copy of your permission letter upon your person. This will confirm your right to be there in the event of enquiries from staff, local stakeholders, landowners or members of the public.

Flying safely

When UAS activity has been formally permitted, there are some clear rules to follow while on site. We recognise that CAA regulations vary depending on the category you fly under however, outlined below are some of the safe practices that **must** be adopted when carrying out activity from land in the care of HES:

- No flight over or within 150 metres of open-air assemblies of more than 1000 persons
- The pilot in charge of the UAS must have clear visual line of sight (VLOS), maintaining unaided visual contact with the aircraft and not relying on the image on the monitor.
- The pilot must fly defensively and expect that control of the UAS may be lost, with emergency landing procedures in place for such an event.

- The pilot must ensure that the battery power/charge in the UAS is sufficiently charged to provide the intended flying time.
- The UAS cannot be used to drop anything on to the site, nor used in the removal/extraction of items on site or the fabric of the site itself.
- Inclement weather: a pilot may operate a UAS only if the weather conditions allow for the flight to be made safely. Although weather can be unpredictable, due to the high volume of requests received, an intended date of UAS activity must be agreed in advance with HES. In the event of adverse weather and unsuitable flying conditions, a different date for UAS activity may be provided but will require discussion and approval with your Filming representative.

Launching from land that is not within our care

We will only request an application process to be carried out when it involves a UAS being launched from land within our care.

Pilots are at liberty to launch a UAS from land that is outside our guardianship (provided you have permission from the relevant authority or landowner) and may be able to obtain visuals of our property whilst remaining compliant with our rules of safe flying as outlined above.

However, regardless of launch point, **no UAS is permitted to fly over our properties without specific consent from HES.**

Historic Environment Scotland have a responsibility to protect the properties in our care and ensure the safety and enjoyment of our visitors. Our drone policy places certain conditions on drone flights in and over our properties to ensure these responsibilities are met. The regulatory framework that provides for these restrictions is to be found in section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

For this reason, we do not permit unauthorised UAS activity to occur over our properties because of the risk of the UAS causing potential injury to visitors and/or damage to properties, as well as potentially affecting our visitors' enjoyment of the properties.

It is important to highlight that, while you may otherwise be flying compliantly under CAA guidance, you must still meet the requirements that HES have in place for UAS operation. Operators must be aware of their responsibilities regarding operations from private land and any requirements to obtain the appropriate permission before operating from a particular site.

Please note that any damage to those of our sites which are Scheduled Monuments may be a criminal offence.

Failure to comply

Any unauthorised UAS that is launched from HES land will be ended as safely and as practicably as possible by a member of onsite staff speaking with the UAS operator. The operator will be advised of our UAS filming policy and will be invited to contact filming@hes.scot to begin the application process.

A pilot launching a UAS from outside HES land, who is not following a safe mode of flight or who is overflying our site, will be asked where possible to land the UAS or navigate it away from our site. In

both instances, if the request is refused or if the pilot cannot be located, the incident will be reported to the police if the safety of our visitors, staff or property is compromised.

Site specific operational factors

There are some unique operational requirements at our sites that must be taken into consideration and could extend the required notice period for UAS filming to at least three weeks or more.

These include:

- **Holyrood Park.** As well as being a busy public park, due to its proximity to Holyrood Palace, requests may require additional organisation and security clearance.
- **Edinburgh Castle.** UAS filming will not be considered between the months of May and October due to the construction and subsequent de-construction of seating stands on the Castle esplanade for the Royal Edinburgh Military Tattoo. As a working military base, it may also be necessary to obtain permission from the Army for clearance to operate the UAS at any other time.
- **Fort George.** As it is an active military base, approval from the Military of Defence (MOD) as well as the Defence Infrastructure Organisation (DIO) is required before any UAS activity can be permitted here. This requires a high level of security clearance which takes considerable time to arrange.
- **Lochleven Castle.** Loch Leven is classified as a Site of Special Scientific Interest (SSSI) for its wildlife and is also a [Loch Leven Special Protection Area \(SPA\)](#) designated as a Ramsar site. Flying a UAS over the loch at certain times of the year could have a significantly negative impact on the qualifying species of protected wildlife. Nature Scot must be consulted about any UAS activity which can add extra time onto the process. It may not be possible to operate a UAS here during the months of June and July.
- **Linlithgow Palace.** As with Loch Leven, Linlithgow Loch is designated as a Site of Special Scientific Interest and therefore Nature Scot must be consulted before any UAS activity planned around the Palace. This requires additional time to process.
- **Threave Castle** – Threave Castle is a nesting site for rare birds and, as such, wider consultation is required with National Trust for Scotland and Nature Scot before the approval of UAS operations.

We keep this policy under review and any updates will be made on our website. This version is current as of 1 September 2022