

Filming with Drones – Local Authority Guide

This document is based on the guidance developed and produced by Osprey Drone Training, Film London and Creative England' Filming in England Team to provide a best practice document for all areas across England.

[Overview](#)

[Drone Categories](#)

[Local Authority Responsibilities](#)

[Air Ownership – Legal Position](#)

[Permissions – what to ask for](#)

[Notice of No Objection](#)

[Restricted Airspace](#)

[Key Rules for Drone Operators](#)

[Drone Category Tables](#)

[Glossary](#)

[Key resources and further reading](#)

Overview

This guide is intended to clarify the local authority's responsibilities when dealing with drone filming enquiries and encourage best practice from all parties involved. It sets out the procedures needed to ensure public safety and adherence to the law. It explains when permissions should be obtained from the film service and clarifies the local authority's liability in allowing drone shoots to take place.

- When filming with a drone, as with any other kind of camera, a production requires permission from the landowner to carry out commercial filming activity. As a landowner, you are granting permission to take-off and land the drone. The Drone Operator or Remote Pilot should always obtain permission from the landowner for take-off and landing as without permission, they could be guilty of (Civil) trespass. The Drone Operator and Remote Pilot are responsible for proper use of the airspace.
- Authorisation for Drone Operators comes from the Civil Aviation Authority (CAA) when the drone is being operating in the Specific Category, under the terms of an 'Operational Authorisation'. If the Operator is within the Open Category – Sub Category A1, A2 or A3 – then no authorisation is needed from the CAA (for clarification on categories see the [Drone Category section](#) of this document).
It is the responsibility of both the Drone Operator and the Remote Pilot to establish which category the flight will take place in.
- The Operator or Remote Pilot may require control of the area where they intend to operate. The level of control will depend on the planned activity and whether the flight is taking place in the Open or Specific Category and might include requests for road



closures or traffic / pedestrian control.

- All planning and paperwork should be prepared by the person or company operating the drone. The council should request evidence from the applicant of the correct authorisation and paperwork that is required for each category.
- The Operator or the Remote Pilot, should complete a site recce before flying, although some details (such as whether airspace is restricted) should be confirmed well in advance of the shoot day. If accurate information is available then a qualified Remote Pilot should be able to plan a safe flight so long as there is appropriate control over people (as defined by CAA guidelines and / or the Pilot's Operational Authorisation) within the area of operation. If there were any traffic control required then this would also need to be incorporated into the flight plan.

Drone Categories

Drone categories and sub-categories (that determine what Operators are allowed to do) are based on the estimated risk associated with that category of drone, which is determined by the weight of the drone.

Open Category

For a definition of 'Open Category' visit [CAA – Open Category](#).

Drones operated in this category will usually weigh less than 25kg.

The Open Category is divided in to three sub-categories depending on the type of drone and how the Pilot wishes to fly it.

They are:

- **A1:** the Pilot can fly close to and over people (although not over 'assemblies of people' – see [definition](#))
- **A2:** the Pilot can fly close to people (50m horizontal subject to 1:1 rule and no overflight)
- **A3:** the Pilot must fly far from people (50m from uninvolved people, 150m from residential, commercial, industrial or recreational areas – for this reason A3 category drones cannot operate in most areas of city centres in the Open Category and must follow the Specific Category guidance)

The sub-categories dictate the rules the Drone Pilot and Operator, will be required to follow. See the [Drones Category Section](#) of this document for more information. A full breakdown of these requirements can be found here: [CAA – Open Category requirements factsheet](#).

Anyone operating in the Open Category is not subjected to an operations manual requirement and therefore is not under the oversight of the CAA. These Operators and Remote Pilots do not



require any paperwork and they only need to ensure that the airspace is clear, not restricted and that they abide by the terms of the Open Category and drone code, in which they intend to operate. Varying levels of training and demonstrations of competency are required for the different sub-categories a list of which can be found here: [The Drone and Model Aircraft Code](#).

It is not a legal requirement for Operators or Remote Pilots in the Open Category to seek permission from the CAA so long as they operate within the given restrictions for their sub-category, however the Operator and / or Remote Pilot should still seek permission from the landowner for take-off and landing if they are carrying out commercial filming activity.

Specific Category

For a definition of ‘Specific Category’ visit [CAA – Specific Category](#)

This category covers operations that presents a greater risk than that of the Open category, or where one or more elements of the operation fall outside the boundaries of the Open category.

Most drones weighing more than 25kg will fall within this category.

Anyone operating within the Specific Category falls under the CAA’s oversight and therefore must abide by their CAA Operational Authorisation. Pilots require an operations manual that determines how they will operate. Their paperwork should include a risk assessment, on site survey form, and pre-deployment form.

Operators in the Specific Category do not need to apply to the CAA for each individual operation, but they must work within the conditions of their CAA Authorisation, which may include a pre-determined risk assessment or their own risk assessment that is agreed with the CAA to obtain their Operational Authorisation.

Operational Authorisation will establish how close the drone may be flown to buildings and to people, vessels and vehicles not under the control of the Pilot – this may be closer than the usual / standard distances allowed.

Local Authority’s Responsibilities

Take-off and Landing

The local authority can grant permission to take-off and land on council / public property.

Drone Operators and Remote Pilots (regardless of the category in which they are operating) should seek permission from the owner of the land from which a drone takes-off and lands to avoid trespassing. This is also the case for commercial drone flights on the public highway and on open access land:

- Common law allows the public a right of passage over adopted highways, However, this right is either for (i) the passage for the purposes of legitimate travel: or (ii) peaceful lawful assembly. Any other use, such as for the taking off and landing of a drone, would be a trespass and consent should therefore be sought from the relevant



highways authority.

- On open access land, Operators would only be permitted to undertake “open-air recreation” as allowed in the Countryside and Rights of Way Act 2000 – but this right does not extend to any undertaking of commercial activity, therefore operating a drone on such land for commercial purposes (including filming) without the consent of the landowner could potentially constitute a trespass.

When Airborne

The Drone Operator and Remote Pilot are responsible for proper use of the airspace itself and it is the responsibility of the Operator and Pilot to ensure compliance with the regulations, the law, and terms of insurance.

An Operator or Remote Pilot will have different types of paperwork depending on the category they are operating in. The council should check that the production is using a [CAA-registered pilot](#) with up-to-date documentation, if documentation is required for that category of drone.

If the paperwork is correct, up to date and the authority (and appropriate colleagues e.g. Highways) do not see any other safety issues or concerns (based on flight plan, local traffic & events etc.) then there are no additional responsibilities or legal liabilities incurred by the council.

From a legal perspective the local authority is not responsible for approving drone flights that are not taking off or landing on its own property. It is the responsibility of the Operator and Remote Pilot to ensure adherence to the restrictions attached to the category of drone they are using and specific permissions for individual flights are not required by the regulations, so long as operating within the restrictions associated with that category.

Authorities may wish to make their own determinations of what is appropriate for particular areas to inform their decisions to grant or withhold permission to use authority-owned land (e.g. require that Pilots have passed a practical flight exam such as an A2 Certificate of Competency).

The key restriction that covers all drone activity anywhere is [Article 241 of the Air Navigation Order 2016](#) which states that “A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property”.

Air Ownership – Legal Position

Airspace is a state-owned asset. Public law managing the use of airspace by drones is governed by the EU UAS Implementing Regulation (IR) 2019/947 and the UAS Delegating Regulation. The Regulations form part of the body of EU law that was retained in the UK after Brexit. The Regulations are supplemented in the UK by the [Air Navigation Order 2016](#). The use of drones also engages a number of other laws, such as local bylaws, privacy and data protection law, intellectual property law and land law (including trespass and nuisance).

Rules on landowner airspace ownership is something of a grey area.



At common law, a landowner owns the airspace above the surface of their land up to “*such a height necessary for the ordinary use and enjoyment of their land and the structures upon it*”. Above that height, the landowner does not own the airspace and it falls within general public ownership by the state.

This rule is deliberately vague, meaning that it is not possible to give a definitive height at which a landowner’s ownership ends.

The vague nature of the rule is reflected in s.76(1) Civil Aviation Act 1982, which provides that there is no trespass ‘*by reason only of the flight of an aircraft over any property at a height above the ground which, having regard to wind, weather and all the circumstances of the case is reasonable, or the ordinary incidents of such flight*’. This provides a defence to trespass in relation to the flight itself (**although not other activities such as take-off and landing, public law requirements, or copyright and privacy matters**).

Landowner airspace ownership could reasonably be considered to be at least the height of a double decker bus or streetlights, plus a few meters. Ownership of airspace over a private residence could reasonably be considered to be a few meters above the tallest part of the building.

The nature of the landowner (individual, private company, public body, corporation sole etc.) does not affect the extent of ownership. All surface landowners, no matter their status, have the same ownership rights in airspace. While an Operator or Remote Pilot may make ‘reasonable’ use of airspace, a landowner may have the right to prevent the flying of a drone in the airspace that falls within their ownership.

In order to adhere to rules relating to flying close to uninvolved people or vehicles, it is likely that most Operators or Remote Pilots will require some control of the area over which they intend to fly and will therefore liaise with the landowner for any necessary permission.

The Civil Aviation Authority (CAA) guidance document: CAP722, Unmanned Aircraft System Operations in UK Airspace specifically states that drone operators must be aware of their responsibilities regarding operations from private land any requirements to obtain the appropriate permission before operating from a particular site. It also states that drone operators must ensure that they observe the relevant trespass laws and do not unwittingly commit a trespass whilst conducting a flight. Therefore, Drone Operators should also be aware of possible landowner airspace trespass and should liaise with the relevant authority if they intend to fly below the level of buildings or street furniture.

Permissions – What to ask for

When carrying out commercial filming, Operators should seek permission to take-off and land their drone on local authority owned or managed land. They may also request permission to have some level of control over the people / vessels / vehicles that they will be overflying (e.g. a road closure or traffic control). When seeking local authority permission, the Operator and Remote Pilot should supply the authority with details of the proposed activity, including:

WHAT: Nature of the proposed activity, maximum height, flight plan, any control measures and Operator details, including Operator ID (all drones must have an Operator ID attached to



them and no flights should be conducted without a valid Operator ID), and Flyer ID unless the aircraft is in Open Category, sub-category A1. Operator's registration information can be found here: [CAA Check Registration](#).

WHERE: Take-off and landing locations, minimum distance from persons not directly under the Operator's control, whether drone will fly above any people including pedestrians, roads, and buildings.

CATEGORY: What aircraft are they using, what category is it and what is its weight?

The Operator or Remote Pilot should supply their CAA paperwork that will allow the authority to confirm that the proposed activity is within the regulatory boundaries for that category, along with risk assessment and insurance. The CAA paperwork specific to each drone category can be found in the [Drone Category Tables](#).

RISK ASSESSMENTS: Consider that any Remote Pilot flying within the Specific Category or who holds an Operational Authorisation, will have undergone a practical flight assessment and theory exam during their training, whereas Operators or Remote Pilots solely within the Open Category are self-assessed.

INSURANCE: All commercial activity requires insurance compliant to [EC 785/2004](#)

Remember:

1. Advise the production company that they need to ensure that they are using a suitably qualified Pilots for the intended task. To confirm if an Operator holds a current CAA Operational Authorisation, email uavenquiries@caa.co.uk. The CAA also issues a list of [CAA-registered pilots](#).
2. The Remote Pilot should hold a relevant proof of competency, such as a GVC or A2 Certificate of competence (Remote Pilots flying under an Operational Authorisation will need to hold a GVC from 1st Jan 2024). It is the Operators responsibility to ensure that their Remote Pilots are adequately trained.
3. Ask for flight details and copies of the paperwork early on to allow time to discuss any potential issues. It is the Operator's responsibility to confirm the category of drone they will be using and the paperwork required. The production company may need to consult a drone company to confirm the category of drone required for the proposed activity before making an application.
4. Engage early with the production planning process, raise concerns and have them addressed by the Drone Operator or Pilot in Command directly. Do not assume that all production, media or TV companies know about drones and drone laws.

Notice of No Objection

If the local authority is being asked to provide a written permit for use of a drone for commercial filming, then the local authority has a right to use the permit to set terms and



conditions. When considering a permit application, you must be satisfied that the Operator will follow the CAA regulations, and will not endanger the public or cause a nuisance.

Restricted Airspace

Sites with restricted airspace include areas around aerodromes and Government and Security buildings. Restricted areas mapped at [NATS website](#) (National Air Traffic Services).

Flights within these areas are restricted for all types of aircraft and to obtain permission to operate within a restricted area the Drone Operator must apply for Enhanced Non-Standard Flight Clearance via the [NATS website](#).

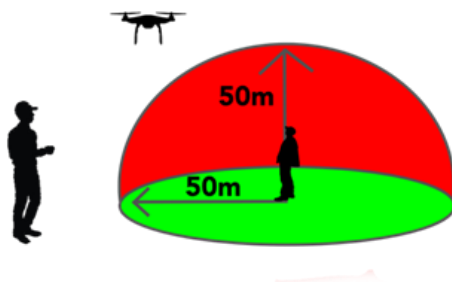
Key Rules for Drone Operation

- A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property ([Article 241 of the Air Navigation Order 2016](#)).

A drone must:

- be in Visual Line of Sight (VLOS) at all times to a max of 500m (unless the Operator or remote pilot holds an exemption). The 500m limit is not a factor in the open category, but the drone must within VLOS at all times
- not fly higher than 400ft (120m) unless the Drone Operator or Remote Pilot holds an exemption for increased height or flying above a structure with permission from its owner. In the case of an exemption the Remote Pilot can fly 15m above the structure but must remain 50m horizontally of the structure at all times
- not fly within 50m (164ft) - subject to the 1-1 rule - of assemblies of people (unless in A1 sub-category)
- not overfly people, unless in A1 sub-category, or operating within the boundaries of a CAA Operational Authorisation. (Pilots cannot fly within 150m of a 'Congested Area' without CAA permission, unless they sit in the A1 / A2 sub-categories or Specific Category). Those within the specific category can overfly using the 50m bubble method, however this should be kept to a minimum





- not fly (without permission) within 5km of an airport or aerodrome boundary in compliance with their existing boundary / approaches. This is classed as a flight restriction zone – they are illustrated on [this map](#). Any exceptions will be detailed in the OSC (Operations Safety Case) or Operational Authorisation document
- The rule of thumb in the Open Category only is the 1:1 rule – for every meter of height, there should be a meter of horizontal distance from any persons. This is a strongly recommended guideline but not legally binding – although it is specifically listed within the operational authorisation document (section 4.7 (d)) when dealing with assemblies of people
- For further information full details are available in the [CAA drone code](#)

Drone Category Tables

<u>Aircraft Weight</u>	<u>Aircraft Category</u>	<u>Separation Distance from People</u> (including take-off & landing)	<u>CAA Documentati on Required</u>	<u>Link</u>
Open Category (No flight-specific paperwork is required. The Operator does not have to contact the CAA to approve their flight plan)				
Under 250g	Open Category Sub Category – A1	None – Can overfly people but no overflight of crowds	Operator ID only	CAP2012
Under 500g	Open Category Sub Category - A1	None – But cannot overfly uninvolved people or crowds	Operator ID Flyer ID A2 Certificate of Competency	CAP2012
Up to 2kg	Open Category Sub Category - A2 Until Dec 2026	50m horizontally, using 1:1 rule No overflight at any height	Operator ID Flyer ID A2 Certificate of Competency	CAP2012
Up to 25kg	Open Category Sub Category - A3	150m from congested area 50m from uninvolved people	Operator ID Flyer ID	CAP2012



Specific Category				
(Flight-specific Paperwork required; Operator does not need CAA approval for each individual flight, but must comply with their CAA Authorisation, this may be a pre-defined risk assessment (PDRA01) or Operational Authorisation)				
Up to 25kg	Specific Category	30m take-off and landing 50m when in flight. Can overfly uninvolved people if at least 50m above but must be kept to a minimum Must remain 50m distance horizontally (subject to 1:1 rule) from assemblies of people and no overflight	Operator ID Flyer ID GVC certificate Operational Authorisation	CAP1789A CAP722 CAP722A CAP722H
Note All commercial activity requires insurance compliant to EC 785/2004 <u>Every flight carried out under the remit of an operational authorisation, commercial or otherwise, must be covered by insurance</u>				

Glossary

Glossary	
Operational Authorisation	Based upon a risk assessment submitted to the CAA, this authorises a specific instance of drone activity. This document defines what the Operator is allowed to do in this instance. <i>*THIS DOCUMENT MUST NOT BE SHARED OUTSIDE THE AUTHORITY</i>
A2 Certificate of Competency (CofC)	Qualification required to operate drones in the A2 Subcategory of the Open Category. These are issued by an RAE (Recognised Assessment Entity) authorised by the CAA to deliver training courses.
General Visual Line of Sight Certificate (GVC)	Qualification required for operational authorisation, which allows drone pilots to operate within the Specific Category, issued by an RAE. <i>* Please note: the Operational Authorisation has replaced the PFCO 'permission for commercial operations'</i> From the 1st January 2023, all remote pilots must hold a GVC
Assemblies of People	Description of assemblies of people within the Implementing Regulation: Assemblies of people have been defined by an objective criterion related to the possibility for an individual to move around in order to limit the consequences of an unmanned aircraft that has become out-of-control. There are no strict numbers defined above which a 'group of people' would turn into an 'assembly' of people as different situations would result in different conclusions. An assembly must be evaluated qualitatively, based on the ability of people within that group to 'escape' from any risk posed by the UAS operation. <u>Qualitative examples of assemblies of people are:</u> <ul style="list-style-type: none"> • sporting, cultural, religious or political events • beaches or parks on a sunny day • commercial streets during the opening hours of the shops • ski resorts/tracks/lanes • music festivals and concerts



	<ul style="list-style-type: none"> • marches and rallies • parties, carnivals and fêtes
Congested area	Defined by the CAA as "any area of a city, town or settlement which is substantially used for residential, industrial, commercial or recreational purposes."
Legacy Drone	Drones with no class markings, this includes all currently commercially available drones at time of writing (drones placed on the market before 1 st Jan 2026)
UAS	<p>Unmanned Aircraft System (UAS) An unmanned aircraft and the equipment to control it remotely</p> <p>The UAS comprises individual 'system elements' consisting of the unmanned aircraft (UA) and any other system elements necessary to enable flight, such as a command unit (CU), communication link and launch and recovery element. There may be multiple UAs, CUs or launch and recovery elements within a UAS</p>
UAS / Drone Operator	Any legal or natural person operating or intending to operate one or more UAS
Remote Pilot / Drone Pilot	A natural person responsible for safely conducting the flight of an unmanned aircraft by operating its flight controls, either manually or, when the unmanned aircraft flies automatically, by monitoring its course and remaining able to intervene and change the course at any time

Further Information and Resources

Further Information and resources	
CAP2003	Drone Rules: FLYING FOR FUN
CAP2004	Drone Rules: FLYING AS A HOBBY AND AT A CLUB
CAP2005	Drone Rules: USING A DRONE FOR WORK
CAP2006	Drone Rules: FLYING IN THE COUNTRYSIDE
CAP2007	Drone Rules: FLYING IN TOWNS AND CITIES (OR BUSY AREAS)
CAP2008	Drone Rules: THE NEW UAS REGULATIONS
CAP2012	Drone Rules: REQUIREMENTS FOR FLYING IN THE OPEN CATEGORY
CAP2013	Air Navigation Order 2020 Amendment – Guidance for unmanned aircraft system users
CAP1789A	Unmanned Aircraft Systems - Consolidated version of Regulation
CAP722	Unmanned Aircraft System Operations in UK Airspace – Policy and Guidance
CAP722H	Unmanned Aircraft Systems: Specific Category Operations - Pre-defined Risk Assessment Requirements, Guidance & Policy

Osprey Drone Training are a CAA approved drone training organisation providing a number of courses with qualifications to ensure safe drone flying.

For any drone or filming enquiries relating within London please contact [Film London](#).

For more info on Creative England's Filming in England team, please visit www.filminginengland.co.uk



For any enquiries, please get in touch;

production@creativeengland.co.uk

+44 (0) 20 8324 2311

[@filminengland](https://twitter.com/filminengland)

