A BRIEF GUIDE TO THE USE OF DRONES AROUND CHURCHES

Introduction

Drones or Unmanned Aerial Vehicles (UAVs) are becoming increasingly popular as a recording method, both recreationally and professionally. They are used to capture general images and videos of churches, provide the basis for 3D surveys and CAD drawings, or to capture high-level images for condition reports.

This guidance sets out the legal basis for how drones should be operated in and around churches, in line with the UK regulations set out by the UK Civil Aviation Authority. Drones come with set requirements for their safe operation. Where possible, a professionally trained, insured pilot should be used to capture data on behalf of churches to avoid potential damage to buildings and reduce the risk of putting people in danger.

Background and law

A member of the public can use a drone for non-commercial purposes if they have a licence and do not fly within 50 metres of people/buildings (depending on the licence). The images are then theirs to use.

Churches are treated as public places, so non-commercial photography/filming of the building (externally and internally) is acceptable, although it would be good practice to seek permission. The Open Spaces Act of 1906 defines a burial ground as being open space, whether the land is consecrated or not and even though the land is vested in the incumbent.

Where land is privately owned, either by the parish or a neighbouring property, permission should be sought from the landowner to fly over the space. If capturing church buildings, a designated safe space should be provided for take-off and landing, and this, depending on the size of the churchyard, may require the use of neighbouring land.

The use of drones in the UK is regulated by the Civil Aviation Authority (CAA). Its website sets out the law about drone usage, and has guidance about what the law means in practice. See Getting what you need to fly | UK Civil Aviation Authority. The CAA also publishes a separate The Drone and Model Aircraft Code. The guidance, drone code, and licence requirements are updated regularly, and these should be reviewed annually.

When a drone weighs less than 250g, an Open A1 category licence is necessary. An A1 licence requires the pilot to have a camera Operator ID and recommends a Flyer ID. An operator ID registers a person as being responsible for a drone or model aircraft and requires the person to be 18 years of age or older. A Flyer ID is a theory exam and is required regardless of age. If the user of the drone has breached their licence conditions, or if the user has no licence but should have, it is a matter for the police.

If a drone is between 250g and 25kg and is used for recreational purposes, an A3 open licence is required. This includes an Operator ID, and a Flyer ID is a necessity. Differences in the licence conditions can be found on the CAA website (Open Category Licences). For both licences, visual line of sight of the drone must be maintained; pilots are unable to fly above 120m (400ft); are unable to fly near to airports, airfields, spaceports or other aircraft; and are unable to fly over crowds (defined as a group of people who cannot move away quickly because of the number of other people around them).

Under the Open Licences, 150m distance should be maintained from any residential, recreational, commercial and industrial areas (including remote buildings in rural areas). Drones should not be flown within 50m horizontally of people unless they're involved in what you're doing. However, the safety of people, wildlife and buildings (specifically historic sites) needs to be prioritised. Only those with an A1 licence, using a drone under 250g, can capture data in residential, recreational, commercial or industrial areas. Anything beyond this requires a PDRA01 licence.

If flying a drone for recreational uses, insurance is not essential, but it is strongly recommended as the pilot will be liable for any for any injury or damage caused. If flying commercially, for any reason, the pilot must, by law, have third-party insurance.

Some churches have mobile phone masts or telecommunications infrastructure in the tower. Please ensure that any drone operator takes into consideration potential interference that may occur from these to the radio frequencies used by the drone and its remote control. In some cases, a loss of signal may result in uncontrolled movement or crashes. To mitigate this, it is necessary to maintain a safe distance from known interference sources, and if possible, use a drone with a longer range and stronger radio signal. If signal loss is likely, it is advisable to put in place a return-to-home feature or a pre-programmed flight path that would be activated once the signal is lost.

Commercial and survey use

Where a drone is being used at a church for a commercial or survey purpose, and flown close to the building, specific regulations apply and a pilot is required to have a PDRA01 licence. The Association of English Cathedrals provide an overview of the requirements for commercial flights but the legal requirements predate the current licence conditions. The note covers: Metric surveys, publicly, broadcast and productions (including wedding photography), good practice guidance and how to manage unwanted operation of drones inside the building. For commercial filming and TV production a faculty may be required. Please consult your diocesan registry.

A PDRA01 licence allows pilots to fly unmanned aircraft between 250g and 25kg in residential, commercial, industrial, and recreational areas (within visual line of sight) and over uninvolved people, as long as this is kept to a minimum. Without a PDRA01 licence, pilots must stay at least 150m away from residential, recreational, commercial, and industrial areas. This includes remote buildings in rural areas. Further details on the licence requirements can be found on the CAA Website (PDRA01 Licence) and the licence needs to be renewed yearly. When hiring third parties to capture data using drones, this licence should form part of any job description.

As part of the PDRA01 licence conditions, each pilot should keep an operations manual as described on the CAA website (operations manual), as well as a flight logbook to track flights.

Commercial pilots will be aware of the regulations around flying, but as part of any contractual agreement, please ensure that you have proof of their licence and insurance details.

In some cases, a PDRA01 licence is not sufficient, particularly if the drone capture requires losing visual line of sight due to the area captured and the space available. In such cases, pilots must apply for an operational authorisation using UK SORA (Specific Operations Risk Assessment). Examples of operations that require a UK SORA-based operational authorisation include:

- dropping items from your drone
- flying beyond visual line of sight (BVLOS)
- flying close to crowds
- flying close to people with aircrafts that weigh 500g or more
- flying at increased heights above ground level
- swarm operations
- flying more than 120m (400ft) above ground level

More details on UK SORA are available on the CAA website (UK SORA). These licences are rare for common survey requirements but must be considered as part of any contractual agreement to ensure that any pilot used has the correct licence to fly safely and competently within the remit of the work needed and the local surveying conditions.

There is a webinar on the Historic England website on using drones for inspection of buildings.

GDPR will apply in terms of people recorded as it 'may' collect a protected characteristic of religion. Please see the guidance on the CAA website. GDPR does not apply to images taken of a crowd.

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