



Birmingham
City Council

Neighbourhoods Directorate
Parks and Nature Conservation Division

Model Aircraft in Parks
Policy Document

(Control Line Flying, Free Flight Rubber Band Powered and Unpowered Model Aircraft, Radio Controlled Aircraft Powered and unpowered and Multi Rotor (drone) flying in Birmingham's Parks)

Author:



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Review Date:

Reviewed by:



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Other documents

CAP 658 Model Aircraft: A Guide to Safe Flying

CAP 393 Air Navigation: The Order and Regulations

Scope of policy document

This policy document covers land and property within the holdings of the Parks and Nature Conservation Division of Neighbourhoods Directorate, Birmingham City Council. This Policy Document covers the flying of Model Aircraft by any method including; Control Line Flying, Free Flight Powered Model Aircraft, Radio Controlled Aircraft both Powered and unpowered and the flying of drones in Birmingham's parks and open spaces. All regulations quoted are correct for implementation/review date.

Definitions

Below are the definitions applied to the current categories of remote controlled aircraft found within Birmingham's Parks.

A 'model aircraft' is defined as any 'Small Unmanned Aircraft (SUA)' (0-20 kg) used for sporting and recreational purposes. New legislation as of November 2019 which prohibits drones weighing 25kg or more being flown without the operator being certified and an acknowledged of being competent by the Civil Aviation Authority.

There are various categories within this definition the ones currently that may be come across in Parks are;

Legal definition of a Small Unmanned Aircraft as described by the Civil Aviation Authority

The Air Navigation Order (ANO) 2009 a Small Unmanned Aircraft (Article 255) – 'Any unmanned aircraft, other than a balloon or kite, having a mass of not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight'.

NOTE: For electrically powered models the batteries must be included as part of the 20 kg limit. The batteries are in effect regarded as the fuel tank and electrons are regarded as the fuel.

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Control Line Aircraft and Flying

Control line models are controlled by two wires of appropriate length to match the power of the engine fitted to the model aircraft. Control lines can vary in length from 35ft to as long as 100ft. The wires are attached to a handle held by the flyer. While the model must fly in a circle it can be manoeuvred up and down into various patterns. Control line Aircraft are usually fitted with small diesel engines.

Free Flight Powered and unpowered Model Aircraft

Free Flight aircraft have no external control and are designed to be stable in flight. There are a number of categories although all aircraft will fit into the category of Glider (an aircraft with no built in motive power), Rubber Band Powered (powered by an elastic band) or Powered (fitted with an internal combustion engine). Only Free Flight Gliders and Rubber Band Free Flight Aircraft are permitted to be flown currently, those Free Flight Aircraft with internal combustion engines are not permitted to be used in Birmingham's Parks.

Radio Controlled Model Aircraft

Radio Controlled model Aircraft (RC aircraft or RC planes) are small flying machines which are controlled remotely by an operator on the ground using a hand-held radio transmitter. The transmitter communicates with a receiver within the craft that sends signals to servomechanisms (servos) which move the control surfaces based on the position of joysticks on the transmitter. The control surfaces, in turn, affect the orientation of the plane. RC aircraft can be unpowered (Glider) or powered by internal combustion engines or by electric motors.

There are a number of sub categories within the grouping of Radio Controlled Model Aircraft, the most important being;

Radio Controlled Helicopters

Radio-controlled helicopters are model aircraft resembling real world helicopters which are distinct from RC aeroplanes because of the differences in construction, aerodynamics, and flight training.

Park Flyers

Park flyer models will weigh 2 pounds or less and be incapable of reaching speeds greater than 60 mph. They must be electric or rubber powered, or of any similar quiet means of propulsion. Park Flyer Models can be remotely controlled or flown with a control line

Multi Rotor Radio Controlled Aircraft

A Multi Rotor Radio Controlled Aircraft has more than two rotors. These aircraft are commonly known as drones but as they are not capable of autonomous flight this description is incorrect. Multi Rotor Aircraft have become more popular recently as they are cheap to manufacture, easy to fly and can easily be fitted with camera and video recording devices. Any Model Aircraft fitted with stills or video camera recording devices is subject to extra legislation, please see Aerial Work

Additional definitions

Video Piloting (First Person View)

First-person view (FPV) flight is a type of remote-control flying that has grown in popularity in recent years. It involves mounting a small video camera and television transmitter on an RC aircraft and flying by means of a live video down-link, commonly displayed on video goggles or a portable LCD screen. When flying FPV, the pilot sees from the aircraft's perspective, and does not even have to look at the model. UK legal video transmitters operate at a frequency of 2.4GHz and 5.8GHz at a power level of 10mW and 25mW respectively.

Aerial Work

Videography or photo work undertaken with a model aircraft is considered to be Aerial work if you stand to make 'valuable consideration' from the work undertaken. (Please note if images or video are shared with YouTube/ Facebook these are considered to have valuable consideration due to their policy settings).

Small Unmanned Surveillance Aircraft

Any model Aircraft fitted with video or camera recording equipment used for video photography or for remote aerial surveillance. A small unmanned aircraft that is equipped to undertake any form of surveillance or data acquisition.

CAA

Civil Aviation Authority

Current Policy Position

Birmingham City Council, Neighbourhoods Directorate, Parks and Nature Conservation Division's current policy position on the flying of Model Aircraft within or on its current and future land and property holdings is that;

The Flying of Model Aircraft is not permitted on Birmingham City Councils, Parks property. There is a no fly zone from Norman Chamberlain Playing Fields to Birmingham Airport so any Parks or Open spaces would be affected by this.

Apart from for the following exemptions;

- The person(s) flying the Model Aircraft is a valid current member of a permitted club (currently South Birmingham SVP Club, South Birmingham Model Flying Club or Sutton Park Model Aero Club

current as of Jan 2018) and holds valid current insurance and club membership.

- Where the club has submitted an annual Use of Parks application and received confirmation to proceed.
- That the above person(s) is flying in the respective designated flying zones for Sutton Park, Cofton Park and Perry Hall Park and Playing fields. The person flying the model aircraft under the above exemptions must also adhere to their respective club rules and regulations.
- Where a request for filming has been applied for via Film Birmingham and the requirements, conditions and restrictions laid down by Film Birmingham, Parks (the landowner) and the CAA have been met
- For the purposes of rescue or for the training towards rescue situations when deployed by the Emergency Services. Training must be agreed beforehand with the relevant Ranger Hub or DPM and copies of insurance documentation and method statements lodged with the hub prior to training.

The Rationale behind refusing Permission for the flying of Model Aircraft.

Birmingham City Council, Neighbourhoods Directorate, Parks and Nature Conservation Division's Rationale for refusing to allow the flying of Model Aircraft upon its property holdings is twofold. First and foremost a person wishing to

City of Birmingham Bye-Laws With respect to Parks, public walks and places of Public resort or recreation 1927.

Section 6. A person shall not at any time drive or bring, or cause to be driven or brought into the park, any beast of draught or burden, or any cart, wagon, carriage, motor car, bicycle or vehicle,

other than a wheeled chair drawn or propelled by hand, or a perambulator or a chaise drawn or propelled by hand and used solely for the conveyance of a child or children or a invalid, except upon the drives specially provided for such traffic in the park, and indicated in a notice or notices affixed or set up in a conspicuous position in the park. He shall not cause or suffer any such vehicle to halt or loiter so as to impede the passage along such drive. Provided that this bye-law shall not apply to any cart, wagon, or other vehicle, carting goods or material of any kind for a purpose in connection with the park.

The relevant wording within this Bye-Law is;

A person shall not at any time drive or bring, or cause to be driven or brought into the park, anyvehicle

A Model Aircraft is defined as an Small Unmanned Aircraft as defined by the CAA so fits into the category of vehicle as defined within Birmingham's Bye-Laws.

In addition prior to flying a model aircraft the person wishing to fly the aircraft needs the landowner's permission. Currently Birmingham City Council, Neighbourhoods Directorate, Parks and Nature Conservation Division do not give permission for the flying of model aircraft upon its property apart from the previous exemptions.

Flying Restrictions at Cofton Park

The types of model aircraft flown at Cofton Park is restricted to; Control Line Flying, Free Flight Rubber Band Powered and Unpowered Model Aircraft and Multi Rotor Aircraft including FPV's

Radio Controlled Powered and unpowered Aircraft are not permitted to be flown in Cofton Park.

Additional Regulations impacting on the flying of model aircraft.

All Model Aircraft must comply with the Civil Aviation, Air Navigation Order CAP 393 irrespective of their size, weight or type. The primary provisions are;

Article 241

“A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property”

Article 240

‘A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft’

Article 94 of CAP 393 places the following restrictions on the use of small unmanned Aircraft

(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft 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.

The additional provisions of the article are as follows;

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft—

(a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;

(b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or

(c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

Aerial Work

Where a flight is made for payment or the purpose is in any way commercial i.e. not as a sport and recreational activity, then it becomes classed as aerial work by the CAA and requires an exemption to the Air Navigation Order to be issued in order to take place lawfully.

If a model is equipped to undertake any form of surveillance or data acquisition and is operating in a commercial capacity part 5 of Article 94 states that;

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of commercial operations except in accordance with a permission granted by the CAA.

The definition of commercial operation for the purpose of the Air Navigation Order CAP 393 is,

"Commercial operation" means any operation of an aircraft other than for public transport (a) which is available to the public; or (b) which, when not made available to the public, is

performed under a contract between an operator and a customer, where the latter has no control over the operator, in return for remuneration or other valuable consideration

Due to the terms and conditions of some internet platform providers i.e. Face Book and You Tube place on their platforms sharing of content can mean that what the operator considers filming as part of a recreational activity is in reality a commercial operation and would require additional permission from the CAA.

Permission to carry out aerial work on Parks and Nature Conservation Division's holdings.

Prior to commencing flying for Aerial work the person in charge of the small unmanned aircraft must;

- 1) Have received permission from Film Birmingham and from Parks and Nature Conservation Division.
- 2) Have the relevant permission and exemptions from the CAA.
- 3) Insurance to cover the work undertaken.

Once the operator of the small Unmanned Surveillance Aircraft has received permission from the CAA and has permission from Birmingham City Council additional restrictions are placed on the operator as part of Article 95 of CAP 393.

1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are

(a) over or within 150 metres of any congested area;

(b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;

**(c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft;
or**

(d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article, “a small unmanned surveillance aircraft” means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

The Air Navigation Order defines a congested area as being 'any area of a city, town or settlement which is substantially used for residential, industrial, commercial or recreational purposes'. Without a CAA permission being in place a Small Unmanned Surveillance Aircraft cannot be flown within a park.

To operate within areas categorised as a congested areas a CAA exemption permission is required this also appertains to drones operated by the emergency services.

In addition whilst carrying out areal filming the operator is subject to the Data Protection Act. the collection of images of identifiable individuals, even inadvertently, when using a camera mounted on a small Unmanned Surveillance Aircraft is subject to the Data Protection Act. The act contains the requirements concerning the collection, storage and use of such images. Small Unmanned Surveillance Aircraft operators should ensure they are complying with any applicable requirements or exemptions. Where filming for

commercial purposes the guidance as laid down in the Data protection code of practice for surveillance cameras and personal information (ICO) also needs to be adhered to.

Current Listing of permitted clubs by site

Correct as of January 2019

Cofton Park

South Birmingham Model Flying Club

South Birmingham FPV Club

Sutton Park

Sutton Park Model Aero Club

Perry Hall Park and Playing fields

No registered clubs at present

Model Aircraft in Parks permissions Flow Chart

