

## Drone Use Over Moorland: Guidance for Operators

Drone use over moorland is subject to landowner permission, legal protections for wildlife and habitats, and specific flight safety rules. This area includes sensitive and protected sites – please read carefully before flying.

### Legal responsibilities — what you (the operator) must comply with

Even if you have permission from the landowner to take off and land, you (the drone operator) remain legally responsible for complying with wildlife and protected site legislation.

In particular:

- It can be a criminal offence to intentionally or recklessly damage SSSI features or disturb SSSI fauna under the Wildlife and Countryside Act 1981, section 28P(6) (and related provisions).
- It can be a criminal offence to intentionally or recklessly disturb Schedule 1 birds at or near nests (or dependent young) under the Wildlife and Countryside Act 1981, section 1(5) (and related provisions, including section 1(5A) for lekking species).
- It can be a criminal offence to deliberately disturb European protected species, or damage/destroy breeding sites or resting places, under the Conservation of Habitats and Species Regulations 2017, regulation 43(1)(b) and regulation 43(1)(d).
- You must not recklessly or negligently cause or permit an aircraft (including a small unmanned aircraft) to endanger any person or property under the Air Navigation Order 2016, article 241 (and related aviation requirements).

Important note: “Disturbance” can occur without landing or touching the ground (eg. repeated low overflight causing birds to flush or abandon nests).

### Before you fly – What you **MUST** do

**1. Request Landowner Permission.** This land includes private property and protected areas. You must obtain written or verbal permission from the landowner or estate manager before flying. Landowner permission is required to take off/land on private land, and may be subject to site rules (eg. seasonal restrictions). Landowner permission does not remove your legal responsibilities under wildlife and protected site law.

**2. Identify Designated Sites.** Much of this moorland is designated as a Site of Special Scientific Interest (SSSI) and may also be a Special Protection Area (SPA) or Special Area of Conservation (SAC). It is an offence under section 28P of the Wildlife and Countryside Act 1981 to intentionally or recklessly damage the special features of an SSSI. Drone activity that causes such damage or disturbance may fall within these provisions. For some activities on an SSSI, the land manager/owner may need consent from Natural England before allowing the activity to proceed, particularly where it relates to “Operations Requiring Consent (ORC)”. Always check with the land manager before flying.

**3. Understand Wildlife Sensitivity.** This area supports ground-nesting birds such as curlew, lapwing, golden plover, and merlin. Disturbance during the breeding season (typically March–July) can cause nest abandonment and is a potential offence under the Wildlife and Countryside Act 1981.

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You must avoid actions that could intentionally or recklessly disturb Schedule 1 birds while they are building a nest or are in/on/near a nest containing eggs or young, or disturb dependent young (Wildlife and Countryside Act 1981, section 1(5); see also section 1(5A) for lekking).

Even where birds are not Schedule 1, it is an offence to intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built (Wildlife and Countryside Act 1981, section 1(1)(b)).

### Legal & Regulatory Requirements

- Civil Aviation Authority (CAA) Drone Code: You must comply with UK CAA rules. See: <https://www.caa.co.uk/drones>. Follow the UK CAA “Drone and Model Aircraft Code” and ensure you are operating within the correct category for your drone/flight.
- Wildlife Protection: It is illegal to intentionally or recklessly disturb Schedule 1 bird species during breeding. Wildlife and Countryside Act 1981, section 1(5) (and section 1(5A) where relevant).
- SSSI Consent: Owners or occupiers of SSSI land must obtain consent from Natural England before carrying out, or permitting others to carry out, operations listed as requiring consent. Damage to SSSI features or disturbance of SSSI fauna may constitute an offence (Wildlife and Countryside Act 1981, section 28P(6)).
- European protected species: deliberate disturbance or damage to breeding sites/resting places is an offence (Conservation of Habitats and Species Regulations 2017, regulation 43(1)(b) and 43(1)(d)).
- You must not recklessly or negligently endanger any person or property (Air Navigation Order 2016, article 241).

### No-Fly Situations

Do not fly if:

- You do not have permission from the landowner.
- It is breeding season and your drone may disturb nesting birds.
- Your drone is likely to cause noise or visual disturbance to wildlife or livestock.
- You do not have permission to take off or land on private land.
- You intend to fly in a way that risks disturbance to wildlife or damage to SSSI features (which may be an offence), including repeated low passes or hovering over nesting areas.
- The weather or fire risk is high – drone crashes on dry peat or heather can spark wildfires.
- If asked by the land manager to stop (eg. due to nesting activity, fire risk, livestock, or site operations), you must cease flying immediately.

### Responsible Flying Tips

- Launch from hard tracks or outside sensitive habitats.
- Avoid flights from March to July (breeding season).
- Use zoom lenses or high-res sensors to reduce flyovers.
- Fly high, fly quietly, and avoid repeated passes.
- Check wildfire risk – do not fly during high fire alert periods.
- Avoid hovering or repeated overflight of gullies, flushes, edges of heather, and other likely nesting areas. If birds flush or show alarm behaviour, climb and leave the area immediately.

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## Relevant Legislation and Codes of Practice

1. Wildlife and Countryside Act 1981:
  - a. section 28P(6) (SSSI offence relating to intentional/reckless damage/disturbance)
  - b. section 1(5) and section 1(5A) (disturbance of Schedule 1 birds)
  - c. section 1(1)(b) (nest damage/destruction while in use/being built)
2. Countryside and Rights of Way Act 2000 (strengthens SSSI protection and enforcement provisions in Great Britain).
3. Conservation of Habitats and Species Regulations 2017:
  - a. regulation 43(1)(b) (deliberate disturbance of European protected species)
  - b. regulation 43(1)(d) (damage/destruction of breeding sites or resting places)
4. The Air Navigation Order 2016:
  - a. article 241 (endangering safety of any person or property)
5. UK Civil Aviation Authority: Drone and Model Aircraft Code (operator guidance required for safe/legal flying).
6. Natural England: SSSI “Operations Requiring Consent (ORC)” (site-specific list used to manage risks to SSSI features).

## Remember

Drones can be a valuable tool - but they must be flown responsibly to protect wildlife, reduce fire risk and respect private land. If in doubt, do not fly - contact the land manager first.

Thank you for supporting responsible moorland management.

## More Information

Moorland Association: <https://www.moorlandassociation.org>

Natural England SSSI Information: <https://magic.defra.gov.uk>

CAA Drone Code: <https://www.caa.co.uk/drones>

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