

Citizen Participation and Public Petitions Committee
Wednesday 27 November 2024
18th Meeting, 2024 (Session 6)

PE2050 Prohibit the use of recreational drones on national nature reserves without a permit from NatureScot

Introduction

Petitioner Lee Watson on behalf of Ythan Seal Watch

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to amend the current guidance on flying recreational drones on national nature reserves (NNRs) to so that:

- use is prohibited without a permit
- permits include a flight time, date and agreed flight path
- operation is in accordance with the drone code
- advice on the legal status of the wildlife and habitats is provided

Webpage <https://petitions.parliament.scot/petitions/PE2050>

1. [The Committee last considered this petition at its meeting on 21 February 2024.](#) At that meeting, the Committee agreed to write to NatureScot, Police Scotland, and the UK Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from Police Scotland, and NatureScot, which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 17 February 2024.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 113 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee
November 2024**

Annexe A: Summary of petition

PE2050: Prohibit the use of recreational drones on national nature reserves without a permit from NatureScot

Petitioner

Lee Watson on behalf of Ythan Seal Watch

Date Lodged

21 September 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to amend the current guidance on flying recreational drones on national nature reserves (NNRs) to so that:

- use is prohibited without a permit
- permits include a flight time, date and agreed flight path
- operation is in accordance with the drone code
- advice on the legal status of the wildlife and habitats is provided

Previous action

I have raised concerns about drones disturbing wildlife during meetings with my local MSP, Gillian Martin, who has also put these concerns to Police Scotland during the Scottish Parliament's Annual Wildlife Crime Report with the Land Reform Committee in 2019. Evidence has been provided to Police Scotland, Marine Scotland and NatureScot of disturbances caused by drones to Seal haul-outs on several NNR's who then discussed the matter with the Partnership Against Wildlife Crime working group (PAW).

Background information

Drones can be used both intentionally and unintentionally to cause disturbance to wildlife and can have a significant impact on the wellbeing of many species on NNRs. The current guidance for this is vague and has little to no enforcement. I have amassed a considerable collection of footage taken from drones and seen the impact it has on nesting birds and seal colonies on NNRs. Disturbances with drones continue to increase every year and drones flown on NNRs are often operated recklessly, irresponsibly, not in compliance with the drone code and are a danger to the public and wildlife. Clear signage on reserves stating that the use of drones is prohibited would prevent most incidents and assist visitors in preventing serious disturbance to wildlife, creating safer NNRs for all.

Annexe B: Extract from Official Report of last consideration of PE2050 on 21 February 2024

The Convener: Agenda item 3 is consideration of new petitions. As always, I say to people who might be joining us to hear their petition being considered for the first time that, ahead of our first consideration, we invite the Parliament's independent research body, SPICe—the Scottish Parliament information centre—and the Scottish Government to offer a preliminary view or to offer us any guidance. We take this action because, previously, that would be the first action that we as a committee agreed to take, which only delayed proper consideration of the petition.

Our first new petition is PE2050, which was lodged by Lee Watson on behalf of Ythan seal watch. This interesting petition calls on the Scottish Parliament to urge the Scottish Government to amend the current guidance on flying recreational drones on national nature reserves so that use is prohibited without a permit; that permits include a flight time, date and agreed flight path; that operation is in accordance with the drone code; and that advice on the legal status of the wildlife and habitats is provided.

The petitioner raises concerns that drones can be used both intentionally and unintentionally to cause disturbance to wildlife and can have a significant impact on the wellbeing of many species on national nature reserves, particularly on nesting birds and seal colonies.

Aviation matters—to which drones are subject—are reserved. As such, aviation legislation, including drone-specific legislation, is the responsibility of the UK Parliament. However, NatureScot has powers to make and enforce byelaws for national nature reserves under the Wildlife and Countryside Act 1981.

In 2018, NatureScot and the partnership for action against wildlife crime in Scotland—PAWS—raised concerns about wildlife disturbance by drones. The Scottish Government's response to the petition notes that existing law requires that licences are obtained where wildlife photography may disturb a protected species. The submission also states that the Scottish Government will ask PAWS to consider whether its guidance on drones and wildlife needs to be updated and republished.

Given the increasing prevalence of drones, and the potential consequences of that for wildlife—both well intentioned and ill intentioned—this is an interesting petition. What do colleagues think?

David Torrance: I wonder whether the committee would consider writing to NatureScot to ask for an updated view on concerns that it raised in 2018 about wildlife disturbance by drones; to ask how many complaints about drone use have been investigated since then and whether any of those were referred to Police Scotland; and to ask whether it would consider creating a byelaw prohibiting the use of drones on national nature reserves without a permit under the Wildlife and Countryside Act 1981.

I also wonder whether—this is probably key, convener—we could write to Police Scotland to ask whether there have been any prosecutions for wildlife crimes in Scotland related to drone use and, if so, how many, and how many police investigations into suspected wildlife crimes arising from drone use have taken place each year since 2018, and how many investigations have been reported to the Crown Office and Procurator Fiscal Service each year since 2018.

Fergus Ewing: I want to make one suggestion and to put one point on the record. The suggestion is that, because drones are fairly widely used for various purposes, many of them legitimate, we could also ask NatureScot—I accept Mr Torrance’s recommendations—whether it would involve disproportionate costs to introduce such a licensing scheme. I am concerned that such a scheme may be difficult to operate in practice on grounds of cost, not least because NatureScot’s budget is, apparently, to be slashed. Therefore, will it even be able to carry out the workload that it has? Frankly, I think that it might not be able to.

The point that I want to put on record, convener, is that these stories have another side. I have a constituent who was extremely concerned that drones were used, apparently at the insistence of a wealthy voluntary body—in fact, the wealthiest in Europe—with an interest in birds to carry out surveillance of locals who live near an area where that organisation felt that wildlife crime may be going on. The person felt that drones were being used to invade their privacy. I have raised the case with the Lord Advocate.

I make no judgment about the merits of that case or of any other—it is not for me to do that. However, it is for me to say that this story has two sides; it is not all one-sided. People in the countryside are quite concerned about the inappropriate use of drones by pressure groups with particular campaigning interests.

The Convener: I am grateful for all that. I wonder whether we might also write to the UK Government, since it is responsible for aviation. In this instance, I am quite interested to know its thoughts on a summarised version of the petition and the issues arising from it, and on whether there is a similar prevalence of drone use elsewhere within the UK and whether that may lead it to think afresh about any regulation of drone use. Are we content with all that?

Members *indicated agreement.*

The Convener: Thank you very much. That was an interesting petition. We will keep it open and we will undertake the inquiries that we have just set out.

Annexe C: Written submissions

Police Scotland written submission, 21 March 2024

PE2050/B: Prohibit the use of recreational drones on national nature reserves without a permit from NatureScot

I refer to your letter dated 23rd February 2024 and wish to provide you with the following information in response to the Committee's questions.

Have there been any prosecutions for wildlife crimes in Scotland related to drone use and if so, how many?

Police Scotland have liaised with COPFS Wildlife and Environmental Crime Unit with regards to this question and there is only one reported and prosecuted wildlife crime case involving drone use in recent memory. This case involved the use of drones to establish the location and stage of peregrine nesting sites. This information was then used to steal peregrine eggs and chicks from the wild. This case resulted in two convictions.

How many police investigations into suspected wildlife crimes arising from drone use have taken place each year since 2018?

This is a challenging type of incident to quantify. Police Scotland have a storm incident marker for drone incidents. This means when someone contacts Police Scotland to report an incident and it involves a drone, this identifier is added to the incident. There have been c. 400 of these incidents since January 2024 alone, the vast majority of which are simply notifications of legitimate drone use. Establishing all wildlife crime incidents involving drones would require manual examination of records and would require a disproportionate amount of time allocated to it.

As an alternative, I have canvassed all Wildlife Crime Liaison Officers within Police Scotland. The vast majority of these Officers have been in post for a number of years and would be most likely to deal with a specialist incident such as Wildlife disturbance/offending using a drone. No significant incidents have been brought to my attention with regards to drone related wildlife crime barring the case previously mentioned, involving the theft of wild eggs and chicks.

I have liaised with Police Scotland Aviation and Security Unit, who monitor drone related incidents across Scotland. Again, this department were unaware of any incidents involving wildlife crime associated with drone use.

I requested figures for reports made to the Police under Sec 117 of Marine (Scotland) Act 2010 which relates to disturbance of seals. I can confirm there have been crimes recorded for seal disturbance but none of the recorded crimes have involved drone use.

There have been numerous incidents reported to the Police regarding the *possible* poaching of deer while using a drone. The incidents have all been reported at the same location within the Forth Valley Policing Division. The use of a drone has not

been confirmed through investigations to date and no charges have been preferred in relation to these incidents.

How many investigations of this nature have been reported to the procurator fiscal each year since 2018?

I have canvassed all Wildlife Crime Liaison Officers across Scotland, and none recall any significant incidents involving a drone being used to disturb, or offend against wildlife. Similarly I have liaised with COPFS who don't recall any cases whereby a drone was used in the commission of a wildlife crime, with the exception of the previously mentioned case whereby a drone was used in the commission of stealing eggs and chicks of wild birds.

I hope this information is useful for the committee and if any further information or clarity is sought then please don't hesitate to send a further request.

NatureScot written submission, 21 March 2024

PE2050/C: Prohibit the use of recreational drones on national nature reserves without a permit from NatureScot

I refer to your letter dated 23rd February 2024 and wish to provide you with the following information in response to the Committee's questions.

- How many complaints made about drone use have been investigated by NatureScot since 2018 and of those, whether any complaints were referred to Police Scotland

NatureScot has one complaint regarding drone use during this period. It was not investigated by NatureScot as the incident was reported directly to Police Scotland by a member of the public. The police determined there was no criminality on that occasion.

- whether NatureScot would consider creating a byelaw prohibiting the use of drones on NNRs without a permit under the Wildlife and Countryside Act 1981
- whether the costs associated with designing, implementing and enforcing a permit scheme or bylaw would be considered prohibitive or disproportionate.

NatureScot uses byelaws very rarely. We currently only have one set of byelaws, at Caerlaverock National Nature Reserve on the Solway coast, which are aimed at regulating wildfowling.

We would only consider creating byelaws for NNRs or any other protected area where there is clear evidence of their need and the likely benefits to protected species, as well as evidence that a byelaw is the only or best way to address a particular issue. The process for making byelaws is very complex and time consuming, and ensuring compliance can also be resource-intensive.

Byelaws also have to be consistent with and not duplicate existing legislation. Therefore we would consider whether existing statutory protection for relevant species is sufficient to address any concerns at any given site. For example it is an offence to harass seals at a designated haul-out site, and nesting birds are protected through the Wildlife & Countryside Act 1981.