



Name: Ben Jones
By email: request-784148-0af91497@whatdotheyknow.com

Network Rail
Freedom of Information
The Quadrant
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10 September 2021

Dear Ben Jones

Information request
Reference number: FOI2021/01235

Thank you for your email of 22 August 2021, in which you have requested the following information:

“At the Ouse Valley Viaduct site in West Sussex (VTB3 142) there is signage stating that the flying of Drones/UAV's on/over the land is "strictly prohibited" and anyone doing so will be "reported for prosecution" and "subject to civil legal action"

The information I request is:

- 1) Who owns the land the Viaduct is on, including the public right of way that runs from Borde Hill Lane across the land and under the Viaduct.*
- 2) Are these signs Network Rail's? If so what legal basis is there to "prohibit" the use of the airspace around and over the Viaduct as long as flights are conducted in compliance with the drone code, the Air Navigation Order and CAP722?*
- 3) In your response to an FOI request with the reference FOI2021/00001 you state the information on your website in relation to references about flying over the railway is a criminal offence is incorrect and should be removed, can you confirm if the similar references on this page (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/our-fleet-machines-and-vehicles/air-operations/>) have just been overlooked?”*

I have processed your request under the terms of the Freedom of Information Act 2000 (FOIA).

The land the viaduct is on, including the public right of way mentioned, is owned by Network Rail. However, the signs you refer to are not ours, but are instead situated on

private land which adjoins our property. If the land is registered then it is possible that you might be able to find further information about its ownership at the Land Registry.¹

It may also be useful to look at the drone safety information on our website page here: [Drone safety and the law - Network Rail](#)

You can also refer to the Air Navigation Order (issued by the CAA – Civil Aviation Authority) which has the last updates for UAV (Unmanned Aerial Vehicle) operations in the UK. Below are a few more websites which you may find helpful.

[UK regulations | Civil Aviation Authority \(caa.co.uk\)](#)

[Unmanned Aircraft System Operations in UK Airspace – Guidance \(caa.co.uk\)](#)

[The revised Air Navigation Order | UK Civil Aviation Authority \(caa.co.uk\)](#)

Finally, regarding the references on our website page, I have consulted with the relevant colleagues in our drones team and I can confirm that certain information on the website page are out of date. New regulations in relation to drones came into place as of 1 January 2021 and as such we are now working to change the wording on our webpage to reflect these changes. There are no specific regulations that have specifically been written for railways.

I hope this response is helpful. If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Tanya Saunders
Information Officer

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Head of Freedom of Information at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at FOI@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water

¹ Under section 21(1) of the FOIA, we are not required to provide information in response to a request if it is reasonably accessible to you by other means: [Information reasonably accessible to the applicant by other means \(section 21\) \(ico.org.uk\)](#)

Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".