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7 May 2024

**To: Councillors Bell (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lamont,
Mackay and Townson**

All other Members for Information Only

REGULATORY PANEL –THURSDAY, 9 MAY 2024

ADDITIONAL ITEM -

Item A. Public Access Exemption Order: The South Ayrshire Council (Royal Troon Golf Course 152nd Open) Exempting Land from Access Rights (No. 3) Order, 2024 – Submit report by the Housing, Operations and Development Directorate (copy herewith).

For more information on any of the items on this agenda, please telephone Andrew Gibson,
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South Ayrshire Council

Report by
Housing, Operations and Development Directorate
to Regulatory Panel of 9th May 2024

**Subject: Public Access Exemption Order: The South Ayrshire Council
(Royal Troon Golf Course 152nd Open) Exempting Land from Access
Rights (No. 3) Order, 2024**

1. Purpose

- 1.1 This report seeks authority to agree a Council response to the public consultation representations and to proceed to make a temporary public access exemption order for area of land affected by the 152nd Open 2024 at Royal Troon Golf Course and South Beach car park.

2. Recommendation

2.1 It is recommended that the Panel:

2.1.1 Notes the outcome of the public consultation on the proposed public access exemption for land at Royal Troon Golf Course, and agrees the proposed Council response to the representations received, as set out in Appendix 1,

2.1.2 Agrees to make a temporary public access exemption order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Royal Troon Golf Course, and a section of the Smugglers Trail/Wrack Road (Core Paths SA1,SA2 and SA6 and Right of Way SKC 28), and the South Beach car park, as set out in the plan included in Appendix 2.

3. Background

- 3.1 Councils can make orders temporarily exempting specific areas of land from access rights (exemption orders). Government guidance suggests exemption orders should be made for health and safety or security reasons, or to permit the charging of a fee for entry to an event. The Council has made a number of exemption orders to facilitate the staging of major public events. Orders effective for 6 or more days must be the subject of prior public consultation and must be confirmed by the Scottish Ministers.
- 3.2 The 152nd Open 2024 is to be held at the Royal Troon Golf Course from **14th to 21st July 2024**. Royal Troon Golf Club has requested that the Council makes an access exemption order for certain periods to facilitate the set-up, dismantling and staging of the event, in a safe and successful manner, and to permit the charging of an entrance fee during the event, covering the Course itself, as well as the core paths/ right of way which cross it, and the South Beach car park.

- 3.3 The Council's approved Scheme of Delegation delegates power to the Director - Housing, Operations and Development, to make access exemption orders covering periods of less than 6 days. As the proposed orders cover periods of more than 6 days approval is required from this Panel to proceed with making the proposed Order.
- 3.4 The Panel of 28th March 2024 agreed to commence a public consultation on the proposed Order. The consultation took place via: the local papers, Council website and notices placed on site, in Troon. The consultation ran from 5th April until 1st May 2024, and received 3 responses which are summarised and responded to in Appendix 1 to this paper. However, these responses do not relate to the Order itself, but were objections to the construction of a temporary car park at the South Beach grassed area.

4. Proposals

- 4.1 Royal Troon Golf Club has requested that access rights exemptions apply over the area indicated on the attached plan forming Appendix 2 for the period covering 24th June to 29th July 2024.
- 4.2 For the period during which the relevant exemption order is in force, there will be no diversion route available for the Smugglers Trail where it crosses the course, or for the golf access road. The Ayrshire Coastal Path will be temporarily diverted along Troon beach, at a distance of at least 10m from the western boundary of the golf course.
- 4.3 The Council will respond separately to responses received objecting to the temporary car park, as the temporary car park is not within the scope of the Order.
- 4.4 If Panel agrees to make the access exemption order, it will be submitted to the Scottish Ministers for confirmation. Assuming the Ministers confirm the Orders, a further public notice (of confirmation) will be published in the local press and on the Council's web site, in compliance with the legislation.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements (the relevant provisions of the Land Reform (Scotland) Act 2003).
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Costs associated with undertaking the public consultation and making the access exemption order can be met from existing Planning budgets but will be recoverable from the Royal Troon Golf Club who have requested the Order as event organiser. There will be no ongoing financial commitments arising from this report.

7. Human Resources Implications

- 7.1 There are no human resource implications arising directly from the recommendation of this report.

8. Risk

8.1 Risk Implications of adopting the recommendations.

There is a risk that access takers visiting the area may be unaware that the Royal Troon Golf Course and South Beach car park areas have been exempted temporarily from access rights. This will be mitigated by publishing notices of the exemption order in the local press and on the Council's web site, and by erecting signage on site.

8.2 Risk Implications of rejecting the recommendations.

Rejecting the recommendation to agree to make the Order will mean that the Order could not be made, which could jeopardize the staging of the 152nd Open at Royal Troon Golf Course, in 2024. There could also be a health and safety risk associated with not creating the Order, in that members of the public could attempt to access the areas in question during the golf event. The Club has measures ready to place additional stewards/ security staff on site, for such an outcome, but this may impact the staging of the event and potentially not mitigate all risk to members of the public.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 3.

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

10.2 The recommendation of this report will have no significant environmental benefit or cost.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to the Council strategic objective of 'Maximising the Potential of our Local Economy and within that to the outcome 'tourism, culture and heritage opportunities are developed and promoted.

13. Results of Consultation

- 13.1 Public notice of the Council's intention to make the proposed access exemption Order and the opportunity to make objections or representations, was published in the local press and on the Council's website. Notices were also posted on-site at various points in the area. The South Ayrshire Local Access Forum and Troon Community Council were consulted on the proposed exemption Order but did not submit an objection to the proposed Order.
- 13.2 There were 3 representations received from the public. However, the representations were not relevant to the Order, but to the separate matter of the creation of a temporary car park.
- 13.3 Cllr. Alec Clark (Portfolio Holder for Tourism, Culture & Rural Affairs) and Cllr Brian Connolly (Portfolio Holder for Golf) were also consulted and have expressed no objections.
- 13.4 The Council's proposed responses in Appendix 1 show that the Council considers that the proposed Order complies with the Land Reform (Scotland) Act 2003 and is necessary and appropriate as a temporary measure, to allow the hosting of the event.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendation above is approved by Members, the Service Lead Planning & Buildings Standards will ensure that all necessary steps are taken to ensure full implementation of the decision.

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Refer to Scottish Ministers	10 th May 2024	Service lead Planning & Budling Standards
Publish notice of confirmation of Order	Beginning- Mid June 2024	Service lead Planning & Budling Standards

Background Papers Land Reform (Scotland) Act 2003 [here](#)
Part 1 Land Reform (Scotland) Act 2003: Guidance for Local
Authorities and National Park Authorities [here](#)

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Date: 02 May 2024

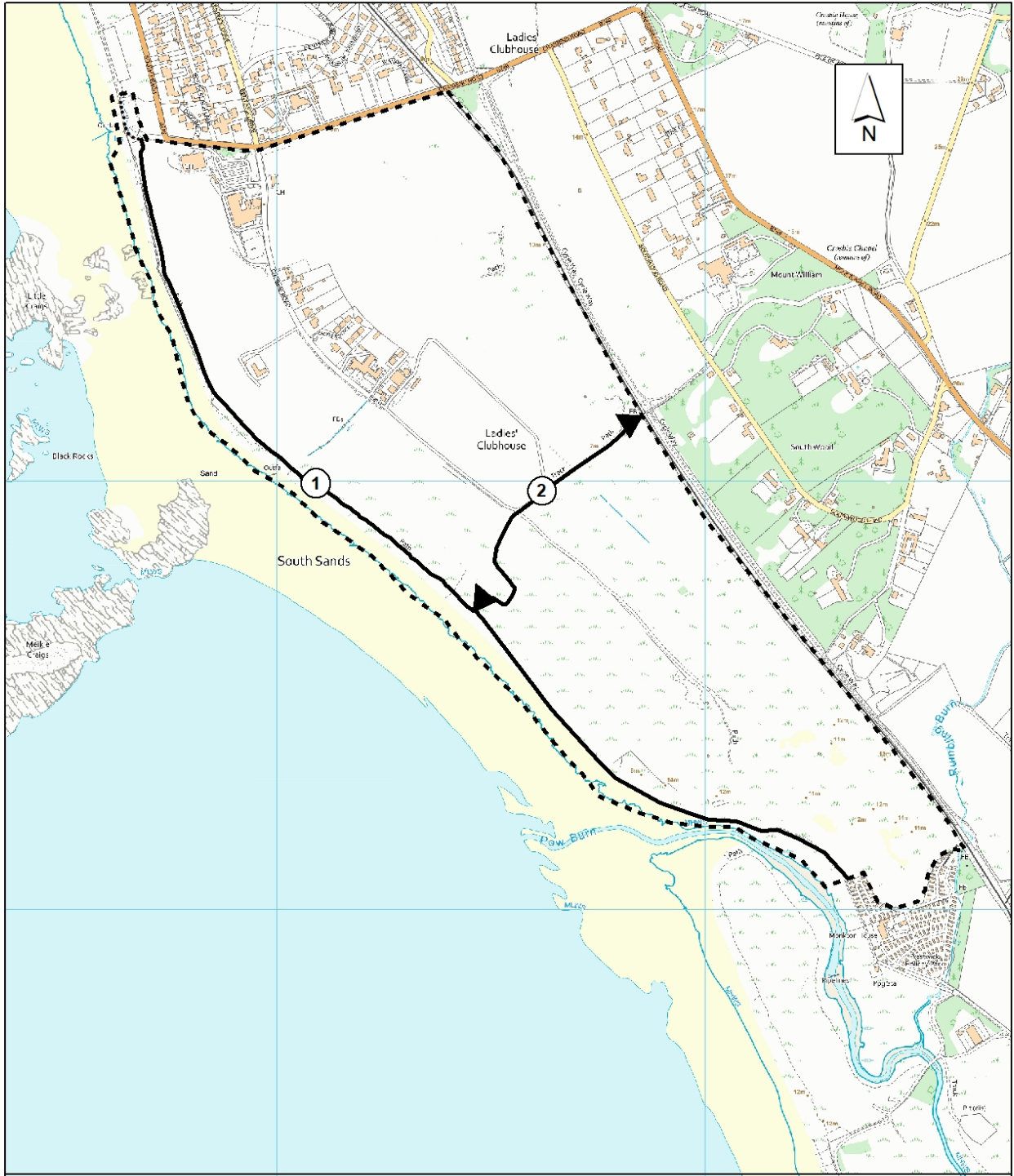
Appendix 1





Representations received to the public consultation.

Name of Respondent	Detail of Representation	Council's Proposed Response
I. McClure, Troon	<ul style="list-style-type: none"> • Strongly objects to construction of a temporary car park at South Beach, due to concerns over safety, access to houses and privacy. • Requested to see the following, in relation to the site: <ul style="list-style-type: none"> • Temporary Traffic Regulation Order • Health & Safety Risk Assessment or measures • Structural impact assessment • Environmental impact assessment 	The temporary car park, on grassed open space at South Beach, is not within the scope of the section 11 access exemption order. The Council will respond to this objection separately.

Name of Respondent	Detail of Representation	Council's Proposed Response
M.P. Schirwing & G.M. Ford, Troon	Object to construction of the temporary car park at South Beach, due to lack of consultation.	The temporary car park, on the grassed open space at South Beach, is not within the scope of the section 11 access exemption order. The Council will respond to this objection separately.
John Crerar, Troon	Strongly objects to construction of the temporary car park at South Beach, due to concerns over safety, access to houses and privacy, and lack of consultation.	The temporary car park, on the grassed open space at South Beach, is not within the scope of the section 11 access exemption order. The Council will respond to this objection separately.

Appendix 2



-  Area of land to be exempt from access rights. This includes:
-  Core Path SA2
-  Wrack Road (Smugglers Trail) Core Path SA6
-  The short section of core path SA1 will be closed. Access to foreshore via slipway.

*This is the plan referred to in the foregoing
**The South Ayrshire Council (Royal Troon Golf Course
 152nd Open)
 Exempting Land from Access Rights (No. 3) Order 2024***

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Scale 1:12000



Appendix 3



South Ayrshire Council

Equality Impact Assessment Scoping

1. Proposal details

Proposal Title: Public Access Exemption Order: the 152nd Open at Royal Troon Golf Course (Order No.3)	Lead Officer: Craig Iles Service Lead – Planning and Building Standards
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire		Yes
People from different racial groups, ethnic or national origin.		Yes
Women and/or men (boys and girls)		Yes
People with disabilities		Yes
People from particular age groups for example Older people, children and young people		Yes
Lesbian, gay, bisexual and heterosexual people		Yes
People who are proposing to undergo, are undergoing or have undergone a process to change sex		Yes
Pregnant women and new mothers		Yes
People who are married or in a civil partnership		Yes
People who share a particular religion or belief		Yes
Thematic Groups: Health, Human Rights, Rurality and Deprivation.		Yes

3. Do you have evidence or reason to believe that the proposal will support the Council to:

General Duty and other Equality Themes	Level of Negative and/or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	No/low
Promote equality of opportunity between particular communities or groups	No/low
Foster good relations between particular communities or groups	No/low
Promote positive attitudes towards different communities or groups	No/low
Increase participation of particular communities or groups in public life	No/low
Improve the health and wellbeing of particular communities or groups	No/low
Promote the human rights of particular communities or groups	No/low
Tackle deprivation faced by particular communities or groups	No/low

4. Summary Assessment

Is a full Equality Impact Assessment required? (A full EIA must be carried out on all high and medium impact proposals)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Rationale for decision: The proposal is necessary to facilitate the successful staging of a major, international golf tournament that will accrue significant economic development benefits for the entire community of South Ayrshire. The proposal is to exempt temporarily from statutory access rights Royal Troon Golf Course and paths that traverse it (the Ayrshire Coastal Path and Wrack Road), in the interests of health, safety and security. The exemption orders will have an equal, slight negative effect on all access takers who might wish to traverse the Course during preparation for the Tournament and the event itself, as they will be unable to do so for the duration of the orders. The number of access takers - who might fall into one or all of the protected characteristic groups – likely to be affected by the proposal will be small relative to the entire community of South Ayrshire. I have reason to believe the proposal will be neutral in terms of supporting the Council fulfil its general equality duties and local equalities themes.			
Signed : ...Craig Iles.....Head of Service Planning & Building Standards			
Date 02/05/2024		Copy to equalities@south-ayrshire.gov.uk	