

South Ayrshire Council

**Report by
Housing, Operations and Development Directorate
to Regulatory Panel of 7th November 2023**

**Subject: Public Access Exemption Orders: the 152nd Open at
Royal Troon Golf Course**

1. Purpose

- 1.1 This report seeks authority to undertake a public consultation, regarding three proposed temporary public access exemption Orders under Section 11 of the Land Reform Act (Scotland) 2003 for areas of land affected by the 152nd Open 2024 at Royal Troon Golf Course.

2. Recommendation

- 2.1 **It is recommended that the Panel:**

2.1.1 Approves the commencement of a public consultation on the proposed temporary public access exemption orders under Section 11(1) of The Land Reform (Scotland) Act 2003, for the three areas of land at Royal Troon Golf Course and a section of the Smugglers Trail (Core Path SA6/ Right of Way SKC 28), as set out in the Appendices 1, 2 & 3.

3. Background

- 3.1 The 152nd Open 2024 is to be held over the Royal Troon Course from 14th – 21st July 2024 inclusive. The R & A has requested that the Council makes 3 separate access exemption orders to facilitate the safe and successful setting up and dismantling of temporary structures, and staging of the event, covering the Course itself, as well as the core paths and right of ways which cross it.
- 3.2 The Land Reform Act 2003 provides a public right of responsible access to most land in Scotland, including golf courses, but with the exception of golf greens. The right of responsible access is exercisable over Royal Troon Golf Course (the Course), while two promoted routes – the Ayrshire Coastal Path (Core Path SA 2) and the Smugglers Trail (Core Path SA 6/ Right of Way SKC 28) – also run across the course.
- 3.3 Under Section 11 of The Land Reform Act 2003 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 previously made a number of exemption orders to facilitate the staging of major public events.

3.4 Orders effective for 6 or more days must be the subject of prior public consultation and must be confirmed by the Scottish Ministers. Under the Council's Scheme of Delegation, as the proposed orders in this case cover periods of more than 6 days, approval is required from this Panel for public consultation on the proposed orders. Consideration is also required by the Regulatory Panel thereafter on the outcome of that consultation.

4. Proposals

4.1 There are three areas which are seeking temporary public access exemption orders:

4.1.1 Area 1 - As it is to be utilised as the main compound for the golf event the R & A has requested that an access rights exemption is applied over this area of land (Appendix 1) for the dates 25th March – 6th September 2024 inclusive,

4.1.2 For the majority of the period during which the relevant exemption order is in force, an alternative route for the Smugglers Trail will be available around the edge of the area covered by the Order (Appendix 1). However, during the core dates of the event (24th June – 29th July 2024 inclusive), the diversion route will not be available.

4.1.3 Area 2 - As it is to be utilised as the secondary compound for the golf event the R & A has requested that access rights exemption applies over the land and route, (Appendix 2) for the dates 25th May – 6th September 2024 inclusive.

4.1.4 For the majority of the period during which the relevant exemption order is in force, an alternative route for access road will be available around the edge of the area covered by the Order (Appendix 2). However, during the core date of the event (24th June – 29th July 2024 inclusive), the diversion route will not be available.

4.1.5 Area 3 - This area covers the entire golf course, therefore during the event itself, the R & A has requested that access rights exemption applies over the land and routes (Appendix 3) for the dates 24th June – 29th July 2024 inclusive.

4.1.6 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.

4.2 Consultation

4.3 The period of consultation will take 21 days and will include a press advert, Council website updates and social media communications, site notices as well as direct consultation with the land owner, the Local Access Forum, Troon Community Council, and the local Elected Members for this ward.

4.4 Following the consultation period, this Panel will be asked to consider any representations made on the proposed Orders and for their agreement to make the Orders. The access exemption orders will then 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 website, 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, advert costs will be recoverable from the R & A 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 access takers visiting the area may be unaware the Course and the Core Paths and Right of Way across it have been exempted temporarily from access rights. This will be mitigated by publishing notices of the exemption orders in the local press and on the Council's website, and by erecting signage on site, and by the use of security/marshals (as arranged by the R & A) on site.

8.2 Risk Implications of rejecting the recommendations.

Rejecting the recommendation to undertake the public consultation would mean that the Order could not be made, which could jeopardize the staging of the 152nd Open 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 Course during the golf event.

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 4.

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 objectives of *Live, Work, Learn* and *Civic and Community Pride*.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

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, with the completion status reported to the next Regulatory Panel.

Implementation	Due date	Managed by
Request for permission from Panel to consult public on the proposed Order	7 th Nov 2023	Service Lead Planning & Building Standards
Public consultation on proposed Order	Commence 8 th Nov – 1 st Dec 2023	Service Lead Planning & Building Standards
Report consultation responses and request permission from Members to create Order	6 th Dec 2023	Service Lead Planning & Building Standards
Refer to Scottish Ministers (if agreed by Panel)	7 th December 2023	Service Lead Planning & Building Standards
Publish notice of confirmation of Order	By mid-March 2024 (subject to Scottish Government agreement)	Service Lead Planning & Building Standards

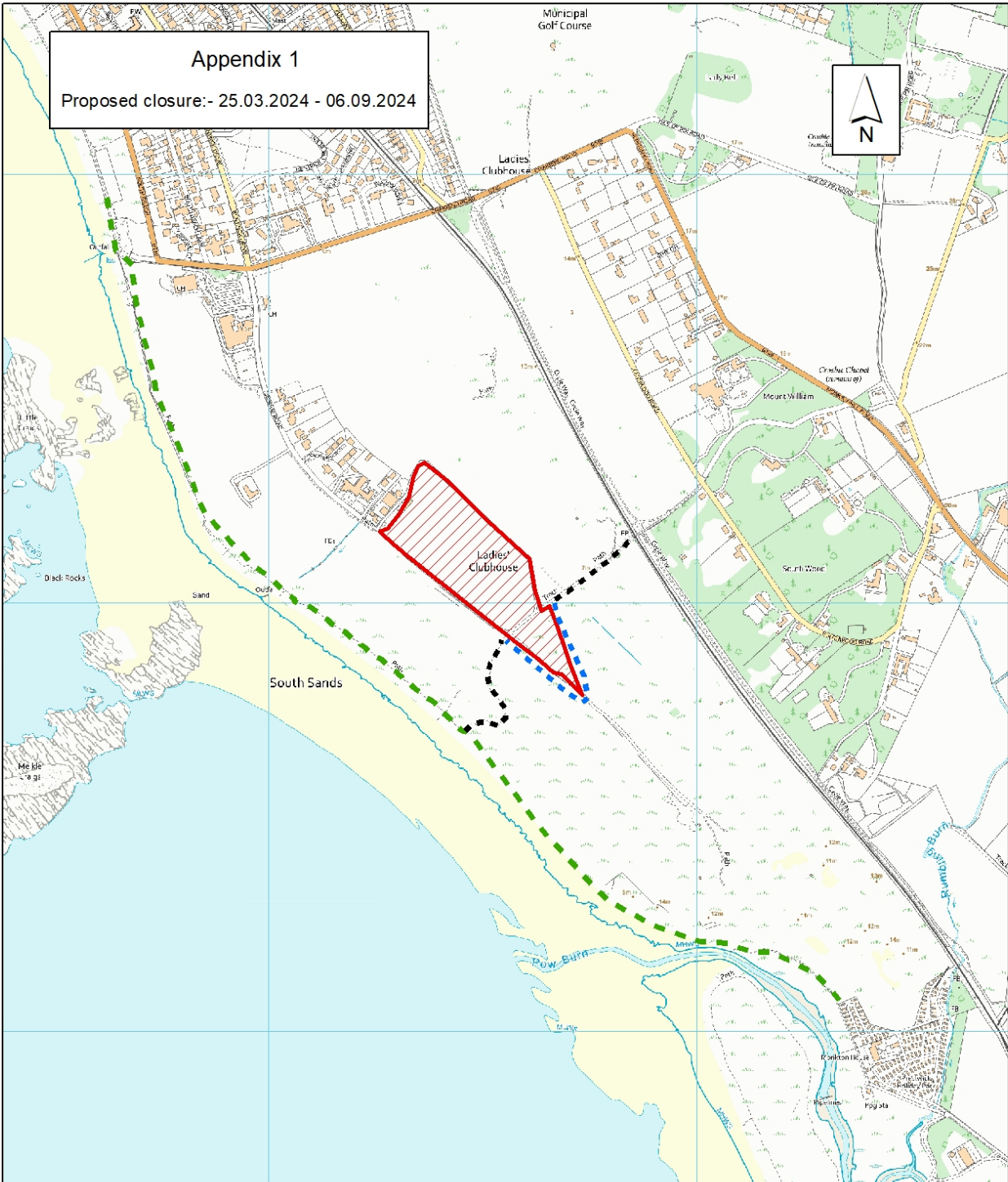
Background Papers

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

Person to Contact

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Date: 31st October 2023



Appendix 1
 Proposed closure:- 25.03.2024 - 06.09.2024



Area of land to be exempt from access rights.



Wrack Road (Smugglers Trail)



Wrack Road (Smugglers Trail) path diversion



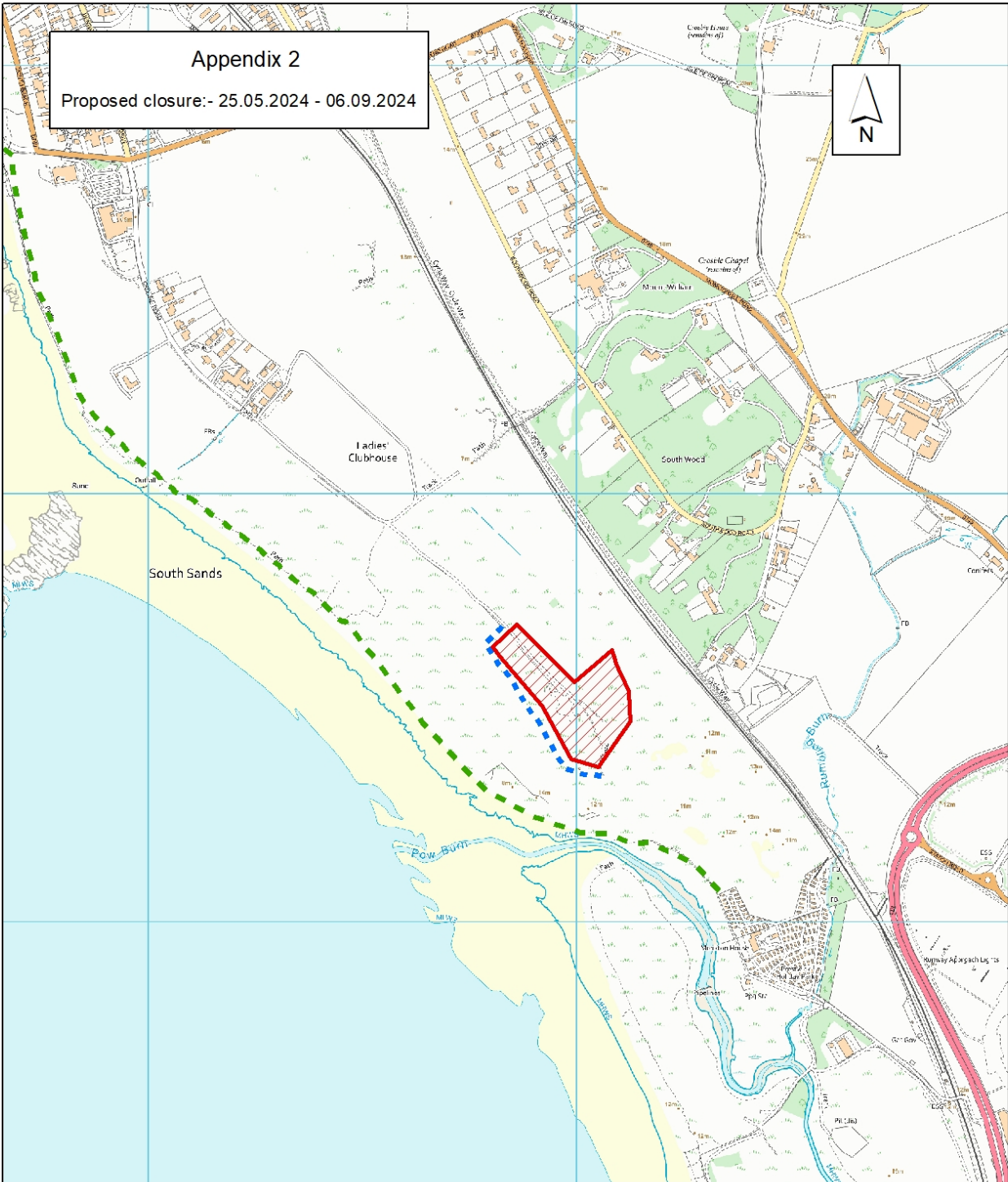
Ayrshire Coastal Path

Scale 1:12000

***This is the plan referred to in the foregoing
 The South Ayrshire Council (Royal Troon Golf Course,
 the 152nd. Open)
 Exempting Land from Access Rights Order 2024***




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Appendix 2
 Proposed closure:- 25.05.2024 - 06.09.2024



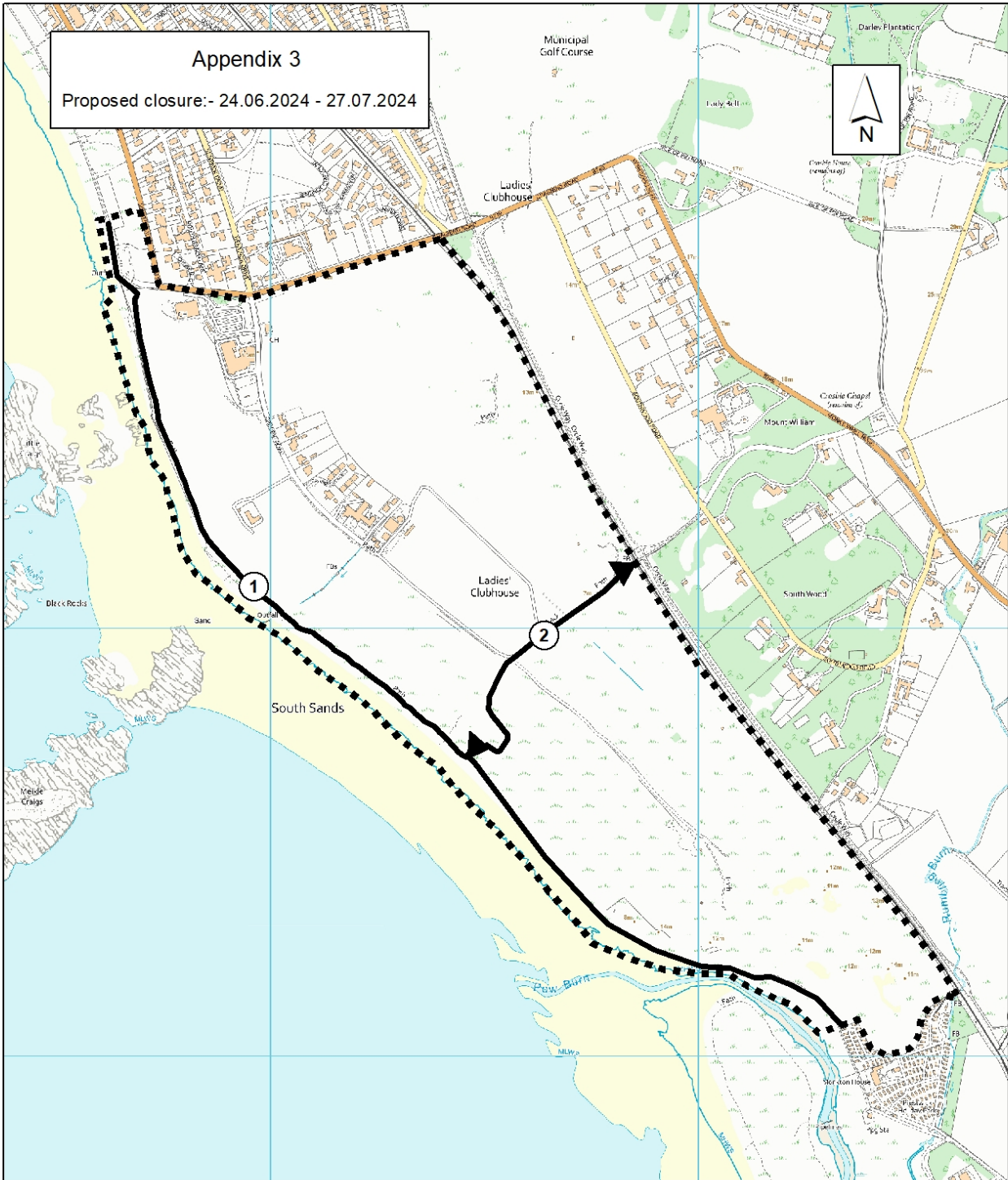
-  Area of land to be exempt from access rights.
 -  Golf course access road diversion
 -  Ayrshire Coastal Path
- Scale 1:12000




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 The South Ayrshire Council (Royal Troon Golf Course,
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Appendix 3
 Proposed closure:- 24.06.2024 - 27.07.2024



-  Area of land to be exempt from access rights. This includes:
-  Ayrshire Coastal Path
-  Wrack Road (Smugglers Trail)

Scale 1:12000

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South Ayrshire Council Equality Impact Assessment Scoping
1. Proposal details

Proposal Title: Public Access Exemption Orders: the 152nd Open at Royal Troon Golf Course	Lead Officer: 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: 1.11.23		Copy to equalities@south-ayrshire.gov.uk	