

South Ayrshire Council

Report by
Housing, Operations and Development Directorate
to Regulatory Panel of 6 December 2023

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

1. Purpose

- 1.1 This report seeks authority to agree a Council response to the public consultation representations and to proceed to make temporary public access exemption orders 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 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 responses to the representations received, as set out in Appendix 1,

2.1.2 Agrees to make temporary public access exemption orders under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Royal Troon Golf Course, including sections of the core path SA2 and core path SA6/ right of way SKC 28, as set out in the plans 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 access exemption orders for certain periods to facilitate the set-up, dismantling and staging of the event, in a safe and successful manner, covering the Course itself, as well as the core paths/ right of way which cross it.

- 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 Orders.

3.4 The Panel of 7th November 2023 agreed to commence a public consultation on the proposed Orders. The consultation took place via: the Local papers; Council Web site; Council Twitter Site; email to Troon Community Council; and notices placed on site at Royal Troon Golf Course. The consultation ran from 8th November to 1st December 2023, and received one objection and 3 enquiries (asking for further information on the access restrictions in place during the periods of the proposed Orders). These responses are set out in Appendix 1, together with the comments from the Planning Service on each response.

4. Proposals

- 4.1 Royal Troon Golf Club has requested that access rights exemptions apply over the land and routes, for the areas and dates specified, indicated on the attached plans forming Appendix 2.
- 4.2 For the periods during which the relevant exemption orders are in force, alternative routes for the core paths/ right of way will be available, except for the core period of 24th June – 29th July, when there will be no public access to the entire golf course (as indicated on the plans forming Appendix 2).
- 4.3 It is considered that the responses received to the public consultation did not raise any issues or concerns that would be sufficient to prevent the Council from making the proposed access exemption orders. The details of the consultation, representations received and proposed Council responses are set out in section 13 of this report.
- 4.4 If Panel agrees to make the access exemption orders, they 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 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 core paths/ 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 web site, and by erecting signage on site.

8.2 Risk Implications of rejecting the recommendations.

Rejecting the recommendation to agree to make the Orders will mean that the orders 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 orders, in that members of the public could attempt to access the Course during the golf event. The Club have measures ready to place additional stewards/ security staff on the course, 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 orders 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 of the golf course. The consultation was advertised on the Council's social media accounts. Troon Community Council was contacted directly and invited to comment on the proposals. The South Ayrshire Local Access Forum was consulted directly on the proposed exemption orders; the Troon Community Council and the Local Access Forum asked for some additional information, regarding the impact on the Ayrshire Coastal Path, but did not submit an objection to the proposed Orders.

13.2 Councillors Alec Clark and Brian Connolly, as Portfolio holders for Tourism, Culture & Rural Affairs, and Golf, respectively, were consulted and have expressed no objection to it.

13.3 Representations: one objection was received, relating to the closure of the path around the edge of the South Beach car park for the core period of 5 weeks. They stated that this was an unreasonable length of time and would cause disruption to their weekly local event (which uses the path as part of their Parkrun route). Also complained that not enough effort was made to engage with the public, regarding the access restrictions proposed.

A further 3 enquiries were received, asking for more information/ clarification on the access restrictions included in the proposed Orders; this information was provided to the enquirers, as laid out in Appendix 1.

13.4 The Council's proposed responses in Appendix 1 note that the Council considers that the proposed Orders comply with the Land Reform (Scotland) Act 2003 and are 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, with the completion status reported to the next Regulatory Panel.

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Request for permission from Panel to consult public on the proposed Orders	7 th November 2023	Service lead Planning & Budling Standards
Public consultation on proposed Orders	8 th November to 1 st December 2023	Service lead Planning & Budling Standards
Report consultation responses and request permission from Members to create Orders	6 th December 2023	Service lead Planning & Budling Standards

Refer to Scottish Ministers	7 th December 2023	Service lead Planning & Budling Standards
Publish notice of confirmation of Orders	Beginning of March 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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E-mail: James.Hall@south-ayrshire.gov.uk

Date: 05 December 2023

Appendix 1

Representations received to the public consultation.

Name of Respondent	Detail of Response	Council's Proposed Response
J Dunn, Troon	Objection: to closure of path around edge of South Beach car park. Also that consultation was not advertised enough, and not enough effort made to engage with the public.	There will be a diversion in place for the closure of this section of path. In accordance with the relevant legislation, public notices of the draft orders and opportunity to submit representations were published in local newspapers and on the Council's website, and notices were placed on site by golf club greenkeepers.

Other comments received to the public consultation.

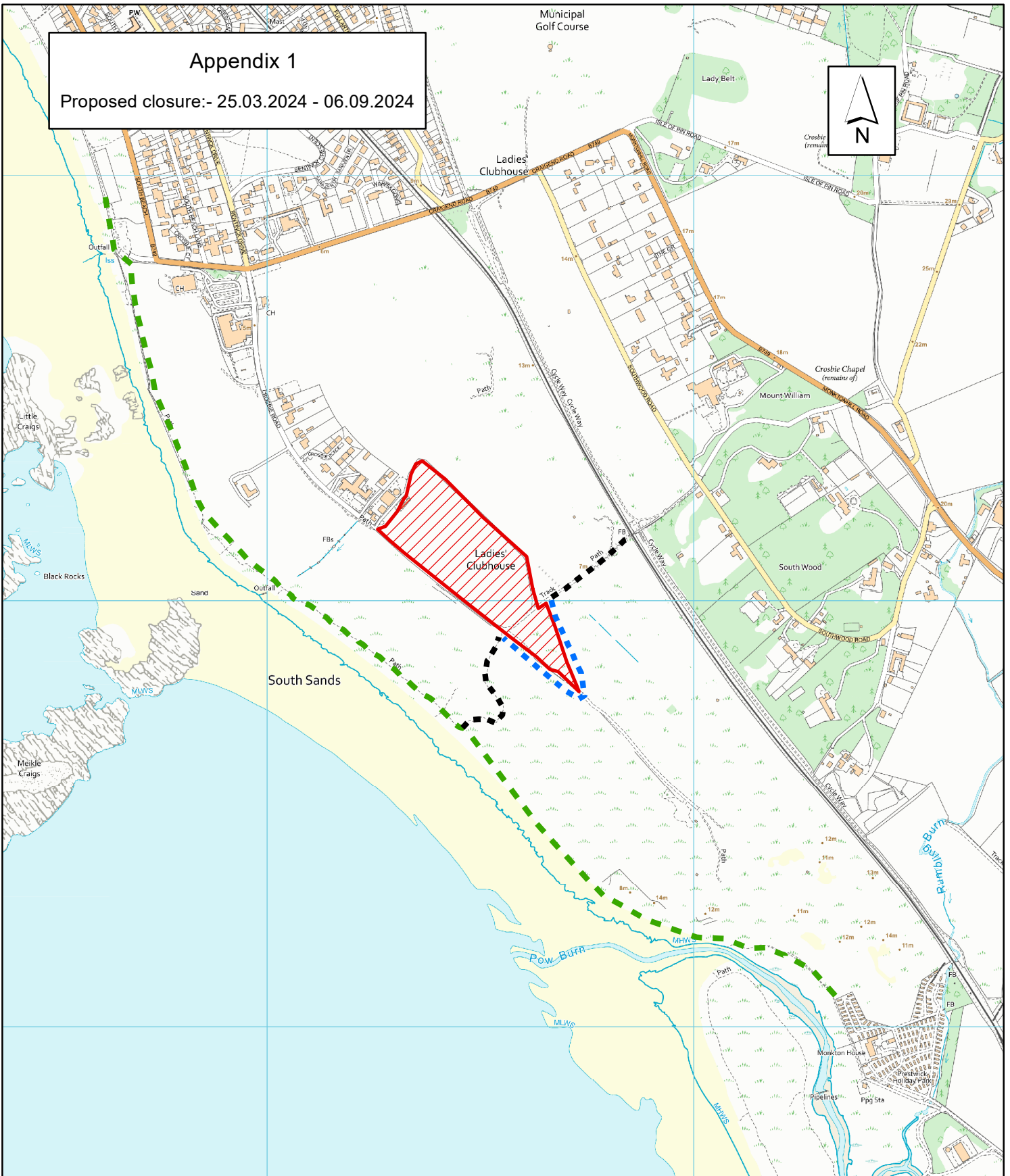
Name of Respondent	Detail of Comment	Council's Proposed response to Comment
Troon Community Council	<p>1) Will a section of Craigend Road and South Beach be closed for the event, the map isn't very clear, or is the boundary the Royal Troon and Portland Golf Club's fence/hedge and Craigend Road/South Beach Road remain open at all times?</p> <p>2) Why is the Ayrshire Coastal Path required to be closed off? Is it because it's within the Royal Troon boundary which someone has suggested is out to the high water mark on the beach?</p>	<p>1) The Craigend Road and South Beach roads will not be covered by the section 11 access exemption order. However, traffic will likely be heavy on these roads during the event and the construction/dismantling of the temporary structures.</p> <p>2) A section of Ayrshire Coastal Path is on the edge of the golf course boundary. The R & A has asked for a section of the ACP, and for a 10-30m 'buffer zone' out from the edge of the course boundary, to be included in the access exemption order for security reasons. The public will still be able to walk along the beach, and to cut up onto the southern edge of the golf course to cross the Pow Burn near the holiday park, and then continue on the Ayrshire Coastal Path.</p>

	<p>3) If the Ayrshire Coastal Path is to be closed off will it be a 'Heras' type fence or some other structure erected to stop access to the course and where will it be positioned?</p> <p>4) Will 'Troon' (ie SAC or Troon Community groups) be compensated for lack of access (Ayrshire Coastal Path/South Beach Car Park adjacent Royal Troon etc) or disruption (possible road closures/diversions etc).</p>	<p>3) There will be Heras fencing around the South Beach car park, so the public will not be able to access the steps from the car park to the beach. There may also be some Heras fencing at the southern end of the golf course, just on the landward side of the Ayrshire Coastal Path route, so that the public can walk the path but cannot gain access further into the golf course. It is understood that the slipway just to the north of the South Beach car park will be available for public use. So the public may access the beach at this slipway, walk along the beach (at a distance of approx. 10-30m from the boundary of the golf course) and then cut up onto the southern edge of the golf course to cross the Pow Burn, to continue along the Ayrshire Coastal Path.</p> <p>4) There is no provision in the Land Reform (Scotland) Act 2003 for financial compensation for temporary loss of access rights.</p>
<p>South Ayrshire Local Access Forum <i>(verbal comments received in Access Forum Meeting)</i></p>	<p>The time periods were quite long for proposed Orders no.1 and no.2, but as they only affected isolated areas in the centre of the golf course, with diversions available around these areas, no objection to these proposed Orders. The Order no.3 was for a shorter time period, but would have more impact on public access, due to the large area it covered. Members asked for more information on the impact on the Ayrshire Coastal Path, and it was confirmed that the ACP would still be available for public to use during the event. Some concern was also expressed about access for disabled users around the South Beach car park area. The R & A have indicated diversion routes around this area, but not all of the routes have a particularly good</p>	<p>Comments noted and responded to in the Access Forum meeting.</p>

	<p>surface or gradient for disabled users. However, this is a larger issue than just for this event, and should be looked at going forward. No objection by Forum members for this proposed Order either.</p>	
<p>Ayrshire Coastal Path Management Board.</p>	<p>1. Concerned that the SAC Core Path Plan Maps still shows the route of the Ayrshire Coastal Path (1) running along the top of the Dunes within the confines of the Royal Troon Golf Course grounds from Prestwick Holiday Park to the start of South Beach Road at Troon - when in fact (apart from the first 300m from the Holiday Park to the mouth of the Pow Burn, the ACP route runs along the Crown Property sandy foreshore right to Troon and does NOT encroach on RTGC.</p> <p>2. SAC appears to be using inaccurate maps where the ACP route and Core Plan delineation are different - and this has caused public and business confusion around planning applications on a number of occasions.</p> <p>3. The Heras Fencing erected (and dismantled) before the 2016 Open - along its previous site, Royal Troon GC have recently erected a stout boundary fence from the Holiday Park alongside much of the 300m route of the Coastal Path to Pow Burn, (with the footpath running outwith the course area), which we have understood from Royal Troon GC officers to be part of planning for the 2024 Open. So where is the problem - if any?</p>	<p>1. Regarding the Ayrshire Coastal Path on Troon beach: the R & A wishes to divert it by approx. 10 – 30m to the west, along the beach, during the core period of the Championship. The R & A has requested this to create a 'security buffer zone', due to concern raised by instances of protesters attempting to disrupt other high profile events, in the last year or so.</p> <p>2. The Core Path SA2 does not coincide exactly with the Ayrshire Coastal Path at several sections – the mapping is not inaccurate, rather they are different routes. To change the alignment of the core path would require a review of the complete Core Paths Plan, which has not yet been scheduled.</p> <p>3. Following conversations with the R & A about the section of Ayrshire Coastal Path just to the north-west of the Prestwick holiday park it was agreed that the ACP can remain open at this section, with the method of fencing off this section of the path on the landward side of the path. The new sturdy fencing which now runs alongside this section of the ACP may be temporarily reinforced with Heras fencing for the event.</p>

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

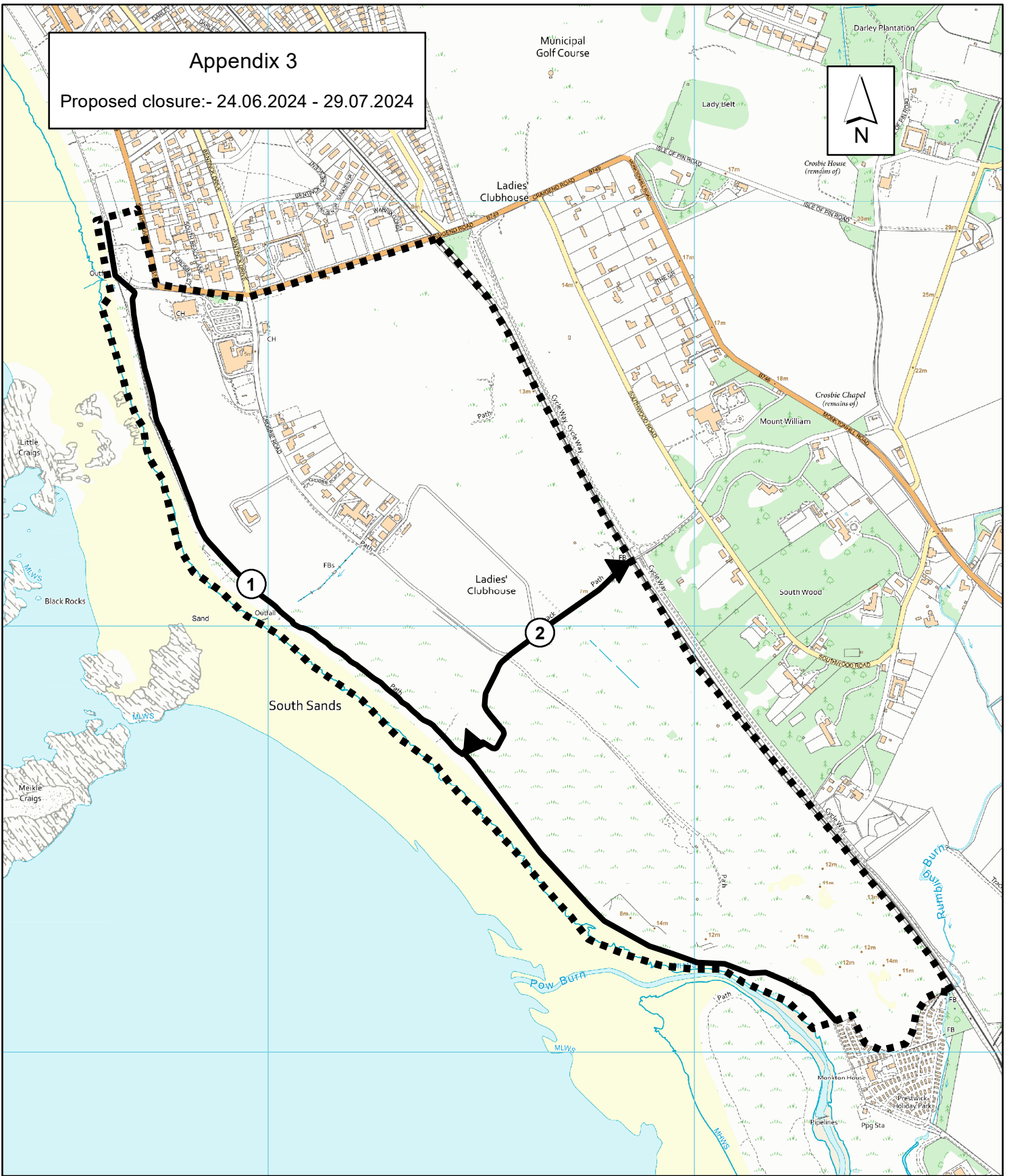
Scale 1:12000

***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 3

Proposed closure:- 24.06.2024 - 29.07.2024



Area of land to be exempt from access rights. This includes:

①

Ayrshire Coastal Path

②

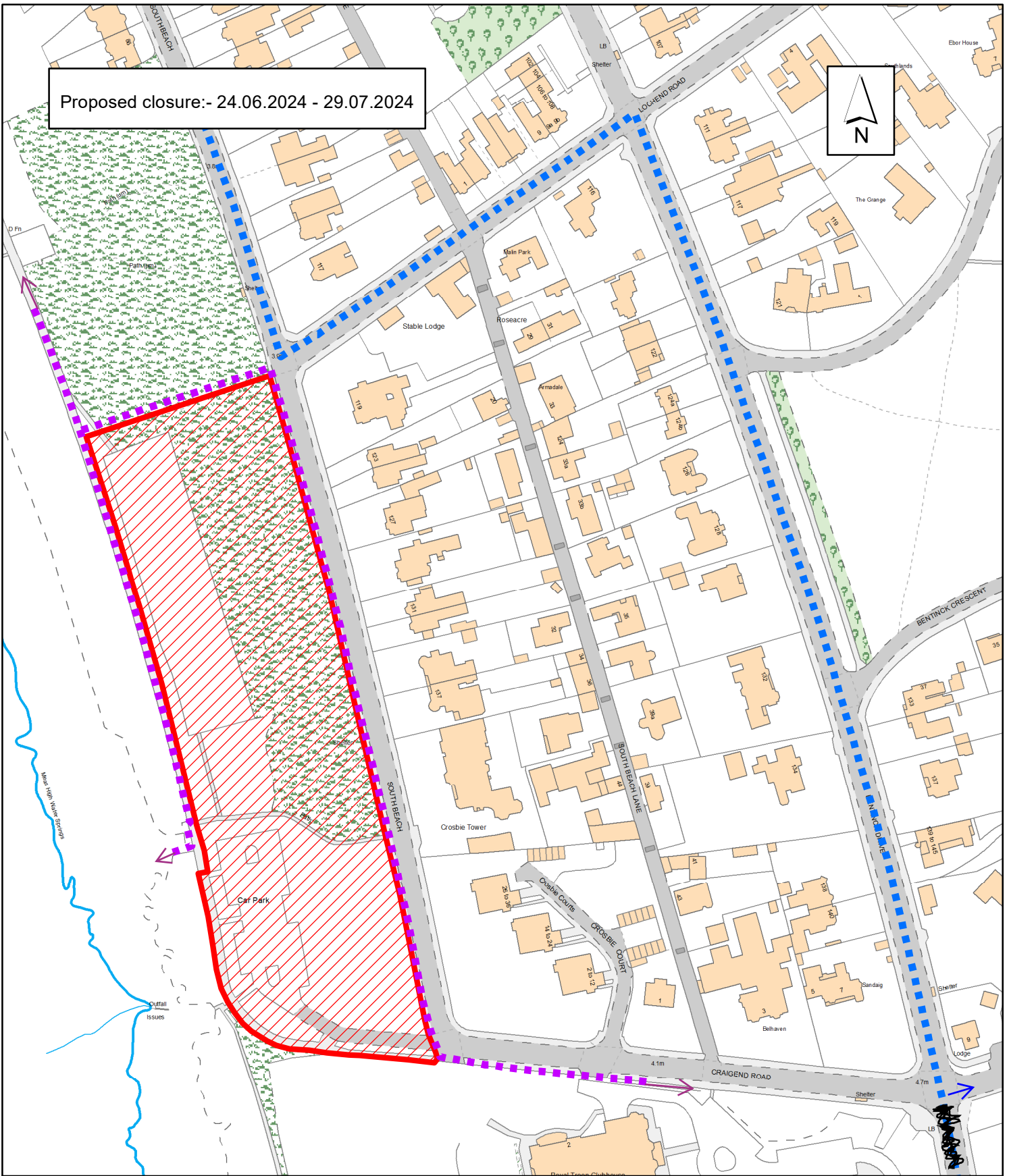
Wrack Road (Smugglers Trail)

Scale 1:12000

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Proposed closure:- 24.06.2024 - 29.07.2024



Area of land to be exempt from access rights.



Pedestrian diversion



Wheeled diversion

Scale 1:2200

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South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. FSD Guidance for Public Bodies in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Public Access Exemption Orders: The 152 nd Open at Royal Troon Golf Course
Lead Officer (Name/Position/Email)	Craig Iles Service Lead Planning & Building Standards craig.iles@south-ayrshire.gov.uk

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 policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	N/A	N/A
Disability	N/A	N/A
Gender Reassignment (Trans/Transgender Identity)	N/A	N/A
Marriage or Civil Partnership	N/A	N/A
Pregnancy and Maternity	N/A	N/A
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	N/A	N/A
Religion or Belief (including lack of belief)	N/A	N/A
Sex – (issues specific to women & men or girls & boys)	N/A	N/A
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	N/A	N/A
Thematic Groups: Health, Human Rights & Children's Rights	N/A	N/A

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	N/A	N/A
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	N/A	N/A
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	N/A	N/A
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	N/A	N/A
Socio-economic Background – social class i.e. parent’s education, employment and income	N/A	N/A

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low Positive
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low Positive
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low Positive
Increase participation of particular communities or groups in public life	Low Positive
Improve the health and wellbeing of particular communities or groups	Low Positive
Promote the human rights of particular communities or groups	Low Positive
Tackle deprivation faced by particular communities or groups	Low Positive

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	No
Rationale for decision:	

Not required as there is no specific impact on communities, groups of people, employees or thematic groups.

Signed : Craig Iles Service Lead - Planning & Building Standards

Date: 5 December 2023