

South Ayrshire Council

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

Subject: Public Access Exemption Orders: the 152nd Open at Royal Troon Golf Course (South Beach car park).

1. Purpose

- 1.1 This report seeks authority to undertake a public consultation, regarding proposed temporary public access exemption order for the area 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 land at the South Beach car park, Troon, adjacent to Royal Troon Golf Course.**

3. Background

- 3.1 There exists 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) and South Beach car park. A footpath/ cycle path runs around the western edge of the car park.
- 3.2 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.
- 3.3 The 152nd Open 2024 is to be held over the Course from 14th – 21st July 2024 inclusive. The R & A has requested that the Council makes an access exemption order to facilitate the safe and successful setting up & dismantling of temporary structures, for the 'media centre' at South Beach car park, to be used during the staging of the event. The period for which the exemption is sought exceeds 6 days in duration.

- 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.
- 3.5 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 in this case cover periods of more than 6 days, approval is required from this Panel for public consultation on the proposed orders.

4. Proposals

- 4.1 The R & A has requested that access rights exemption applies over the land and South Beach car park, for the dates 29th April to 30th August 2024 inclusive, the area as indicated on the attached plan shown in Appendix 1.
- 4.2 For the majority of the period during which the relevant exemption order is in force, the footpath/ cycle path around the edge of the car park will be available for public use (as indicated on the plan in Appendix 1). However, during the core dates of the event (24th June – 29th July 2024 inclusive), this footpath/ cycle path will be closed to the public and a diversion will be available to the north of South Beach car park (as indicated on the plan in Appendix 1).
- 4.3 After the expiry of the period for public consultation (the Local Access Forum, Troon Community Council and the portfolio holders for Tourism and Golf, will also be consulted), Panel will be asked to consider any representations made on the proposed Order and for their agreement to make the Order. The access exemption order will then be submitted to the Scottish Ministers for confirmation. Assuming the Ministers confirm the Order, 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 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 web site, 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 2.

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 There has been no public consultation on the contents of this report. However, if Panel agrees the recommendation, public notice of the Council's intention to make the proposed access exemption order will be given by publication in the local press and on the Council's website, with a period allowed for the receipt of objections or representations, as required by the Land Reform (Scotland) Act 2003). The South Ayrshire Local Access Forum and Troon Community Council will be consulted on the proposed exemption order.
- 13.2 Cllr. Alec Clark (Portfolio Holder for Tourism, Culture & Rural Affairs) and Cllr Brian Connolly (Portfolio Holder for Golf) will also be consulted.

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 Order	6 December 2023	Service lead Planning & Building Standards
Public consultation on proposed Order	7 December – 31 December 2023	Service lead Planning & Building Standards
Report consultation responses and request permission from Members to create Order.	February 2024	Service lead Planning & Building Standards
Refer to Scottish Ministers	February 2024	Service lead Planning & Building Standards
Publish notice of confirmation of Order	March 2024	Service lead Planning & Building Standards

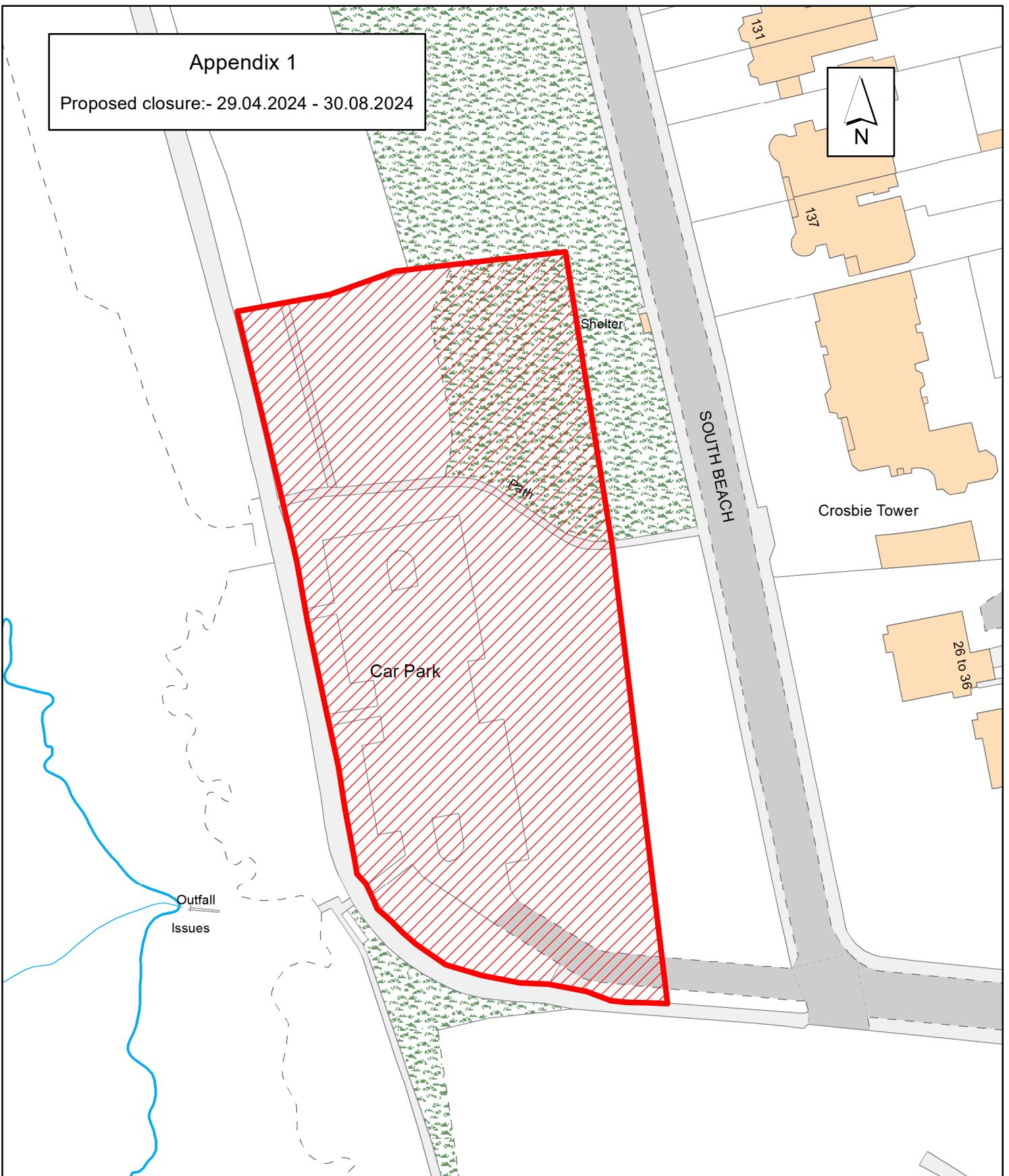
Background Papers Land Reform (Scotland) Act 2003 [here](#)
Part 1 Land Reform (Scotland) Act 2003: Guidance for Local
Authorities and National Park Authorities [here](#)

Person to Contact James Hall – Planning Strategy Co-ordinator
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Date: 5th December 2023

Appendix 1

Proposed closure:- 29.04.2024 - 30.08.2024



Area of land to be exempt from access rights.

Scale 1:1000

***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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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 Order: the 152nd Open at Royal Troon Golf Course (South Beach car park)
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
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Thematic Groups: Health, Human Rights & Children’s Rights	N/A	N/A
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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? No

(A full Equality Impact Assessment must be carried out if impacts identified as **Medium and/or High**)

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