

South Ayrshire Council

Report by
Housing, Operations and Development Directorate
to Regulatory Panel of 1st February 2024

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

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.

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 the South Beach car park, adjacent to Royal Troon Golf Course, 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 an access exemption order for certain periods to facilitate the set-up, dismantling and staging of the event, in 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 Order.
- 3.4 The Panel of 6th December 2023 agreed to commence a public consultation on the proposed Order. The consultation took place via: the Local papers; Council Web site; Council Twitter Site; and notices placed on site at the South Beach car park, Troon. The consultation ran from 8th December 2023 to 5th January 2024, and received 2 representations which are summarised and responded to in Appendix 1 to this paper.

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 29th April to 30th August 2024.
- 4.2 For the periods during which the relevant exemption order is in force, the foot/cycle way adjacent to the car park will be available, except for the core period of 24th June – 29th July 2024, when there will be no public access to this route and diversions will be in place (as indicated on the plan forming Appendix 2).
- 4.3 There are mitigations which the Council can take in response to the 2 representations, therefore there is not anything that would be sufficient to prevent the Council from making the proposed access exemption 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 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 Royal Troon Golf Club who has requested the Order and 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 South Beach car park area has 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 area 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 of the golf course. The consultation was advertised on the Council's social media accounts. 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 2 representations received from the public, both were received after the closing date. However, as the comments were relevant, they have been included in this report.
- 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 response in Appendix 1 notes that the Council considers that the proposed Order comply 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, 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 th December 2023	Service lead Planning & Budling Standards
Public consultation on proposed Order	8 th December 2023 to 5 th January 2024	Service lead Planning & Budling Standards
Report consultation responses and request permission from Members to create Order	1 st February 2024	Service lead Planning & Budling Standards
Refer to Scottish Ministers	2 nd February 2024	Service lead Planning & Budling Standards
Publish notice of confirmation of Order	Beginning- Mid 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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Date: 01 February 2024

Representations received to the public consultation.

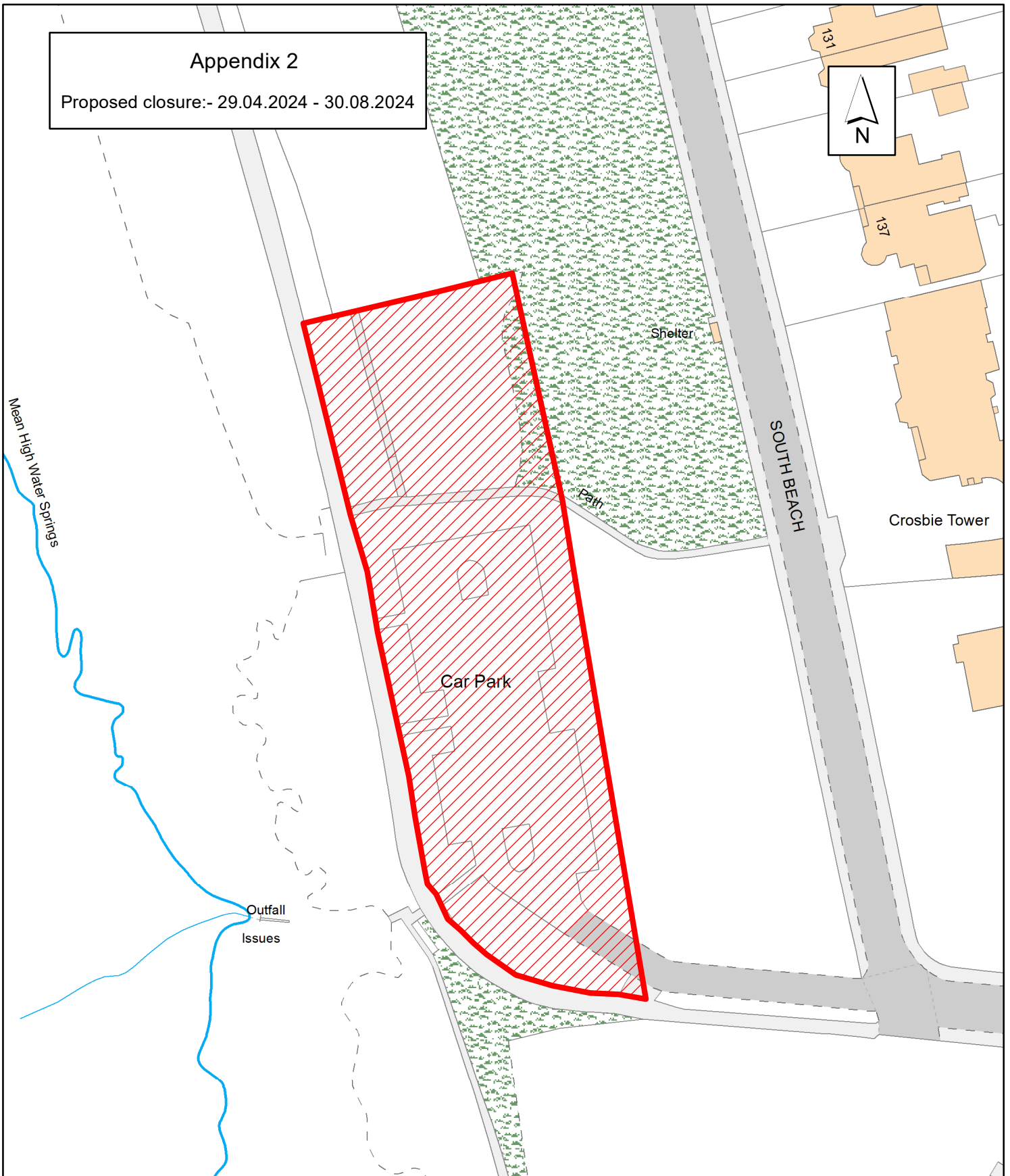
Name of Respondent	Detail of Representation	Council's Proposed Response
D Scott, Troon	<ul style="list-style-type: none"> • The attached notice has been brought to my attention. To my knowledge the owners of the land opposite Crosbie Tower, 139, South Beach, Troon did not receive this notice directly? • As owners of the land opposite Crosbie Tower why did this not happen? • I strongly object to the use of this private land during the 152nd Open. 	<p>The redline site requested by the R&A unintentionally extended beyond the Council land title onto private property.</p> <p>Following discussion with the R&A, they have confirmed that they are content for the red line site area to be reduced to exclude the area of privately owned land adjacent to South Beach (B749). The modified site area is shown in the maps within Appendix 2.</p>

Name of Respondent	Detail of Representation	Council's Proposed Response
R Walker, Skye	<ul style="list-style-type: none"> • South Beach Car Park is utilised by a wide range of community groups and recreational users looking to access the beach and its environs on a year round basis. The users come from Troon, South Ayrshire and many parts of the Central Belt. In fact, some come from much further away, including myself to enjoy the established community around the car park.. • This includes walkers, dog-walkers, beach going families, kiteboarders, windsurfers, swimmers and horse riders. • It is proposed that access to the carpark may be prohibited for a period of 4 months in the interests of safety and security. • Additionally, the beach path will be shut for a period of 5 weeks around the date of the actual event. • The closure along with that of adjacent roads, will have a significant 	<p>The R & A has requested this time for the set up and dismantling of various temporary structures and specialist equipment, at the Media Centre.</p> <p>The closure is temporary and happens only once every several years to accommodate a major sporting event. Other parking areas are available within Troon for this period, and the nearby beach at Barassie is also available for beach activities.</p>

	<p>impact on all of the above recreational users of the facility.</p> <ul style="list-style-type: none">• There is no obvious reason as to why the period of the closure is required to be as long as that proposed.• Historically, the car park has been used for press facilities. Again, it is difficult to understand why these would need to be established 3 months in advance of the event.• There is no alternative access other than at the town hall, which is generally fully utilised	
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Appendix 2

Proposed closure:- 29.04.2024 - 30.08.2024



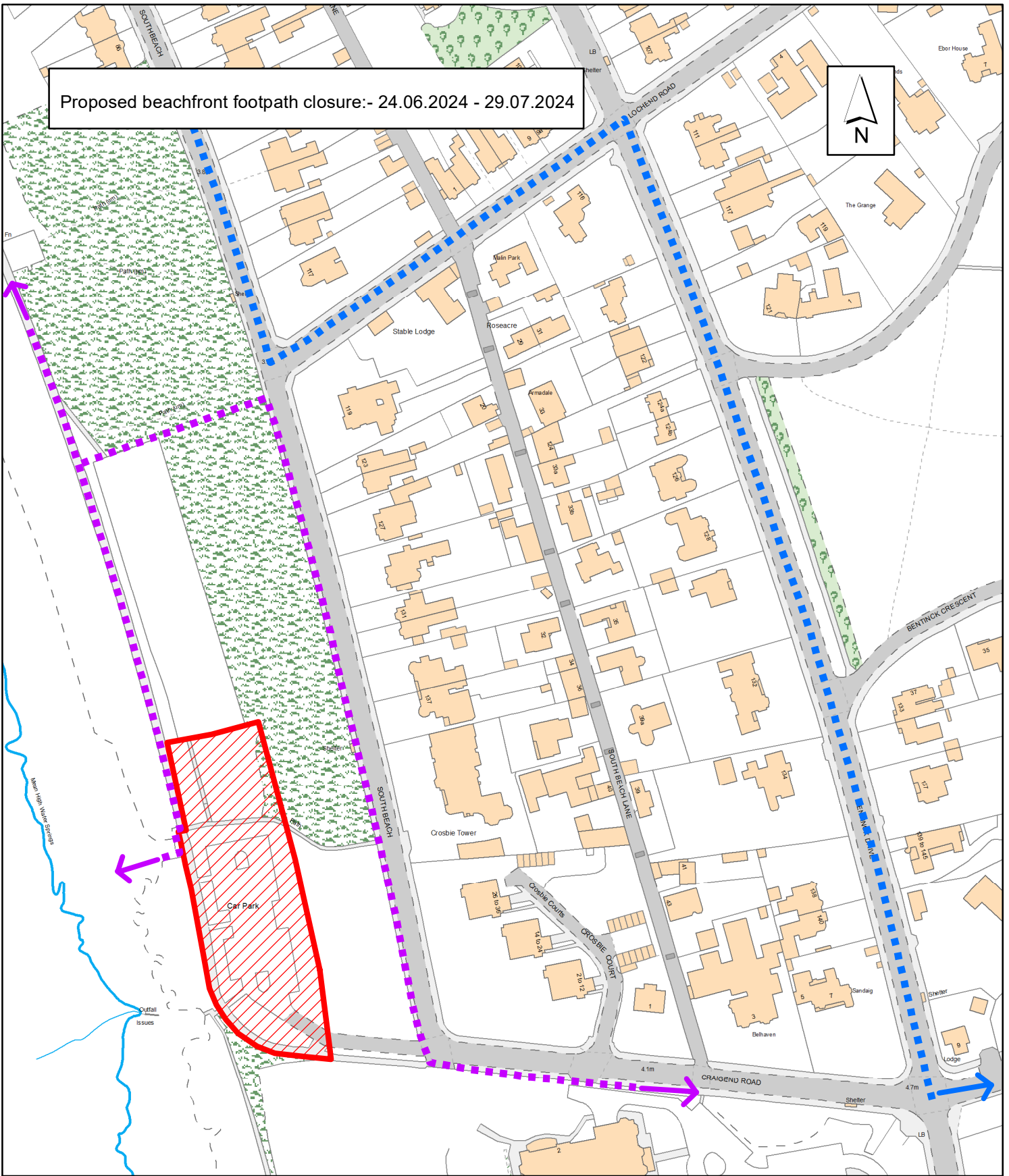
Area of land to be exempt from access rights.

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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Proposed beachfront footpath 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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