

South Ayrshire Council

**Report by
Housing, Operations and Development
to Regulatory Panel of 28th March 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 undertake a public consultation on a proposed temporary public access exemption Order 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 order under Section 11(1) of The Land Reform (Scotland) Act 2003, for the area of 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), as set out in Appendix 1.**

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 access exemption orders under Section 11 of The Land Reform Act 2003 to facilitate the safe and successful setting up and dismantling of temporary structures, staging of the event and to permit the charging of an entrance fee during the event, covering South Beach car park, the Course itself, as well as the core paths and right of ways which cross it.
- 3.2 The Regulatory Panel on 6th December 2023 agreed to make three temporary public access exemption orders for land at Royal Troon Golf Course, including sections of the core paths SA1, SA2 and SA6 and right of way SKC 28. These Orders were referred to Scottish Ministers in December for approval, as required by legislation. Orders nos. 1 and 2, and the Order for South Beach Car Park, have now been approved and will come into force on the agreed dates. However Scottish Ministers have refused Order No.3, which would apply for the dates 24th June – 29th July 2024 inclusive, on the grounds that the Notices issued for the consultation process did not include as the one of the reasons for making the Order that there will be an entrance fee charged during the period of the Open event. As such, Scottish Ministers have directed that the Council should reconsult on Order No.3, with new public Notices to be issued containing amended wording.

4. Proposal

4.1 The area for which the R & A is seeking a temporary public access exemption order:

4.1.1 Area - 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 1) for the dates 24th June – 29th July 2024 inclusive.

4.1.2 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.

4.2 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 landowner, 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 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 website, in compliance with the legislation.

4.5 The previous Orders, requested by the R and A for the 152nd Open 2024 (for specific areas within the Golf Course boundary and for the South beach car park), have been confirmed by Scottish Ministers and will come into force on the dates specified in those Orders. A public notice relating to these confirmed Orders has been published in the local press, to advise the public.

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

Risk Implications of adopting the recommendations.

- 8.1 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.

Risk Implications of rejecting the recommendations.

- 8.2 Rejecting the recommendation to undertake the public consultation would mean that the Order could not be made, which could jeopardise 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 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.

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Request for permission from Panel to consult public on the proposed Order	28 th March 2024	Service Lead - Planning and Building Standards
Public consultation on proposed Order	5 th April- 26 th April 2024	Service Lead - Planning and Building Standards
Report consultation responses and request permission from Members to create Order	9 th May 2024	Service Lead - Planning and Building Standards
Refer to Scottish Ministers (if agreed by Panel)	9 th May 2024	Service Lead - Planning and Building Standards
Publish notice of confirmation of Order	Mid- June 2024	Service Lead - Planning and Building Standards

Background Papers

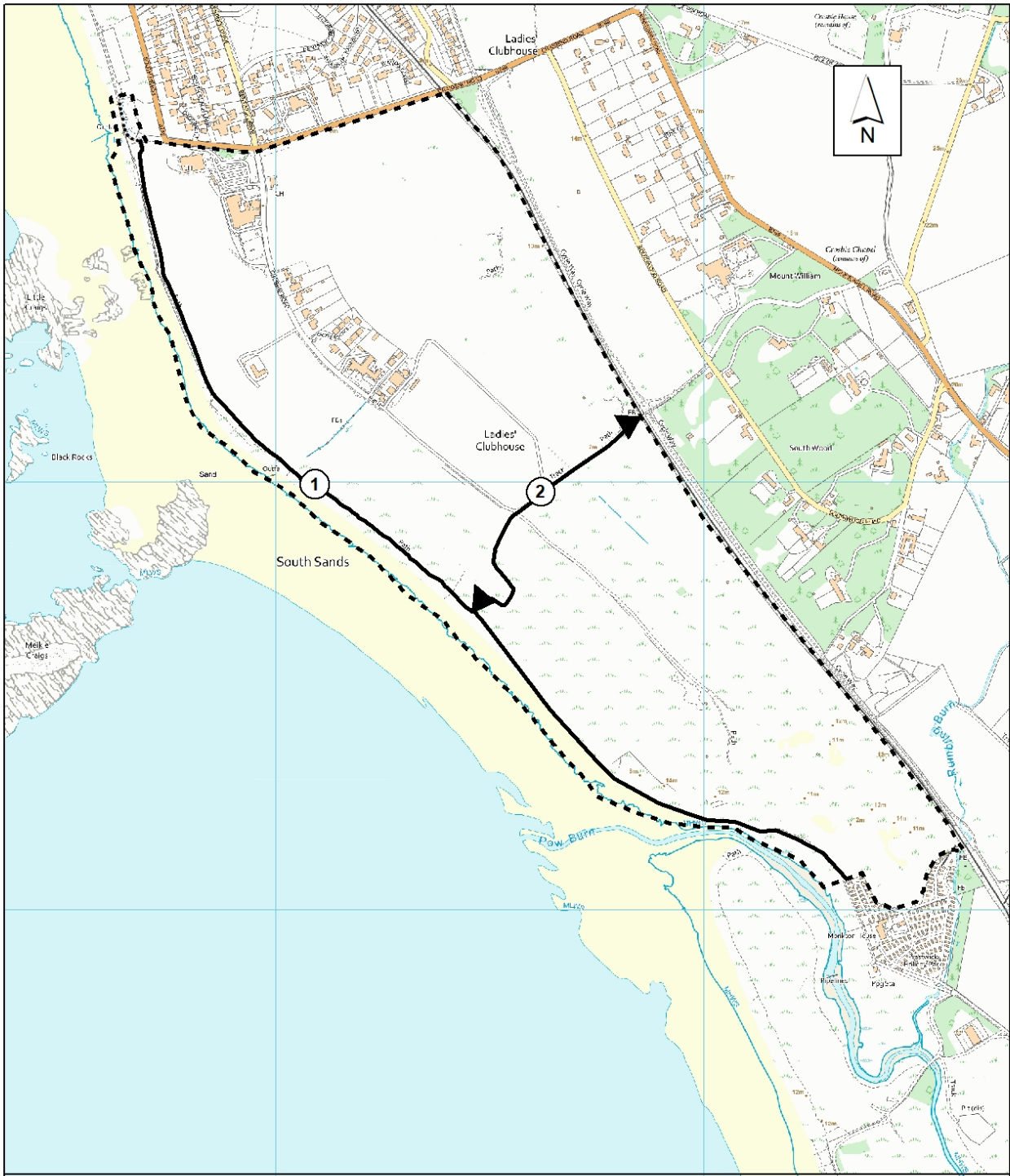
Land Reform (Scotland) Act 2003 [here](#)
Part 1 Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities [here](#)



Person to Contact

James Hall – Planning Strategy Co-ordinator
County Buildings
Wellington Square, Ayr
Telephone: 01292 616 157
E-mail: James.Hall@south-ayrshire.gov.uk

Date: 18th March 2024

Appendix 1



-  Area of land to be exempt from access rights. This includes:
- ① Core Path SA2
- ② 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***

This product includes mapping data licenced from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2024. All rights reserved. Licence number 100020765.

Scale 1:12000



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
---	--

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: 20.03.24		Copy to equalities@south-ayrshire.gov.uk	