

South Ayrshire Council

**Report by
Housing, Operations and Development Directorate
to Special Regulatory Panel of 30th April 2024**

**Subject: Public Access Exemption Order: the 152nd Open at
Royal Troon Golf Course (Camping Sites)**

1. Purpose

- 1.1 This report seeks authority to undertake a public consultation, regarding proposed temporary public access exemption orders for areas of land affected by the staging of the 152nd Open 2024 at Royal Troon Golf Course, in particular the camping sites for spectators.

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 Lochgreen Golf Course and the Marr Rugby Club, Troon, as set out in Appendix 1.

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 and playing fields. The right of responsible access is exercisable over Lochgreen Golf Course and Marr Rugby Club (see plan in Appendix 1).
- 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 at Royal Troon Golf Course from 14th – 21st July 2024 inclusive, and the R and A wishes to use two distinct areas as camping sites for spectators coming to the event. The R & A has requested that the Council makes two separate access exemption orders to facilitate the safe use of these areas as camping sites, and for which there will be a paid ticketed entry only. The period for which the exemption is sought exceeds 6 days in duration for each order.

- 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 order covers periods of more than 6 days (see appendix 1), 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 exemptions apply over the land at Lochgreen Golf Course, Troon, for the dates of 8th July to 26th July 2024 inclusive – and at Marr Rugby Club, Troon from 2nd July until 26th July 2024 inclusive, indicated on the attached plans forming Appendix 1.

4.2 Consultation

- 4.3 The period of consultation will take 28 days and will include a press advert, Council website updates, social media communications, on-site notices as well as direct consultation with the Local Access Forum, Troon Community Council, and the local Elected Members for this ward. Consultation will also take place with Cllr. Alec Clark, Portfolio Holder for Tourism, Culture and Rural Affairs and Cllr Brian Connolly, Portfolio Holder for Sport and Leisure.
- 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.
- 4.5 After the expiry of the period for public, 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 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 that part of the golf course and rugby club grounds 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 on site.

8.2 Risk Implications of rejecting the recommendations.

Rejecting the recommendation to undertake the public consultation would mean that the orders could not be made, which could jeopardize the staging of the 152nd Open 2024 and its spectator accommodation arrangements. 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 camping areas during the period of the Open 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 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.

14. Next Steps for Decision Tracking Purposes

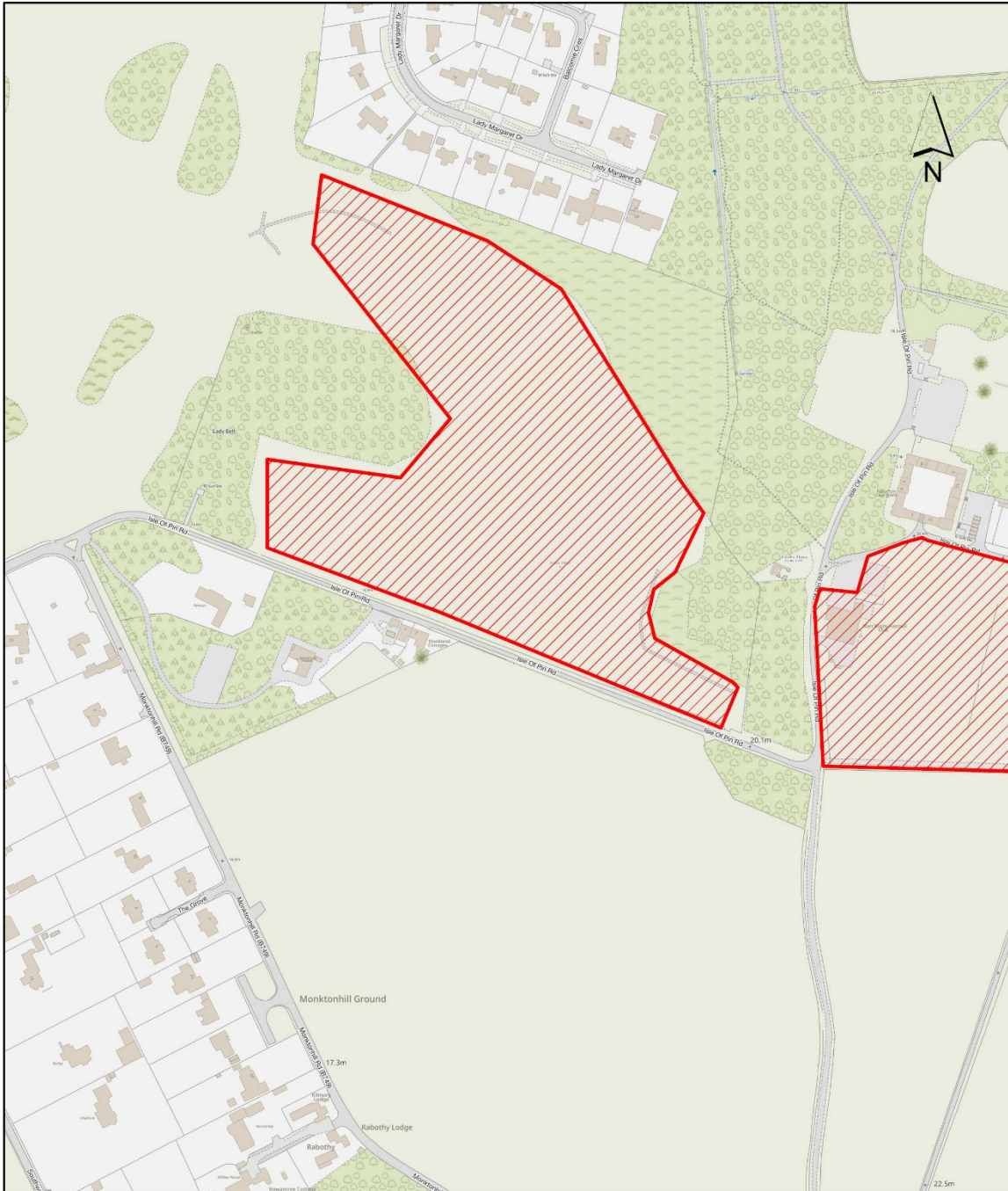
14.1 If the recommendation above is approved by Members, the Service Lead Planning & Buildings Standards will ensure that all necessary steps are taken to ensure full implementation of the decision, with the completion status reported to the next available Regulatory Panel.

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Request for permission from Regulatory Panel to consult public on the proposed Orders	30 th April 2024	Service lead Planning & Budling Standards
Public consultation on proposed Orders	1 st May 2024 – 28 th May 2024	Service lead Planning & Budling Standards
Report consultation responses to Regulatory Panel and request permission from Members to create Orders	6 th June 2024	Service lead Planning & Budling Standards
Refer to Scottish Ministers	6 th June 2024	Service lead Planning & Budling Standards
Publish notice of confirmation of Orders	End of June 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](#)

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: 24/04/2024



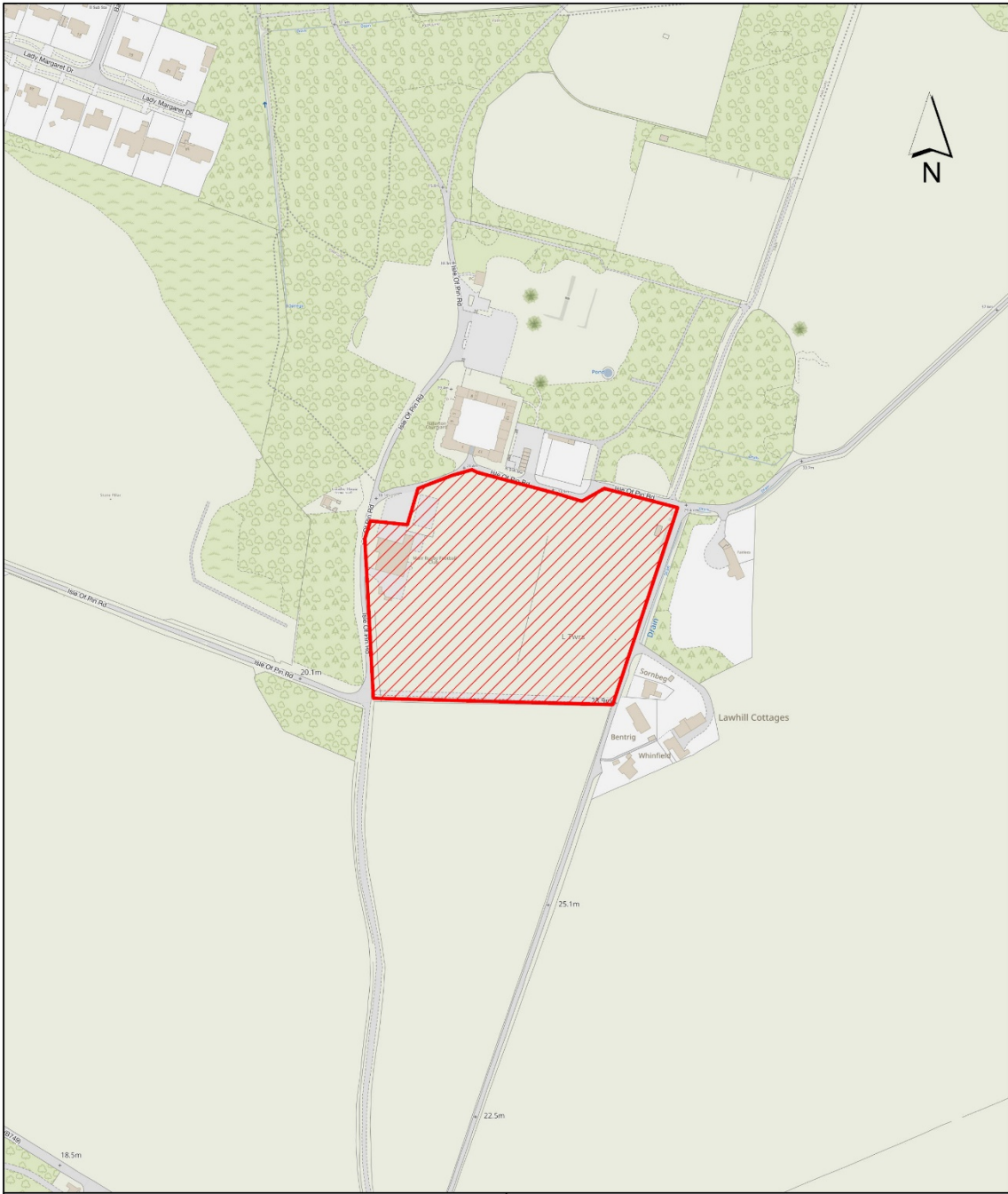
Area of land to be exempt from access rights.

Scale 1:4,000 @ A4

This is the plan referred to in the foregoing SOUTH AYRSHIRE COUNCIL (LOCHGREEN) EXEMPTING LAND FROM ACCESS RIGHTS ORDER 2024

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





Area of land to be exempt from access rights.

Scale 1:4,000 @ A4

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

This is the plan referred to in the foregoing SOUTH AYRSHIRE COUNCIL (MARR RUGBY CLUB) EXEMPTING LAND FROM ACCESS RIGHTS ORDER 2024



Appendix 2

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: ROYAL TROON GOLF COURSE 150TH OPEN 2022 (Camping Sites)
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? **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: 24/04/2024