

South Ayrshire Council

**Report by
Housing, Operations and Development
to Regulatory Panel of 6th June 2024**

Subject: Public Access Exemption Orders: The South Ayrshire Council (Lochgreen Golf Course) Exempting Land from Access Rights Order 2024 and The South Ayrshire Council (Marr Rugby Club) Exempting Land from Access Rights Order 2024.

1. Purpose

- 1.1 This report seeks authority to agree a Council response to the public consultation representations and to proceed to make 2 temporary public access exemption orders for areas of land to be used as camping sites during 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 exemptions for land at Lochgreen Golf Course (holes 11-14) and Marr Rugby Club; 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 Lochgreen Golf Course (holes 11-14) and at Marr Rugby Club, as set out in the plans included in Appendix 2 & 3.

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. The R and A has requested that the Council makes 2 access exemption orders for areas at Lochgreen Golf Course (8th July – 26th July 2024) and at Marr Rugby Club (2nd July- 26th July 2024) to facilitate the use of the areas as camping sites during the 152nd Open. The requested Orders are for safety reasons and to restrict access to those with paid tickets, for the sites at Lochgreen Golf Course and Marr Rugby Club.

- 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 30th April 2024 agreed to commence a public consultation on the proposed Orders. The consultation took place via the local papers, Council website and notices placed on site, in Troon. The consultation ran from 1st May to 28th May 2024, and received the responses which are summarised and responded to in Appendix 1 to this paper. It is noted that many of these responses do not relate to the Order itself but are objections to the use of the land as camping sites.

4. Proposals

- 4.1 The R and A has requested that access rights exemptions apply over the 2 areas indicated on the attached plans forming Appendix 2 for the periods covering 8th July to 26th July 2024 and 2nd July to 26th July 2024, respectively.
- 4.2 The responses received are summarised in Appendix 1. Very few responses raise issues directly relevant to the Access Exemption Order process to restrict public access on the affected areas. Several respondents have queried why a notification procedure similar to that required for planning applications, including neighbour notification, has not been used in this case. This is due to the Section 11 Order notification requirements being completely separate to those for planning applications, being set out in the Land Reform (Scotland) Act 2003 rather than through Planning legislation.
- 4.3 The queries and objections that are beyond the scope of the Access Exemption Orders process have been forwarded to the relevant Council services for a separate response.
- 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 R and A who have requested the Orders 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 areas have 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 Orders will mean that the Orders could not be made, which could jeopardize the use of these areas of land as camping sites. 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 areas in question. The R and A has measures ready to place additional stewards/ security staff on site, for such an outcome, but this may impact the use of the land as camping sites.

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 Priority One: Spaces and Places and Priority Three: Civic and Community Pride of the South Ayrshire Council Plan 2023-28.

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 in the area. 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 10 representations were received from the public. The main points raised, and the Council’s proposed responses, are set out in Appendix 1. However, most of the points raised in the representations relate to issues beyond the scope of the Access Exemption Orders, i.e., the use of the sites for camping, rather than the temporary removal of public access rights across part of these sites.
- 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 responses in Appendix 1 show that the Council considers that the proposed Order complies 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.

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Refer to Scottish Ministers	10th June 2024	Service Lead – Planning and Building Standards
Publish notice of confirmation of Order	End of June 2024	Service Lead – Planning and Building Standards

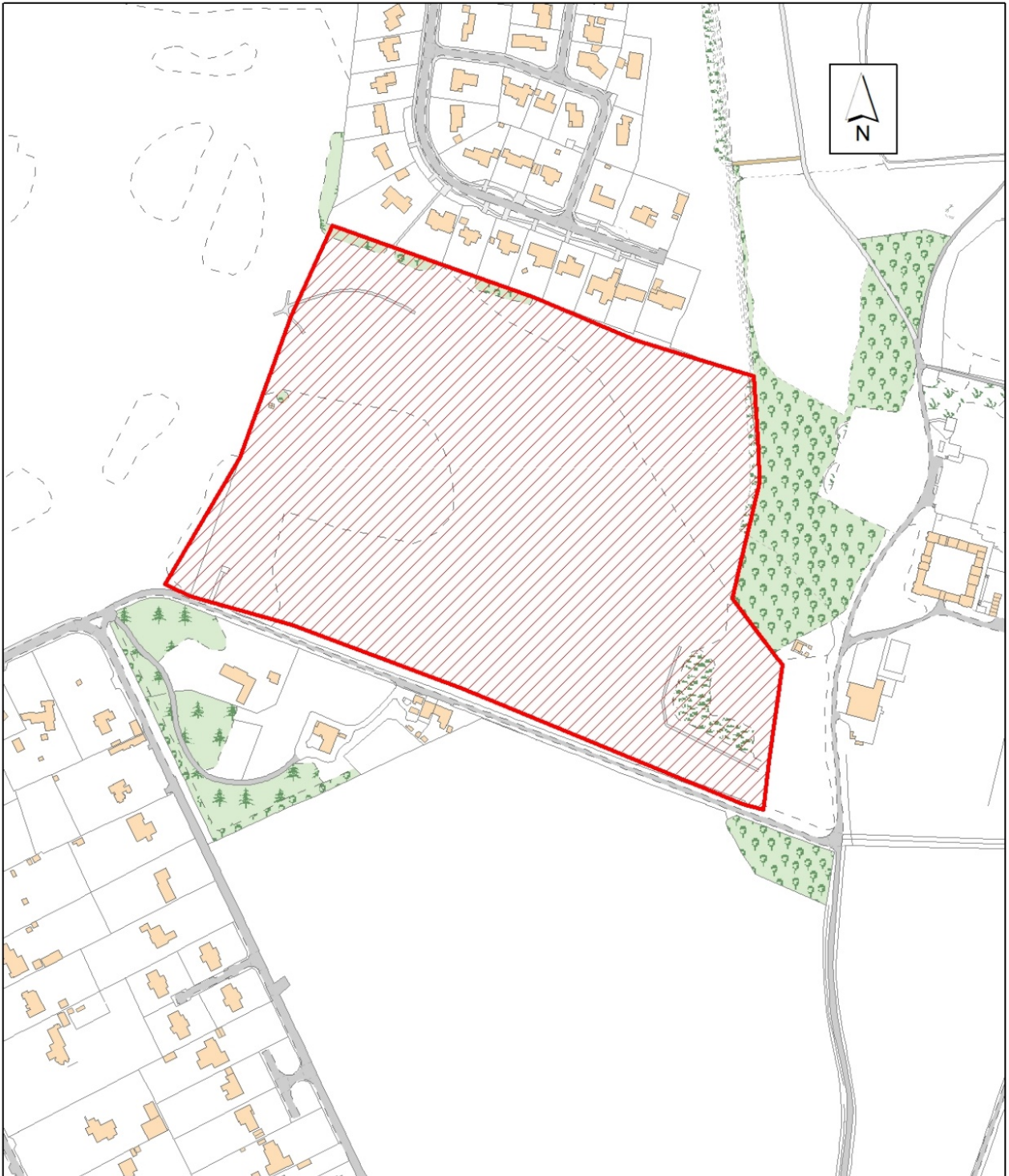
Background Papers Land Reform (Scotland) Act 2003 [here](#)
Part 1 Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities [here](#)

Person to Contact James Hall – Planning Strategy Co-ordinator
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E-mail: James.Hall@south-ayrshire.gov.uk

Date: 04 June 2024

Name of Respondent	Detail of Representation	Council's Proposed Response
M Scoular, Troon	Objection to any camping on the Municipal golf courses	Objection noted; however, the Order does not relate to the use of the site for camping, but only to the temporary removal of access rights.
C Smith, Troon	Objection to camping on Marr Playing Fields	Advise that site is Marr Rugby Club, not Marr Playing Fields. Objection was then withdrawn by complainant.
L Easton, Troon	Objection due to the lack of communication regarding the proposed use of the land, and enquiry as to whether planning consent required.	Advise that Planning consent is not required for short term use and that the Orders are made under separate legislation from planning applications, with different requirements for public consultation and notification.
B Dale, Troon	Objection to Order for Lochgreen, due to lack of information & expected levels of noise at night and need for public to be able to access site to monitor the project. A number of other queries relate to licensing and the rationale and decision making behind the use of the land for a camping site.	As these queries are not related to Planning or the Section 11 process, they have been forwarded to other Council services for a response. Compliance monitoring of the campsite is a matter for the relevant regulating Authority therefore no public access is required to the site by the public for that purpose.
A Easton, Troon	Objection to Orders, on basis of insufficient consultation (& no notices on site). Enquiry as to whether planning consent is required for campsite. Amenity impacts on adjacent properties from the Campsite	<p>Notices re. Orders placed on site 03.05.24. Notices on SAC website and in local papers (Post & Advertiser) 2 weeks in a row at start of consultation.</p> <p>Planning consent is not required for this short-term use. The Orders are made under separate legislation from planning applications, with different requirements for public consultation and notification. The Orders relate to the access rights over the land not the amenity impact of the proposed use.</p>
S Roxburgh, Troon	Objection to restriction on public access to Lochgreen Golf Course and to Fullarton Woods paths Requested to know who signed off on the plan, which councillors were involved, if Troon CC was informed and to see the Economic Assessment of the campsite plans	<p>Order does not restrict access to Fullarton Woods trails Troon CC was emailed on 03.05.24 to advise of proposed Orders and consultation.</p> <p>Other queries forwarded to other Council services for a response.</p>

Name of Respondent	Detail of Representation	Council's Proposed Response
J Park, Troon	Concerns over no consultation from SAC; noise; quantity & behaviour of visitors to facilities at Fullarton; access road to Fullarton Court	<p>Notices re. Orders placed on site 03.05.24 (photo evidence of this). Notices on SAC website and in local papers (Post & Advertiser) 2 weeks in a row at start of consultation.</p> <p>Advise that Planning consent is not required for short term use and that the Orders are made under separate legislation from planning applications, with different requirements for public consultation and notification.</p>
S McKernan, Troon	Request to see the Emergency Planning and Risk Assessments for the site at Marr RC	The R&A are providing a separate response to this request.
Mr R Nathan, Troon	Queries regarding the layout of the camping site/entertainment, sale of tickets, and whether the small lane which runs from Lady Margaret Drive onto the Lochgreen Golf Course will be closed during the event.	Advise that the small lane from Lady Margaret Drive is outwith the Order area and will remain open. Other queries forwarded to other Council services for a response.
Mr D Chalmers, Troon	Query regarding the number of tents and visitors expected and whether the small lane which runs from Lady Margaret Drive onto the Lochgreen Golf Course will be closed during the event.	Advise that the small lane from Lady Margaret Drive is outwith the Order area and will remain open. The R&A have advised that there will be there will be 2,104 'beds' available for the entire week.



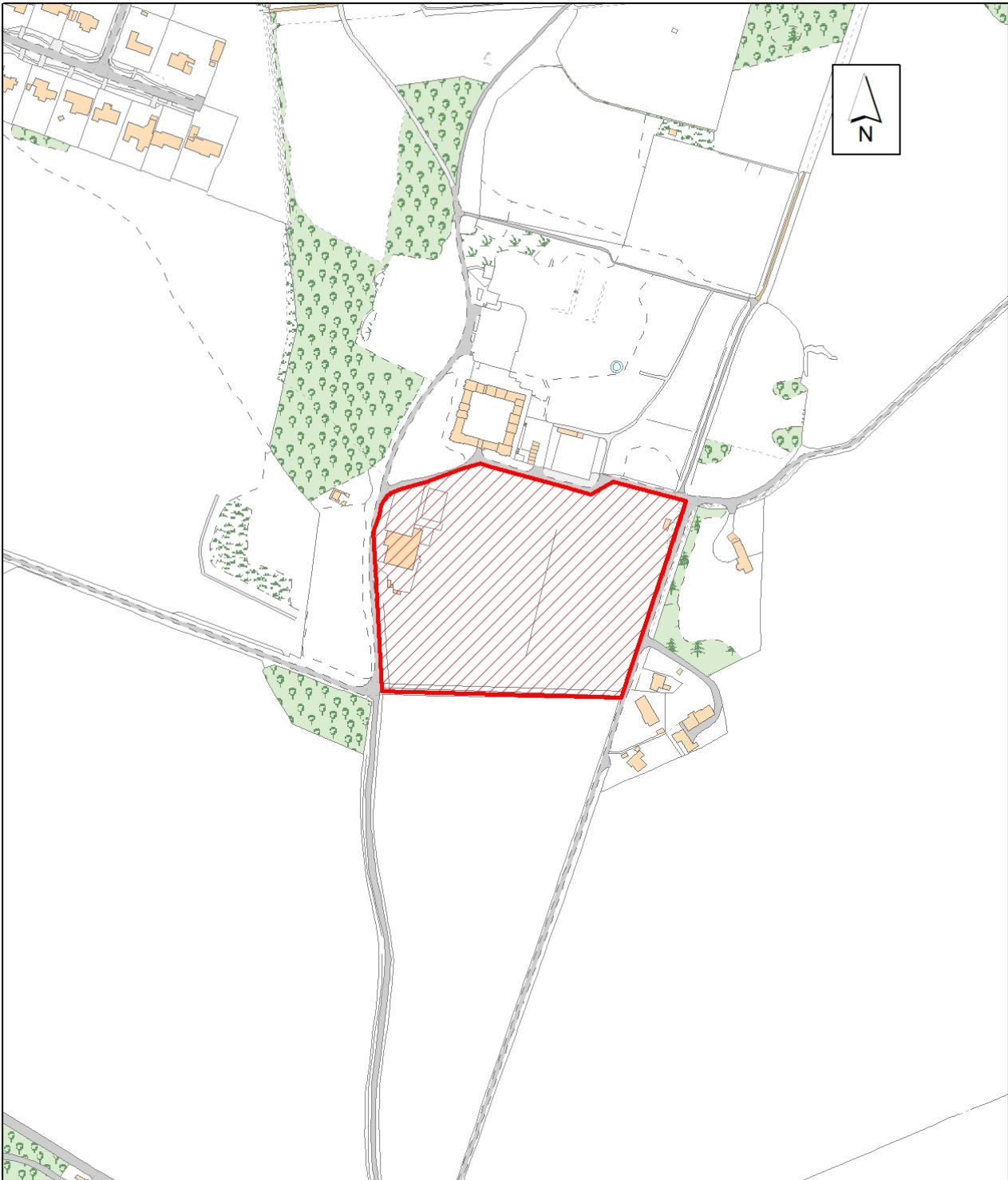
Area of land to be exempt from access rights.

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

Scale 1:4000 @ A4

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Area of land to be exempt from access rights.

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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: 152 nd OPEN AT ROYAL TROON GOLF COURSE (Camping Sites at Lochgreen Golf Course and Marr Rugby Club)
Lead Officer (Name/Position/Email)	Craig Iles, Service Lead – Planning and 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

Community or Groups of People	Negative Impacts	Positive impacts
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: 04 June 2024	