

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 27 February 2018

ANGUS COUNCIL (THE OPEN CHAMPIONSHIP, CARNOUSTIE) (EXEMPTION) ORDER 2018

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

ABSTRACT

This report relates to the introduction of an Order to exempt temporarily three areas of land in the vicinity of Carnoustie Links, from access rights which would otherwise be exercisable under the Land Reform (Scotland) Act 2003, to accommodate The Open Championship in July 2018.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) approves the making of the proposed Order, subject to the Scottish Ministers' confirmation of the terms of the Order; and
- (ii) authorises the Head of Legal and Democratic Services to make the Order including any amendments necessary in the event that the Scottish Ministers require modifications to the proposed Order.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- An inclusive and sustainable economy
- Safe, secure, vibrant and sustainable communities
- We want Angus to be a 'go to' area for businesses

3. BACKGROUND

The Open Championship will be held in Carnoustie between 15 and 22 July 2018. The terms of the Land Reform (Scotland) Act 2003 permits the public to exercise access rights over Carnoustie Links.

4. PROPOSALS

- 4.1 So as to allow the Championship to take place it is necessary to exempt temporarily three areas of ground in the vicinity of the Links from those access rights. The proposed dates and the reasons for each of the required exemptions are set out in the draft Order which is annexed to this report (**Appendix A**). The duration and extent of the exemptions sought are considered necessary to secure the health and safety of the public during the construction and dismantling of the infrastructure necessary to support the event, to maintain course security and to allow a charge to be made for admission.
- 4.2 The exempted area will include the cycle route between Barry Station and Carnoustie, which will be closed for five weeks during July and August. Diversion routes will be signposted during this period. For most of the period there will be a local diversion on to roads within Carnoustie. During the event week the diversion will follow the A92 cycle route to minimise disruption to cyclists who are passing through the area.

- 4.3 Other core paths at Barry and at Carnoustie Seafront/Links Hotel will be closed for longer periods. Local diversions will be in place, other than for the five week period during July/August.
- 4.4 Maps of the areas that will be excluded from access rights, and path diversions that will be in place, are available for inspection in the members' lounge.
- 4.5 The R & A as organisers of the event have been fully involved in the preparation of the proposed Order which was advertised in The Courier and Advertiser on 15 December 2017 with public files being made available in Carnoustie and Forfar. In addition, the statutory obligation to consult the Angus Local Access Forum and other parties considered appropriate has been undertaken.
- 4.6 In this report, the Committee is being asked to approve the making of the proposed Order, (subject to the Scottish Ministers' confirmation of the terms of the Order); and authorise the Head of Legal and Democratic Services to make the Order including any amendments necessary in the event that the Scottish Ministers require modifications to the proposed Order and to report the same to a subsequent meeting of this Committee.
- 4.7 As indicated above, in terms of legislation, exemption Orders having effect for 6 days or more are required to be sent to the Scottish Ministers for confirmation. The Scottish Ministers may (a) approve the application; (b) may approve it subject to such amendments as they consider appropriate having regard to any objections received; or (c) may refuse to confirm it. Ministers have the option of instructing an inquiry to enable them to decide whether to confirm the Order. The proposed Order has been submitted to the Scottish Ministers for confirmation as required.

5. STATUTORY CONSULTATION

Statutory consultation has been undertaken as detailed above. Twenty one representations were received, twenty of which were objecting to aspects of the Order. It is not considered appropriate to amend the Order as a result of the objections. All objectors have been given written responses which aim to address the concerns raised. A summary of the objections and responses is contained in **Appendix B**.

6. FINANCIAL IMPLICATIONS

There is a small cost associated with advertising the Order. There are no other financial implications.

7. CONSULTATION

The statutory obligation to consult the Angus Local Access Forum and other parties considered appropriate has been undertaken.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: **STEWART BALL, HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

EMAIL DETAILS: communitiesbusinesssupport@angus.gov.uk

List of Appendices: Appendix A – the draft Order
 Appendix B – summary of objections and responses