

ABERDEEN CITY COUNCIL

COMMITTEE DATE	Enterprise, Planning and Infrastructure 24 th May 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Walker Cup Golf Tournament - Temporary Exemption of Land from Access Rights (Land Reform (Scotland) Act 2003)
REPORT NUMBER:	EPI/11/128

1. PURPOSE OF REPORT

The report outlines an application for an Exemption Order for the short-term exemption of land from access rights under Section 11 of the Land Reform (Scotland) Act 2003 (the Land Reform Act), in order to facilitate and support the management of Walker Cup Golf Tournament which is to be held at Royal Aberdeen Golf Club.

The report seeks Committee approval of the proposed order.

2. RECOMMENDATION(S)

It is recommended that the Committee:

1. Approves the proposed Section 11 Exemption Order to facilitate and support the management of the Walker Cup Golf Tournament at Royal Aberdeen Golf Club.
2. Instructs officers to progress with the order.

3. FINANCIAL IMPLICATIONS

If approved, the cost of statutory public notices relating to the order will be met by the applicant. There are no capital implications arising from this report.

4. OTHER IMPLICATIONS

There are no other implications associated with this report.

5. BACKGROUND/MAIN ISSUES

- 5.1 This report relates to an application from Royal Aberdeen Golf Club (RAGC) requesting an order to exempt Balgownie Links from access rights between Saturday 10th September and Monday 12th September, both dates inclusive, while the Walker Cup takes place. The Walker

Cup will take place on the Saturday and Sunday, however, the land will also be exempted from access rights on the Monday as a contingency in the event of bad weather delaying play at the weekend.

- 5.2 The area of land to be exempted is illustrated on the map in Appendix 1. It consists of two golf courses, the Championship and Silverburn, clubhouses for RAGC and Aberdeen Ladies Golf Club, car parks and green keeping facilities. The land is owned by RAGC.
- 5.3 The exemption of the land from access rights is necessary for three primary reasons. These are:
- 1) To enable a charge to be levied for the event.
 - 2) To allow the appropriate control of spectators in order to avoid interference with, or disruption to, the matches and to ensure spectator safety.
 - 3) To provide an appropriate level of security for personnel and property.
- 5.4 Currently, the public have a right of access to the golf course for the purposes of crossing it only. There are no formal paths leading across Balgownie Links and any current access is taken informally. It is considered unlikely that large numbers of people cross the golf course in order to reach the beach. This is due to the presence of the very steep sand dunes which lead from the golf course to the beach. In addition, the Links is located adjacent mainly to industrial land. Those living in the residential area to the south are most likely to gain access to the beach via Donmouth Road. Alternative access to the beach from the north can be gained through Murcar Golf Course. These access routes will remain open and use will be unrestricted during the period of the proposed exemption order. Access along the beach itself will also be unrestricted during the period of the proposed order. Core path number 18, illustrated on the map in Appendix 1, will be unaffected by the exemption.

Taking the above into consideration, it is anticipated that the proposed order will have a minimal impact on members of the public wishing to gain access to the beach.

- 5.5 Aberdeen Outdoor Access Forum has been consulted on the proposed order. The Forum has raised no objections and is supportive of the proposed order.
- 5.6 The Walker Cup is a prestigious, international sporting event. It is a biennial match between Great Britain and Ireland and the USA which comes to the UK every four years. The event can be expected to contribute to the economic development of Aberdeen City and Shire by attracting tourism to the area. It will also promote the City internationally as a sporting and tourist destination.

- 5.7 Part 1 of the Land Reform (Scotland) Act 2003 introduced a statutory right of responsible access to most land and inland water in Scotland. Section 13 of the Land Reform Act places a duty on local authorities to uphold these access rights.
- 5.8 Under Section 11 of the Land Reform Act, an application can be made to the local authority for an order (a section 11 order) to temporarily exempt land from access rights. The Guidance for Local Authorities and National Park Authorities on Part 1 of the Land Reform (Scotland) Act 2003 lists appropriate reasons for exemptions. These include exemptions in the interests of safety and security and exemptions in order to allow a charge to be levied for admission to a particular event. The avoidance of interference with an event is also considered to be a valid reason.
- 5.9 Local authorities have powers under Section 11 of the Land Reform Act to grant orders for short-term exemptions of less than six days. Exemptions with a duration of six days or longer must be confirmed by Scottish Ministers.
- 5.10 Given the duty of the local authority to uphold access rights under Section 13 of the Land Reform Act, any proposed order should be in respect of the minimum area of land and for the minimum period of time necessary. When considering proposed orders, local authorities should also have regard to whether or not alternative routes exist, or can be provided, in order to facilitate access over or around land affected by such an order.
- 5.11 Although only a statutory requirement for Orders for Closure of six days or longer, it is considered best practice when considering a proposed short-term exemption order, that local authorities should consult with the owner (who in this case is making the application) and the Local Access Forum on the appropriateness of the order.
- 5.12 Upon granting a Section 11 exemption order, the local authority is required to give public notice of the making of the order, stating its intended purpose and effect.

6. IMPACT

This report will contribute to economic development and tourism and will encourage participation in sports activity. It therefore has links to many of the outcomes in the Community Plan and the Single Outcome Agreement and with Vibrant, Dynamic and Forward Looking.

It is anticipated that the proposed order will have minimal impact on the public. This is because the current level of public access across the Links is considered to be limited, for the reasons explained above. Anyone wishing to access the beach can do so via the alternative routes at Donmouth Road or Murcar Links. Furthermore, the proposed

order will only exclude the Balgownie Links from access rights for a short duration, three days in total.

The Equality and Human Rights Impact Assessment did not identify any negative impacts associated with the proposed order. It did identify a number of positive impacts for the citizens of Aberdeen and its visitors as a whole. These included contributions to health, the economy, social inclusion and quality of life. In particular, it was found to have a positive impact on the following equality target groups: older, younger, race, gender and poverty. The implementation of the proposed order will be monitored in order to identify any unanticipated negative impacts. If negative impacts are identified, these will be recorded and used to inform future proposed section 11 orders.

7. BACKGROUND PAPERS

Land Reform (Scotland) Act 2003

Scottish Executive (2005) Part 1 Land Reform (Scotland) Act 2003
Guidance for Local Authorities and National Park Authorities,
Edinburgh

Aberdeen Core Paths Plan, 2009

8. REPORT AUTHOR DETAILS

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Appendix 1



Section 11 Order - Land to be Exempted from Access Rights
Walker Cup - 10th - 12th September 2011

Legend

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