

REPORT TO: East Lothian Council

MEETING DATE: 22 June 2021

BY: Executive Director for Place

SUBJECT: The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2021

1 PURPOSE

- 1.1 For Council to approve the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Aberdeen Standard Investments Scottish Open 2021 Golf Championship, to be held at The Renaissance Club, Dirleton, East Lothian.

2 RECOMMENDATIONS

- 2.1 That Councillors approve the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2021.

3 BACKGROUND

- 3.1 The Aberdeen Standard Investments Scottish Open 2021 Golf Championship is being held at The Renaissance Club, Dirleton, East Lothian in July 2021.
- 3.2 The Championship organisers European Tour and International Management Group have applied to East Lothian Council for an Order under Section 11 of the Land Reform (Scotland) Act 2003 to exempt areas of The Renaissance Club from the access rights which would otherwise be exercisable there.
- 3.3 **The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2021:** The purpose of this Order is to enable the Scottish Open 2021 Golf Championship to be held, with the land being exempted temporarily from access rights (1) to secure the health and safety of the public and construction workers, as well as the security of materials and supplies, during the installation and dismantling of

temporary structures and services on the Course, before and after the Championship; and (2) to secure the safety and security of players and the safety of the public during the Championship; and (3) to permit an entrance fee to be levied on spectators for admission to the Scottish Open Golf Championship.

- 3.4 It is proposed that this Order will take effect at 00.00 hours on Sunday 4 July 2021 and will expire at 23.59 hours on Sunday 11 July 2021.
- 3.5 For an Order with a duration of less than six days, the local authority must give public notice of the order. If, however, an Order is in effect for a period of six or more days, then the local authority must consult the land owners, the Local Access Forum and any other persons they think appropriate inviting objections. An Order for more than six days would also require confirmation by Scottish Ministers and any representations received must be included with the draft Order sent to them.
- 3.6 Consultation on this proposed Order has taken place with East Lothian Local Access Forum, Gullane Area Community Council, NatureScot, North Berwick Coastal Area Partnership, Dirleton Village Association, The Honourable Company of Edinburgh Golfers, Archerfield Estates and Archerfield Advisory Group. A public consultation was also held between 14 and 24 May. One concern was raised by a landowner about the length of the Order (she thought it was for 10 days, but it is 8 days as it was last year); she later responded questioning whether access to the beach should be denied to the public during the event.
- 3.7 The draft Order, map and information about the consultation was sent to Scottish Ministers for confirmation on 25 May. The guidance recommends a turnaround period of at least six weeks for Scottish Ministers to confirm an Order.

4 POLICY IMPLICATIONS

- 4.1 These Orders are consistent with the provisions of the Land Reform (Scotland) Act 2003, and with policy and good practice set out in the Scottish Government Guidance for Local Authorities and National Park Authorities on Part 1 Land Reform (Scotland) Act 2003.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None.

6.2 Personnel – None.

6.3 Other – None.

7 BACKGROUND PAPERS

7.1 Appendix 1: Proposed Order to exempt land from access rights for the 2021 Scottish Open: “The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2021”.

7.2 Appendix 2: Map showing the area the proposed Order to exempt land from access rights for the 2021 Scottish Open would cover.

7.3 Appendix 3: Response to the consultation from a landowner

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DESIGNATION	Outdoor Access Officer
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DATE	25/05/2021

Appendix 1: Proposed Order to exempt land from access rights for the 2021 Scottish Open

EAST LoTHIAN COUNCIL

LAND REFORM (SCOTLAND) ACT 2003

**THE EAST LoTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB)
(EXEMPTION) ORDER 2021**

EAST LoTHIAN COUNCIL, in exercise of the powers conferred on them by Section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and all other powers enabling them in that behalf, HEREBY MAKE the following Order:-

1. The Order may be cited as "The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2021" and shall come into effect at 00.00 hours on 4 July 2021 and will expire at 23.59 hours on 11 July 2021, unless revoked earlier.
2. The effect of the Order is to exempt the area of land at The Renaissance Club, Dirleton, which area is shown hatched red on the plan thereof annexed and executed as relative hereto, from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.
3. The purposes for which the Order are made are:
 - (a) to secure the health and safety of the public and construction workers, as well as the security of materials and supplies, during the installation and dismantling of temporary structures and services on the Course, before and after the Championship; and
 - (b) to secure the safety and security of players and the safety of the public during the Championship; and
 - (c) to permit an entrance fee to be levied on spectators for admission to the Scottish Open Golf Championship.

The foregoing Order typewritten on this page is, together with the plan annexed hereto, sealed with the Common Seal of East Lothian Council and subscribed for and on their behalf by _____, an authorised signatory and as such a "Proper Officer" for the purposes of Section 194 of the Local Government (Scotland)

Act 1973 as amended, at HADDINGTON on the
THOUSAND and TWENTY ONE.

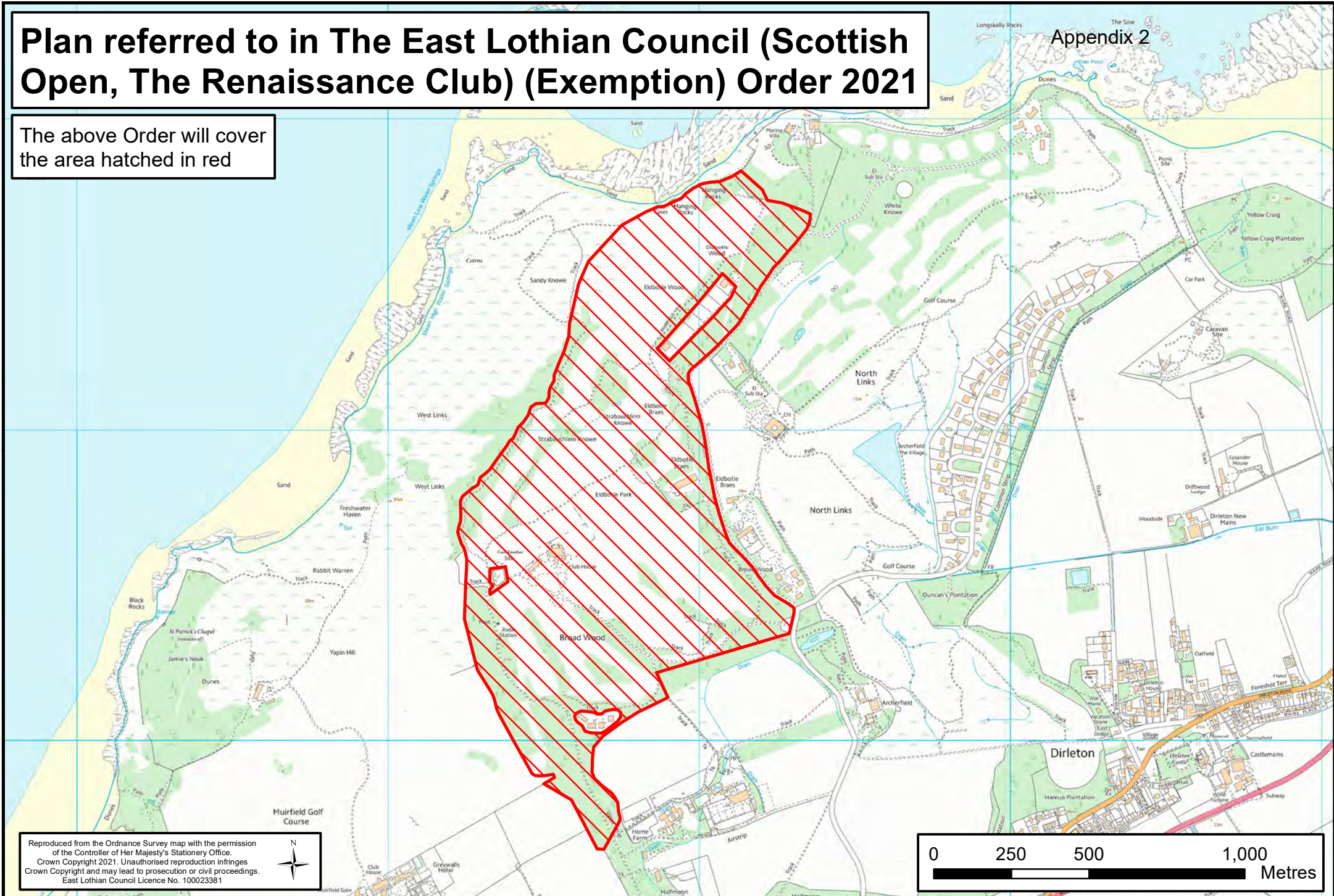
day of

TWO

Plan referred to in The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2021

Appendix 2

The above Order will cover the area hatched in red



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Appendix 3: Correspondence from consultation

Received: 27 May 2021 14:44

Hello nick

I don't wish to make a formal objection as you will appreciate it's a bit of an odd one. I would ask however that the time the area is shut (particularly the track to the west – which is as you mention below) is reduced. You are right that there is a track to the other side but that is also in the 'out of bounds' area even if it isn't completed. I understand entirely having it shut on play days as the spectators go down to the tollbooth area that way but outwith that seems excessive.

I have no idea how many people access the beach along that route but it is far greater than before. Sorry I can't be more specific.

Cheers

XXXX

From: Morgan, Nick <nmorgan@eastlothian.gov.uk>

Sent: 27 May 2021 10:12

To: XXXXXXXX>

Subject: RE: The Scottish Open - Renaissance

XXXX,

I passed on your comments about the exemption order at Renaissance with the information that was sent to the Scottish Government. They have come back with a series of questions and are considering if the order should be modified. They have asked me to confirm the following with you:

- Do you wish to make a formal objection to the Order.
- Please can you confirm the route to the beach that you are concerned about. It may be possible to ask for the area the Order covers to be modified, or it may be possible to ask that the route could be stewarded, allowing people to be accompanied along the route.
- They have also asked me if I know how many people access the beach along that route.

I am assuming it is the maintenance track to the west of the course that you are concerned about, but I am aware that the club were in the process of providing a path on the other side of the course accessing the coast somewhere near Marine Villa. I don't think they have completed this route yet, though.

I would appreciate it if you can let me have the above information.

With kind regards.

Nick

Received: 24 May 2021 14:44

The path to the beach is a main point of access for so many now. I understand there are reasons for this but perhaps that track could be excluded.

From a personal point of view it excludes access from land we actually own for an event that I don't feel particularly benefits the local area all that much.

Cheers

XXXX

From: Morgan, Nick <nmorgan@eastlothian.gov.uk>
Sent: 24 May 2021 09:59
To: XXXXXXXXXXXX
Subject: RE: The Scottish Open - Renaissance

Hi XXX,
I wonder if you are wanting to add anything to your previous comment or make a more formal objection to the Section 11 Order for the Scottish Open. We have to receive any comments or objections by midnight tonight. I will then be forwarding any comments or objections to Scottish Ministers tomorrow.
With kind regards.
Nick Morgan

Received: 20 May 2021 12:16

Hello Nick
How best to feed back comments?
I think that 10 days is extremely restrictive for those that live here and feels a bit unnecessary? I for one use those tracks to walk all the time and I know many others do. We also have restrictions still in place for some things and it is the summer holidays?
Why is it necessary to be this long?
Man thanks
XXXXX

From: Morgan, Nick <nmorgan@eastlothian.gov.uk>
Sent: 14 May 2021 10:43
To: Morgan, Nick <nmorgan@eastlothian.gov.uk>
Cc: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Subject: The Scottish Open - Renaissance

Dear Sir/Madam,
The Scottish Open Golf Championship will be returning to The Renaissance Club this July. I have been asked to process a Section 11 Exclusion Order to suspend public access on the course during the event, practice and pro-am. The dates that the Order will cover are Sunday 4th July until Sunday 11th July. The area of the exclusion is the same as the previous two years. As the proposed exclusion will be longer than six days we have to hold a public consultation. A notice is in the East Lothian Courier and the consultation is on the Council's Consultation Hub. I am also contacting local community groups, landowners and other interested parties. The consultation runs until 24th May. I have attached a letter about the consultation along with the proposed Order and a map showing the area that it will cover.
The Order will also have to be confirmed by Scottish Ministers.
If you have any concerns about this please feel free to contact me.
With kind regards.
Nick

Nick Morgan
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