

PERTH AND KINROSS COUNCIL

Executive Sub-Committee of the Environment Committee

21 May 2014

**LAND REFORM (SCOTLAND) ACT 2003
PROPOSED SECTION 11 EXEMPTION ORDER: 2014 RYDER CUP**

Report by the Depute Director (Environment)

This report recommends that an application for a Section 11 Exemption Order, to facilitate the 2014 Ryder Cup at The Gleneagles Hotel, be accepted.

The effect of the Order would be to exempt two areas of ground from the right of responsible access that would otherwise be exercisable. This is to provide for public safety and security prior to, during, and after the Ryder Cup, and to allow a charge to be made for submission to the event. The land would be exempted from access rights for up to 50 days.

1. LEGAL BACKGROUND

1.1 The Land Reform (Scotland) Act 2003 created a Statutory Right of Responsible Access to most land and inland water in Scotland. Under Section 13 of the 2003 Act, a specific duty is placed on the Council to uphold these access rights. Section 11 of the 2003 Act provides a mechanism whereby land may be exempted from access rights. These exemptions are for two periods, namely:

- (a) Short term exemptions (for up to 6 days). These are relatively straightforward. The power to do this has been delegated to officers and many short term exemptions have been granted, in the interests of safety and security, such as for forest stage car rallies on Forestry Commission land.
- (b) Applications for longer term exemptions (6 or more days up to a maximum of 2 years) are subject to public consultation and are confirmed, not by the local authority, but by the Scottish Ministers. Such applications can raise more difficult issues and require careful consideration.

1.2 In interpreting and implementing the Act, the Council is required, by virtue of Section 27(3) of the 2003 Act, to have regard to the provisions of the Guidance for Local Authorities and National Park Authorities on this Part of the Act. In terms of the Guidance, exemptions under Section 11 should in general be limited to the following purposes:

- To allow a charge to be levied for admission to a particular event,
- In the interests of safety and security,
- Ensuring the protection of privacy, where the provisions of Section 6 are not deemed sufficient in individual circumstances and the local authority considers the exclusion necessary.

- 1.3 The Guidance also suggests that, with regard to longer term exemptions, a degree of discretion is available to treat applications on an individual basis weighing such issues as:
- the threat of responsible access to the viability of the enterprise;
 - the importance of the enterprise to the local economy; and
 - the loss to the public of excluding the land from access rights.
- 1.4 The Guidance makes it clear that exemption orders for longer term exclusions should be used sparingly and applied to the minimum area, and for the minimum period necessary. In addition, reasons of land management should not generally be considered as these are covered under the Scottish Outdoor Access Code.
- 1.5 The Act requires that for longer term exemptions the local authority should consult the landowner(s), the local access forum and such other persons as they think appropriate, and give public notice of the intended purpose and effect of the proposed order.
- 1.6 The 2003 Act does not provide a specific mechanism for appeals in the event that the local authority refuses an application for an exemption order.
- 1.7 The Land Reform (Scotland) Act 2003 (Modification) Order 2013/356 now permits exemption orders to be made in respect of core paths, as well as other access land.

2. BACKGROUND TO 2014 RYDER CUP

- 2.1 The Ryder Cup is to be held at The Gleneagles Hotel between 23 and 28 September 2014. It is an international sporting event, a biennial professional match-play golf competition between teams from Europe and the United States. It attracts attendees of up to 52,000 people per day, including paying spectators and staff, and it is also likely to be attended by people whose public profile or status requires additional security.
- 2.2 It is one of the world's highest profile sporting events with an estimated television audience of 600 million, across 183 countries. The event has been in the planning stages since 2001, when the bid by the (then) Scottish Executive to host the event was accepted. This is the first time the event has been held in Scotland since 1971.
- 2.3 Ryder Cup Europe approached the Council, requesting an exemption of the land on which the competition will be played (and certain surrounding areas) from access rights. An application form together with a plan showing the site was received on 10 March 2014 - see Appendix 1.

3. THE APPLICATION

- 3.1 Ryder Cup Europe's application is seeking exemption for the entire PGA Centenary Course at Gleneagles, plus adjacent holes on the Kings and Queens courses, a piece of land belonging to Blackford Farms and Hole 6 of Auchterarder Golf Course, (see plan supplied with application, Appendix 1) to be exempted from access rights for a period of 50 days on the grounds of safety and security, and to allow an admission charge to be made. They also requested that for the duration of the week of the tournament additional parcels of land, comprising additional land at Gleneagles Hotel, the riding school and shooting school, and the core path through Auchterarder Golf Course be excluded, also on the basis of safety and security. The application includes a number of core paths detailed on the plan in Appendix 1. Rights of Way are to be closed under separate legislation.
- 3.2 A report was submitted to Auchterarder Common Good Fund Committee on 26 February 2014, (report number 14/82), seeking the Committee's approval for the temporary closure of the Core Path/Right of Way through Auchterarder Golf Course as part of the security arrangements for the Ryder Cup and the Committee agreed to the temporary closure. Further amendments to the requested exempted area will be put before the Auchterarder Common Good Committee on 19 May 2014.
- 3.3 Further information was submitted by Ryder Cup Europe in the form of a short report entitled 'Core Paths Summary Notes' (see Appendix 2). This detailed the reasons for, and timings of, the requested exemption from access rights of the event footprint and the core paths, on the grounds of safety and security.
- 3.4 The reason for requesting exemption for certain areas of land outwith The Gleneagles Hotel's grounds requires some clarification. These are areas adjacent to the event site which Ryder Cup Europe's security advisors consider could be used by undesirable individuals to reconnoiter the event site, or seek to gain access to the site, with an intention to damage or disrupt the site. By removing access rights for people with legitimate access, this makes it easier for security services to spot people who are there for illegitimate purposes.
- 3.5 It should also be noted that this request was made at a time when the overall national threat assessment was relatively low. By September, the threat assessment may have intensified, requiring heightened security precautions. At that stage, it may be too late to invoke the relatively lengthy process to exempt these areas of land. Therefore the request for these exemptions is based on a worst case scenario. Ryder Cup Europe have indicated that, dependent on the threat assessment at the time of the competition, it may be able to give the community greater access to the land that is currently being requested in the Exemption Order.

- 3.6 It should be noted that in relation to the proposed exempted areas on Auchterarder Golf course, this applies to 'general access' only. It does not exclude the use of the land specifically for golfing purposes as part of the Golf Club's activities.
- 3.7 Initially Ryder Cup Europe requested that access be excluded only from the core paths, which was quickly clarified. Access rights are not restricted to core paths but apply to land in Scotland more generally, so, to achieve the desired outcome, the Exemption Order would need to apply to a wider area including the golf course itself.

4. CONSULTATION

- 4.1 The Head of Environmental and Consumer Services attended the Access Forum on 20 February 2014 to give a verbal update on the proposed Exemption Order, the likely area covered and the time the Exemption Order was expected to apply. The Forum intimated that they were mindful of the importance of the event and the need for an exemption. They indicated that they were unlikely to object and no objection has been received from them. The proposed exemptions were also raised at a Ryder Cup engagement meeting with local community representatives in Auchterarder on 24 March 2014.
- 4.2 The Proposed Exemption Order was advertised by means of a Notice in the Perthshire Edition of The Courier on 4 April 2014, and notices were displayed on site on 11 April 2014. Copies of the Notice, Order and Plan were sent to interested parties in line with Section 11(2)(a) of the 2003 Act. Copies of the Notice, Order and Plan were lodged at the Council Offices in Pullar House, 2 High Street, and Auchterarder Library, and posted on the Council's website (with links from Access and Ryder Cup/residents pages), on 2 April 2014. Additional information was made available on the website in the form of questions and answers. The formal consultation period ran for 5 weeks from the date of publication of the Notice in The Courier, until 9 May 2014.
- 4.3 The Proposed Order was further considered by the Perth and Kinross Access Forum Exemptions and Obstructions Sub Group at its meeting on 30 April 2014.
- 4.4 The three Community Councils, local Elected Members, affected landowners and representative bodies were contacted by email on 3 April 2014, advising them of their opportunity to comment on the draft Order with a link to the documents online. Reminders were sent a week prior to the closing date on 29 April 2014.

5. RESPONSES TO THE CONSULTATION

- 5.1 Copies of all the objections and representations received are set out in Appendix 4. Objections to the proposed order were received from Ramblers Scotland and a local resident. A letter of comment was also received from Scotways (the Scottish Rights of Way and Access Society) which has been recorded as a representation.
- 5.2 Ramblers Scotland objected to the exemption from access of the right of way and core path across Auchterarder Golf Course AUCH/35/1. The member of the public objected to the exclusion of the 6th fairway of Auchterarder Golf Course for the whole of the seven week period. Scotways' comments related to the right of way/core path across Auchterarder Golf Course AUCH/35/1. Rights of way are for passage only, and in their view, this could be managed by stewards.
- 5.3. The list of the responses received (Appendix 4) includes a note of whether the response was in support of the application or against it.

6. ASSESSMENT

- 6.1 The Guidance to Local Authorities and National Park Authorities on this Part of the 2003 Act recommends that the Council considers applications on an individual basis weighing such issues as:
- the threat of responsible access to the viability of the enterprise;
 - the importance of the enterprise to the local economy, and
 - the loss to the public of excluding the land from access rights.
- 6.2 The Applicant's Supporting Statement addresses the adverse impact of responsible access on the event - in this case the setting up and taking down of the required facilities, and the staging of the event. For an event of this size, scale and international importance, genuine safety and security concerns exist. During the event itself it is difficult to see how the organisers could manage the large numbers of paying spectators and ensure the safety of players and high-profile visitors if members of the public continued to exercise their access rights.
- 6.3 The importance of the Ryder Cup to the reputation of Scotland and the local and Scottish economy, is both widely recognised. It is estimated that the Scottish economy will benefit by £100m from the event taking place.
- 6.4 It is accepted that the level of public access within the site is normally quite high particularly along the core paths (in this case following existing rights of way) and more generally over the Auchterarder Golf Course (part of the Common Muir of Auchterarder). However, there are other local paths and the low number of objections from the general public suggests that people acknowledge the status of this event and the potential benefits which will accrue from it and are prepared to accept some inconvenience for a limited period of time. It is also accepted that protection of the event site by allowing exemption of certain surrounding areas prior to the event is credible, given the advice from Ryder Cup Europe's security advisor and the dynamic nature of overall threat levels.

7. PROPOSALS

- 7.1 It is proposed that the application for the Exemption Order be accepted, in the interests of the safety and security of the Ryder Cup, and to allow a charge to be made for admission to the event.

8. CONCLUSION AND RECOMMENDATION(S)

- 8.1 The Ryder Cup is an internationally significant event, which has involved years of planning to ensure its safe and successful delivery. By accepting the Exemption proposed in this report, this will give assurance that safety measures can be put in place both prior to, and during the event, to protect the Ryder Cup site.
- 8.2 It is therefore recommended that the Committee:
- (1) Approve the application to exempt the areas shown on the plan in Appendix 3 from the right of responsible access during the times detailed in the application for reasons of safety and security, and to allow a charge to be made for admission to the event
 - (2) Agree that the application, together with supporting information and all the objections and representations, should be submitted to the Scottish Ministers for confirmation.

Author(s)

Name	Designation	Contact Details
Keith McNamara	Head of Environmental and Consumer Services	KDMcNamara@pkc.gov.uk Telephone: 01738 476404

Approved

Name	Designation	Date
Barbara Renton	Depute Director (Environment)	15 May 2014

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting Keith McNamara on the above details



Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Y
Corporate Plan	Y
Resource Implications	N
Financial	N
Workforce	N
Asset Management (land, property, IST)	N
Assessments	N
Equality Impact Assessment	N
Strategic Environmental Assessment	N
Sustainability (community, economic, environmental)	N
Legal and Governance	Y
Risk	Y
Consultation	Y
Internal	Y
External	Y
Communication	Y
Communications Plan	Y

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The proposals relate to the delivery of the Perth and Kinross Community Plan /Single Outcome Agreement in terms of the following priorities:

- (i) Promoting a prosperous, inclusive and sustainable economy
- (ii) Creating a safe and sustainable place for future generations

Corporate Plan

- 1.2 The proposals relate to the achievement of the Council's Corporate Plan Priorities:

- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (ii) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 There are no financial implications arising from this report.

Workforce

- 2.2 There are no workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.3 There are no asset management issues arising from this report. Although the areas of Auchterarder Golf Club are Council owned, the impact of these proposals is temporary.

3. Assessments

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. These specific proposals have no impact on sustainability due to their temporary nature.

Legal and Governance

- 3.4 The Head of Legal Services and Head of Democratic Services have been consulted on these proposals.

Risk

- 3.5 There is a significant risk to the Ryder Cup if the Exemption is not granted, as it could compromise the safety and security of the event.

4. Consultation

Internal

- 4.1 The Head of Legal Services and Head of Democratic Services have been consulted on these proposals.

External

- 4.2 Police Scotland and Auchterarder Golf Club were consulted in the preparation of this report. They have no objections to the proposals.

5. Communication

- 5.1 If the Exemption Order is approved by Scottish Ministers, the Council will publicise this in the local press, and also feature the details of the Exemption in the Ryder Cup section of its website.

6. BACKGROUND PAPERS

Report to the Auchterarder Common Good Fund Committee on 26 February 2014, Report Number (14/82)

7. APPENDICES

Appendix 1	Application from Ryder Cup Europe
Appendix 2	Applicant's Supporting Statement
Appendix 3	The Notice, Order and Plan
Appendix 4	A table listing those consulted directly under Section 11(2)(a)
Appendix 5	Copies of all the objections and representations received: Scotways, Ramblers Scotland, a local resident

 <p>PERTH & KINROSS COUNCIL</p> <p>The Environment Service</p>	<h1>Application For An Order Of Exemption From Access Rights For Land/Inland Water</h1>	<p>For Official Use Only</p> <p>Ref No</p> <p>Date of Receipt</p> <p>0-5 Days / 6 Days and Over</p>
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An order of exemption can be granted by Local Authorities under powers created by Section 11 of Part 1 of the Land Reform (Scotland) Act 2003.

Please complete in BLOCK LETTERS

PLEASE READ THE ACCOMPANYING NOTES BEFORE COMPLETING THE APPLICATION FORM. When complete return to:

Head of the Environment Service, Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

1 Name and contact details of applicant

Name RYDER CUP EUROPE

Address WENTWORTH DRIVE,
VIRGINIA WATER, SURREY

Post Code GU25 4LX

Tel No 01344 840400

Mobile 07885 025700

E-mail abeggs@europeantour.com

2 Dates and duration of exemption order in days

1. Pre – event: Monday 11th August to Monday 29th September - a lesser area, shown shaded pink on the map).
2. Event: Saturday 20th September to Monday 29th September (a greater area, outlined in red on the map).

3 Reason for applying for exemption order

Safety & Security

Allowing an admission charge

1. Pre – event: a need to restrict unauthorised access to certain areas/locations adjacent to, near or in sight of the event venue to prevent activities that affect safety and security arrangements for the efficient staging of the event.

2. Event: there is a requirement to achieve a secured perimeter and restrict access to ticket holders and staff; create routes and access arrangements for event related traffic and emergency services plus suitable non- event related access and egress for residents or businesses within the perimeter /footprint.

4 Description of event/activity

The 2014 Ryder Cup – an International Sporting Event with attendees of up to 52,000 per day including paying spectators and staff. There is also the possibility of high profile people requiring security.

5 Location or address of the site to which the exemption order will apply

Gleneagles Hotel,

Auchterarder

Perthshire

Post Code PH3 1NF

Grid reference NN919115

Extent of land/inland water to be included in exemption (please attach a map with boundary of exemption marked)

Please see Map Attached

6 Contact details for the site if different from above

As above

7 Landowner contact details for site

As above

Also partially including land owned by Blackford Farms and Auchterarder Common Good Fund (Auchterarder Golf Course).

8 Please tick to confirm that the landowner's permission has been given

Yes



No



9 Details of access provision which will be temporarily suspended by exemption order

1. Pre – event: access to be temporarily suspended in area shown pink on the map, and including core paths AUCH/51/1, AUCH/39/1 & AUCH/39/2.
2. Event: access to be temporarily suspended in area outlined in red on the map, and including core paths AUCH/51/1, AUCH/39/1 & AUCH/39/2, AUCH/154/1, AUCH/154/2, MUTH/135/2, AUCH/155/1 and AUCH/35/1.

10 Suggested alternative access routes (mark on map)

There are other core paths / rights of way available for access in the local area (see map), and general access rights are available outwith the exemption area. Although the paths MUTH/135/2 and AUCH/155/1 have been requested for closure during the event week, the carriageway will be open for vehicular and cycling traffic, and may still be used to transport people to the other access paths to the east and west of the area requested for exemption.

Ryder Cup Europe are available to provide local residents living in the footprint of the Ryder Cup site with help, if the residents have specific access difficulties resulting from these exemptions.

The Provosts Walk eastwards from Strathearn House will remain available for use.

11 Previous application

Date N/A Reference Number _____

Was the previous application for the same site/event Yes / No

12 Declaration

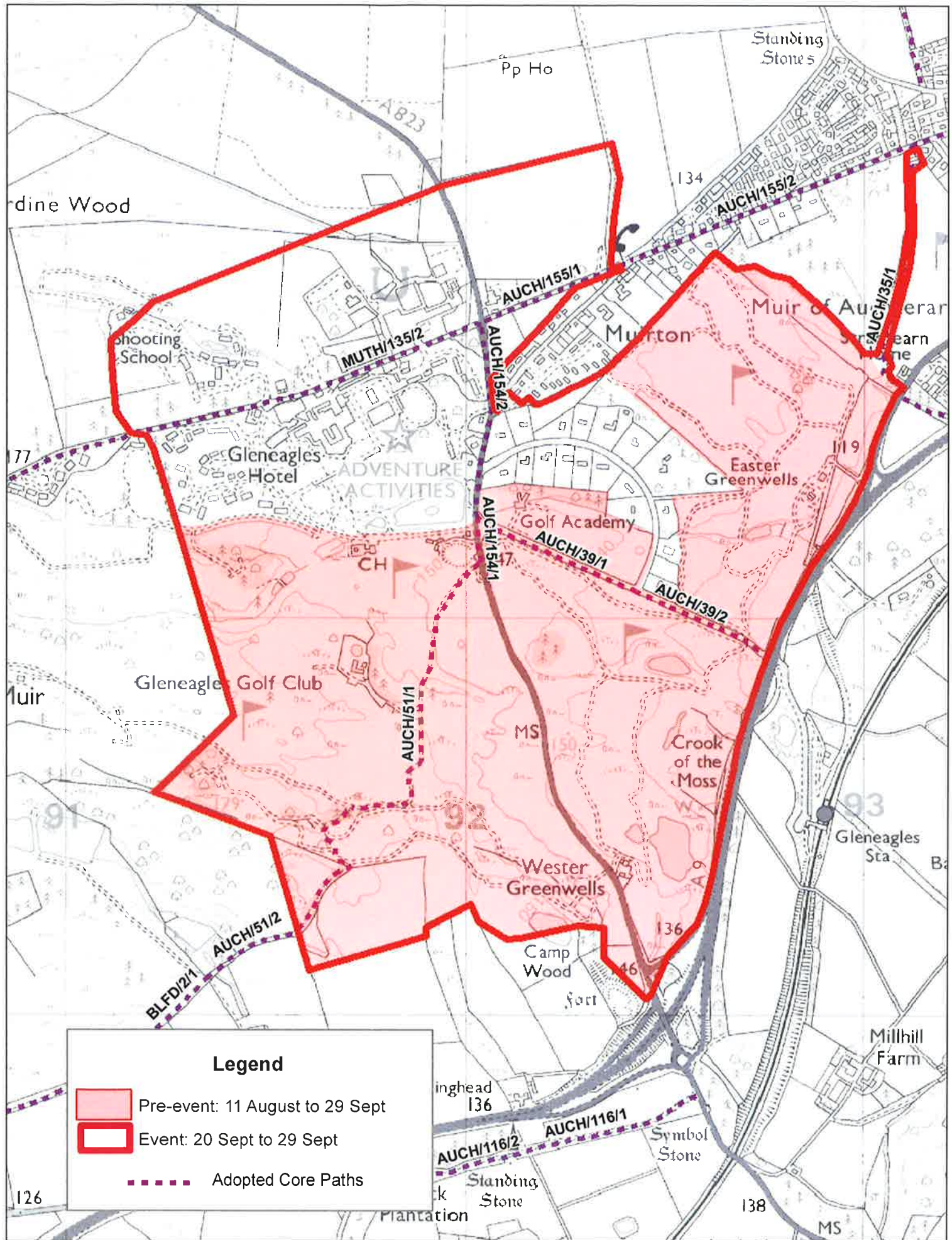
☒ I enclose the standard fee of £400

Signed (applicant) Antonia Briggs Date 10/3/14

Data Protection Act 1998

Article 10 Notice

The information provided by you and by other relevant parties will be used to help determine whether or not an order of exemption should be granted. Your application will be processed by employees of Perth & Kinross Council. The completed application form and any other information you provide will be available for public inspection in Council Offices and may be shared with other appropriate professionals and service providers. In terms of the Data Protection Act 1998, you are entitled to know what personal information Perth & Kinross hold about you, on payment of a fee of £10. Application should be made to the Executive Director of The Environment Service, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.



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Ryder Cup. Draft Exemption Area - 2 time periods

Contact: KM

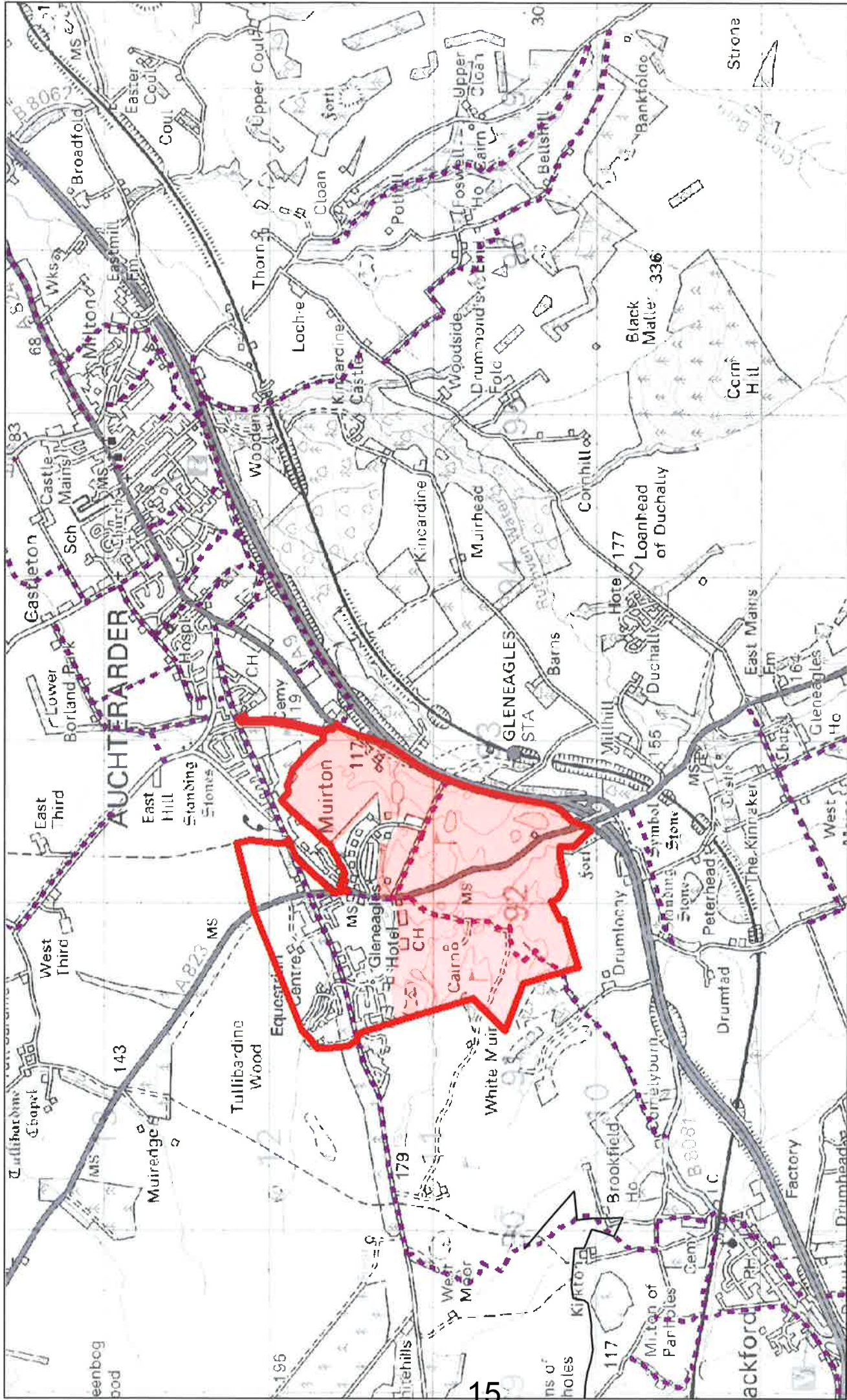
Date: 20/02/2014

Map for use in connection with Council duties under the Land Reform (Scotland) Act 2003



Scale:
1:12,000





Core paths and Rights of Way in Blackford / Auchterarder area, in relation to Ryder Cup Exemption area

Contact: KM

Date: 26 Feb 2014



Scale:
1:30,000

Core Paths Summary Notes

Event Period 20 Sept to 29 sept

During the event week there is a requirement to achieve a secured perimeter and restrict access to ticket holders and staff ; create routes and access arrangements for event related traffic and emergency services plus suitable non- event related access and egress for residents or businesses within the perimeter /footprint.

There is also a need to restrict unauthorised access to certain areas/locations adjacent to , near or in sight of the event venue to prevent activities that affect safety and security arrangements for the efficient staging of the event; the prestige or reputation of the host venue or event partners; as well as the arrangements intended to minimise disruption or disturbance to local residents and the community .

To achieve these objectives it is necessary to restrict public access to the event footprint and along the core paths listed below within the boundary lines indicated in red on the map :

Auch /51/1: Auch/154/1: Auch/39/1: Auch/39/2 : Auch /154/2 : Muth/135/2 : Auch/155/1
:Auch/35/1(AGC)

Pre event period 11 Aug to 20 Sept

The Ryder Cup Matches like all major and sporting international events is a potential target for “hostile” action by terrorist, environmental or other protest activity. During the build period there is also potential for theft and damage to the course, buildings, materials and machinery.

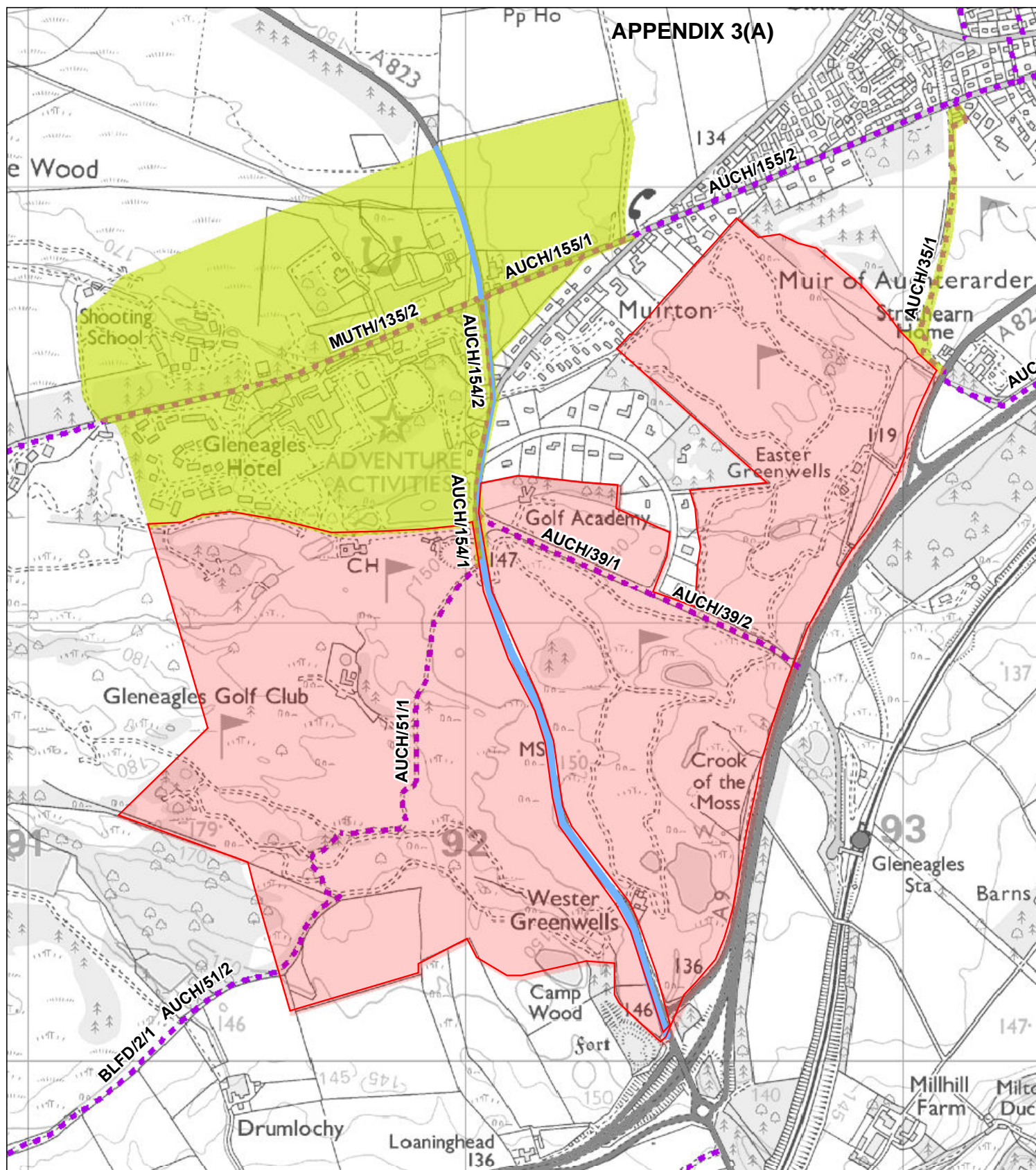
Pre event large sections of the course and the hotel site effectively become a large building site for several weeks with significant levels of activity carried out in compliance with strict health and safety requirements, policies and procedures. This includes many locations that are normally open ground as well as near footpaths or other rights of way across the site. Whilst every effort is made to ensure that properly managed and maintained physical protections and warnings are in place (e.g. fencing or warning notices etc) the risks for unrestricted public access are obvious.

To address both security and safety risks, control measures are put in place for legitimate access by people, vehicles and deliveries against a pre-arranged system of accreditation, registration and labelling. Thus making any unauthorised attempt at access easier to detect and address. Safety measures will also be in place re hotel guests and golfers on the section of the golf course in use. Additional CCTV and IT based warning systems will be implemented supported by additional security personnel throughout the day and night. The effectiveness of these measures will be significantly reduced if the general public have access to the area.

To optimise the effectiveness of these security measures and reduce potential risks to public safety before, during and after the event it is essential to restrict public access to the event footprint and along the core paths listed below within the boundary lines indicated in red on the map :

Auch/51/1 : Auch/39/1 & Auch/39/2

These need to be in place for a minimum period of six weeks prior to the event .



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Areas affected by Section 11 2014 Ryder Cup Exemption Order -

Areas coloured pink

from 00:01 hrs on Monday 11th August 2014 to 23:59 hrs on Monday 29th September 2014

Areas coloured green

from 00:01 hrs on Saturday 20th September 2014 to 23:59 hrs on Monday 29th September 2014

including all core paths on the said areas.

Contact: Frances Berry

Date:31/03/2014

Map for use in connection with Council duties
under the Land Reform (Scotland) Act 2003

PERTH AND KINROSS COUNCIL

LAND REFORM (SCOTLAND) ACT 2003

NOTICE OF PROPOSED ORDER TO EXEMPT LAND FROM ACCESS RIGHTS

Notice is hereby given under section 11(2)(b) of the Land Reform (Scotland) Act 2003 ("the Act") that Perth and Kinross Council proposes to make The Perth and Kinross Council (2014 Ryder Cup) (Exemption) Order 2014 (the Order) under section 11(1) of the Act.

The effect of the Order will be to exempt (i) from 00.01hrs on 11 August 2014 to 23.59hrs on 29 September 2014 inclusive, the areas west of the A9 comprising the PGA Centenary Course, Gleneagles, Holes 1 and 18 of the Queen's Course, Gleneagles, Holes 1, 2, 3, 4, 15, 16, 17 and 18 of the King's Course, Gleneagles and Hole 6 of Auchterarder Golf Course and including those sections of Core Paths AUCH/154/1, AUCH/51/1, AUCH/39/1 and AUCH/39/2 within the said areas, and (ii) from 00.01hrs on 20 September 2014 to 23.59hrs on 29 September 2014 inclusive, the area to the north of area (i) comprising the grounds of Gleneagles Hotel, including the grounds of the Gleneagles Equestrian Centre and Shooting School but excluding any buildings erected thereon, and an area to the east of the A823 road and including those sections of Core Paths AUCH/154/1, AUCH/154/2, MUTH/135/2, AUCH/155/1 and AUCH/35/1 within the said areas from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act. Those sections of the A823 lying within areas (i) and (ii) above which are not also Core Paths, and any rights of way on areas (i) and (ii), will not be exempt in terms of the Order but will be closed temporarily under separate legislation.

The purpose for which the Order is being proposed is to provide for public safety and security prior to, during and after the event and to allow a charge to be levied for admission to the Ryder Cup.

It is proposed that the Order will take effect in respect of (i) above from 00.01hrs on 11 August 2014 to 23.59hrs on 29 September 2014, and in respect of (ii) above from 00.01hrs on 20 September 2014 to 23.59hrs on 29 September 2014, unless revoked earlier.

Full details of the proposed Order together with plan showing the land affected may be examined during normal working hours at Perth and Kinross Council Offices:- Pullar House, 35 Kinnoull Street and 2 High Street, Perth and Auchterarder Library, Chapel Wynd, Auchterarder and at www.pkc.gov.uk/rydercupexemptionorder.

Objections or representations in respect of the Order may be made to the Head of Legal Services, Council Building, 2 High Street, Perth, PH1 5PH, for consideration no later than 5 weeks after publication of this notice. These should be made in writing and, in the case of objections, the grounds on which they are made should be stated.

IAN T INNES
Head of Legal Services

Dated:- 4th April 2014

PERTH AND KINROSS COUNCIL

LAND REFORM (SCOTLAND) ACT 2003

**THE PERTH AND KINROSS COUNCIL (2014 RYDER CUP)
(EXEMPTION) ORDER 2014**

PERTH AND KINROSS COUNCIL, in exercise of the powers conferred on them by Section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and of all other powers enabling them in that behalf, having consulted the Perth and Kinross Local Access Forum, Landowners and other persons they consider appropriate having given public notice of the intended purpose and effect of the Order, and having considered any objections and representations made to them, all in accordance with Section 11(2) of the Act HEREBY MAKE the following Order:-

1. The Order may be cited as "The Perth and Kinross Council (2014 Ryder Cup) (Exemption) Order 2014" and shall come into effect at 00.01hrs on 11 August 2014 and will expire at 23.59hrs on 29 September 2014, unless revoked earlier.
2. The effect of the Order is to exempt:
 - (i) between 00.01hrs on 11 August 2014 and 23.59hrs on 29 September 2014 inclusive, the areas lying immediately to the west of the A9 road and comprising the PGA Centenary Course at Gleneagles, Holes 1 and 18 of the Queen's Course, at Gleneagles, Holes 1, 2, 3, 4, 15, 16, 17 and 18 of the King's Course at Gleneagles and Hole 6 of Auchterarder Golf Course and including those sections of Core Paths AUCH/51/1, AUCH/154/1, AUCH/39/1 and AUCH/39/2 within the said areas, all situated in the County of Perth and on which areas will stand the tented village, hospitality suites, grandstands and media installations for the 2014 Ryder Cup and on which areas the Ryder Cup will be played; which areas are shown coloured pink and delineated by a fine red line on the plan annexed and executed as relative hereto, under exception of the section of the A823 road shown coloured blue on the said plan (except in so far as the road includes a Core Path) and the public rights of way existing over the said areas, all of which will be temporarily closed under Roads legislation and upon which areas, construction and other preparatory work will commence on or immediately after 11 August 2014, with the increasing presence of contractors and work vehicles, including fork-lift trucks, undertaking building works in advance of the commencement of the Ryder Cup, and on which areas, the Ryder Cup will be played and on which areas, after completion of the Ryder Cup, contractors will carry out all necessary works to return the said areas to their original condition, and

- (ii) between 00.01hrs on 20 September 2014 and 23.59hrs on 29 September 2014 (inclusive) the areas situated generally to the north of the said areas coloured pink, comprising the grounds of Gleneagles Hotel, including the grounds of the Gleneagles Equestrian Centre and Shooting School but excluding any buildings erected thereon, and an area of ground lying to the east of the A823 road and including those sections of Core Paths AUCH/154/1, AUCH/154/2, MUTH/135/2, AUCH/155/1 and AUCH/35/1 within the said areas, all situated in the County of Perth and which areas are shown coloured green on the said plan, under exception of the section of the A823 road shown coloured blue on the said plan (except in so far as the road includes a Core Path) and the public rights of way existing over the said areas, all of which will be temporarily closed under Roads legislation, which areas will fall within the admission gates for the event or will otherwise be required for media, car-parking and other amenities and for the security of the event

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 is made are:

- (a) To maintain course security prior to and during the event;
- (b) To secure the safety and security of the public during the construction of the infrastructure necessary to support the event;
- (c) To secure the safety and security of the public during the dismantling of the said infrastructure;
- (d) To secure the safety and security of the public during the event from support and contractors' vehicles; and
- (e) To allow a charge to be made for admission to the event.

The foregoing Order typewritten on this and the previous page together with the plan annexed are sealed with the Common Seal of Perth and Kinross Council and subscribed for them and on their behalf by their and
Proper Officer for the purposes hereof all at Perth on the day of
Two thousand and fourteen

List of Consultees

* indicates individuals and organisations that were consulted directly by Perth and Kinross Council.

Consultee	Interest	Objection/Support
Scottish Rights of Way and Access Society *	Representative Organisation	Representation
Blackford Community Council *	Community Council	
Auchterarder Community Council*	Community Council	
Muthill Community Council *	Community Council	
Perth & Kinross Outdoor Access Forum *	Access Forum	
Councillor Murray Lyle *	Ward Councillor	
Councillor Tom Gray *	Ward Councillor	
Councillor Ann Gaunt *	Ward Councillor	
Blackford Farms *	Land owner	
Name withheld	Occupier at Comleyburn	
Strathallan Estate *	Land owner	
Auchterarder Common Good Fund *	Land owner (Common Muir)	
Auchterarder Golf Course *	Tenant (Common Muir)	
Gleneagles Hotel *	Land owner	
Ramblers Scotland *	Representative Organisation	Objection and representation
Name withheld	Public	Objection

**Copies of the Objections and Representations Received
(3 letters)**

The Scottish Rights of Way and Access Society

Head of Legal Services
Council Building
2 High Street
PERTH
PH1 5PH

1st May 2014

Dear Sir

Ryder Cup at Gleneagles: proposed closure

I refer to the route described on a Council plan as AUCH/35/1 (our reference TP203), specifically where it runs adjacent to Gleneagles Golf Course.

As far as we are able to ascertain from the information available, the reason for the proposed closure relates to security. However, a right of way is for passage and users may not linger. Hence, if an objective is to prevent people from viewing part of the tournament, then management of the route would prevent this. The Society assumes that, to cover any security threat, there will be a high level of stewarding in the area. Therefore, the Society does not consider that there is any requirement to close the right of way and would urge the Council consider alternative measures to ensure that the route remains open.

Yours faithfully

George MacQuarrie
National Secretary

**Ramblers Scotland
Milnathort
Kinross**

Head of Legal Services
Council Building
2 High Street
PERTH
PH1 5PH

8 May 2014

Dear Sir/Madam

Land Reform (Scotland) Act 2003, S.11 Exemption order for land related to the Ryder Cup at Gleneagles

Ramblers Scotland is pleased to have the opportunity to comment on the consultation regarding the exemption of land from statutory access rights in association with the Ryder Cup competition at Gleneagles in September. We recognise that the nature of this international event will require security and organisational measures to be implemented before and after the event and during the event itself. We note that the exemption of land from statutory access rights is expected to include land designated as core paths.

We wish to ensure that the proposed exemptions are not excessive in extent, both in terms of time and area and to also ensure that there is a full and correct understanding by the public, and by those responsible for the Ryder Cup operations and arrangements, of the consequences of the exemptions. In particular, all parties need to understand that the presence of an exemption does not preclude the taking of access over the area of land concerned. The exemption simply means that the statutory right of access does not apply over that land and anybody taking access across that land during the period of exemption cannot claim to be taking access under the provisions of section 1 of the 2003 Act and cannot seek the support of the Access Authority in securing that access. Persons who wish to take access on the basis of other rights, custom or tradition would be unaffected by the presence of the exemption order, so long as they acted in ways which were not damaging or disruptive to other interests, including attempts to take access over land to which an entrance charge was being applied, did not infringe any other legislation relevant to public behaviour or protection of property, and were not in breach of any interdict or other order of a court.

This means, for example, that a local resident who is accustomed to taking access on Gleneagles Golf Club in ways which do not interfere with those playing golf, can continue to do so during the period of the exemption order which does not cover the actual days when payment is required to enter to watch the Ryder Cup. Such a resident can continue to exercise such access, if they wish, providing they do not interfere with any of the activities associated with the setting up and dismantling of the facilities associated with the Ryder Cup and they also abide by any requests from police officers to adjust the way that they

are taking access. If the Ryder Cup organisers have any difficulty with this situation the remedy open to them is to seek interdict against named individuals to try to prevent them taking access.

If the Ryder Cup organisers wish to establish a more restrictive regime in relation to public access during this period they would need to seek approval for the establishment of byelaws to regulate public access during the period of the tournament.

We do not expect the above understanding will cause any difficulties to the Ryder Cup organisers. It simply ensures that members of the public, notably local residents, can continue to take access during most of the exemption order period across the Gleneagles Golf Course providing they do not go too close to works being carried out as part of the Ryder Cup arrangements. We would expect this would apply to a limited number of people, who would then be able to take access in the knowledge that they were not committing any offence under civil or criminal law, irrespective of the absence of statutory access rights. We believe it is important for all interests to understand this is the basis for the exemption arrangements, especially as the exemption order for the golf course area is for a considerable period of time (7 weeks) during the summer. We do not consider it is in the public interest to see the public discouraged from taking access for such a long period, including early mornings and late evenings when no golf is being played or no construction activity is taking place.

We would wish to be consulted over any signage that might be erected to indicate that these exemption orders are in place. Such signs should simply indicate that that, for the defined area and period, statutory access rights do not apply beyond the sign. We would have no objection to wording which also indicated that, during the period of the exemption, the public were advised that, in the absence of statutory access rights in the exempt area, the Access Authority recommended that public access should be taken elsewhere. That would be sufficient to discourage the majority from taking access while at the same time taking account of the minority who would still wish to take access under a non-statutory basis to the golf course area.

We do, however, object to the application of the exemption order to core path AUCH/35/1 across Auchterarder Golf Course. We understand this exemption has been made at the request of Ryder Cup Europe to pre-empt the possibility that members of the public may use this path to informally view a small part of the 'adjacent Gleneagles golf course during the Ryder Cup, claiming that there may be risks relating to security, safety and public order. There is no indication that such an exemption is required by the police or security authorities. Given that private vehicular travel to the area will be heavily restricted during this week, we feel it is unlikely that large numbers of people will be able to arrive at Auchterarder to view the event from this path. Nevertheless, local people may still be wanting to take informal access on that route during the period of the Ryder Cup, especially given the fact that their recreation opportunities will be restricted elsewhere. The designation of this path as a core path means that it is important for local recreation.

Furthermore we believe that to apply the exemption order to AUCH/35/1 would set an undesirable precedent for similar situations elsewhere in Scotland. Just because any particular location provides a view of adjacent ground on which an interesting event is taking place is not a justification for applying an exemption order to that location. This is like saying that an exemption order should be applied to a hill which overlooks part of the pitch in a nearby football stadium. Such an exemption order would fall well outside the intentions of the Scottish Parliament when it approved the wording of section 11 of the Land Reform (Scotland) Act 2003.

Therefore, on balance we do not believe that it is necessary to apply the exemption order to this particular path for the duration of the event.

We would be happy to discuss this matter further at your convenience.

Yours faithfully

Helen Todd
Campaigns and Policy Manager

Dear Mr Innes,

I refer to the Notice of Proposed Order to Exempt Land from Access Rights before and during the Ryder Cup to be held at the Gleneagles P.G.A. course , order dated 4th April 2014.

Closing the sixth fairway of the Auchterarder Golf course for the period 00.01 hrs on the 11th August 2014 to 23.59 hrs on 29th September 2014 inclusive is really quite ridiculous.

The Auchterarder Golf Club pays rent for the use of this land to the Auchterarder Common Good Fund as it belongs to the people of Auchterarder. We the people should not be barred from walking on this land for over seven weeks for a golf match on another golf course. Surely the organizers of the Ryder Cup should only be allowed to seek exemption on the land where the event is taking place and where they are obtaining money from the paying public.

It is most unfair that they are seeking to control land which has nothing to do with this event and deny the public right of access over their own common land.

The main reason the organizers are giving for requesting this closure is that they do not want thousands of people watching the Ryder Cup for free. They also cite public safety and security during and after the event. This is an absolute joke as the whole area seems to be coming under some kind of cordon/siege.

I have walked on the Auchterarder Golf Course for over 32 years and do not think that the organizers of a game of golf should be able to change the lives of people who are not interested in golf. During the G8 conference at the Gleneagles Hotel there was no closures on the Auchterarder Golf course and I would have thought that was a real reason for closure.

I have now read in the local press that members of the Auchterarder Golf Club are going to be able to stand and watch the Ryder Cup from "a great vantage point", namely the 6th fairway of the Auchterarder Golf course. "There will be some inconvenience but it is only for three days" quotes the secretary of the club. Does he not know it is for seven weeks!! If this is allowed it means that non golfers are being discriminated against and I would not have thought this to be legal.

I urge you to decline the request for the closure of the 6th fairway on Auchterarder Golf course for the reasons given above and not allow a private company to dictate the lives of people who are not involved in the game of golf.