

REPORT TO: Cabinet

MEETING DATE: 8 March 2016

BY: Depute Chief Executive (Partnership and Community Services)

SUBJECT: The East Lothian Council (Big Nature Festival, Levenhall Links, Musselburgh) (Exemption) Order 2016

1 PURPOSE

- 1.1 For Cabinet to approve the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003 to facilitate the holding of the Royal Society for the Protection of Birds' 2016 'Scotland's Big Nature Festival' at Levenhall Links, Musselburgh, East Lothian.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the making of The East Lothian Council (Big Nature Festival, Levenhall Links, Musselburgh) (Exemption) Order 2016.

3 BACKGROUND

- 3.1 The Royal Society for the Protection of Birds' (RSPB) 2016 'Scotland's Big Nature Festival' is being held at Levenhall Links, Musselburgh, East Lothian in May 2016.
- 3.2 The Festival organiser RSPB has applied to East Lothian Council for an Order under Section 11 of the Land Reform (Scotland) Act 2003 to exempt an area of Levenhall Links from the access rights which would otherwise be exercisable there.
- 3.3 The purpose of the Order is to enable the 2016 'Scotland's Big Nature Festival' to be held, with the land being exempted temporarily from access rights (1) to allow a charge to be levied for admission to the Festival, (2) to secure the safety and security of the public during the construction of the Festival infrastructure necessary to support the event, and (3) to secure the safety and security of the public during the dismantling of the said infrastructure.

3.4 It is proposed that the Order will take effect at 08.00 hours on Wednesday 18 May 2016 and will expire at 12.00 hours on Monday 23 May 2016.

3.5 Consultation on the proposed Order has taken place with East Lothian Local Access Forum, Musselburgh and Inveresk Community Council, Scottish Natural Heritage, Friends of Musselburgh Links, Musselburgh Area Partnership, Levenhall Links Radio Yacht Club and Levenhall Links Pond users. No concerns have been raised by these organisations.

4 POLICY IMPLICATIONS

4.1 This Order is 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 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

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 2016 Big Nature Festival: “The East Lothian Council (Big Nature Festival, Levenhall Links, Musselburgh) (Exemption) Order 2016”.

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DATE	24/02/2016

Appendix 1

Proposed Order to exempt land from access rights for the 2016 Big Nature Festival

EAST LoTHIAN COUNCIL

LAND REFORM (SCOTLAND) ACT 2003

THE EAST LoTHIAN COUNCIL (BIG NATURE FESTIVAL, LEVENHALL LINKS, MUSSELBURGH) (EXEMPTION) ORDER 2016

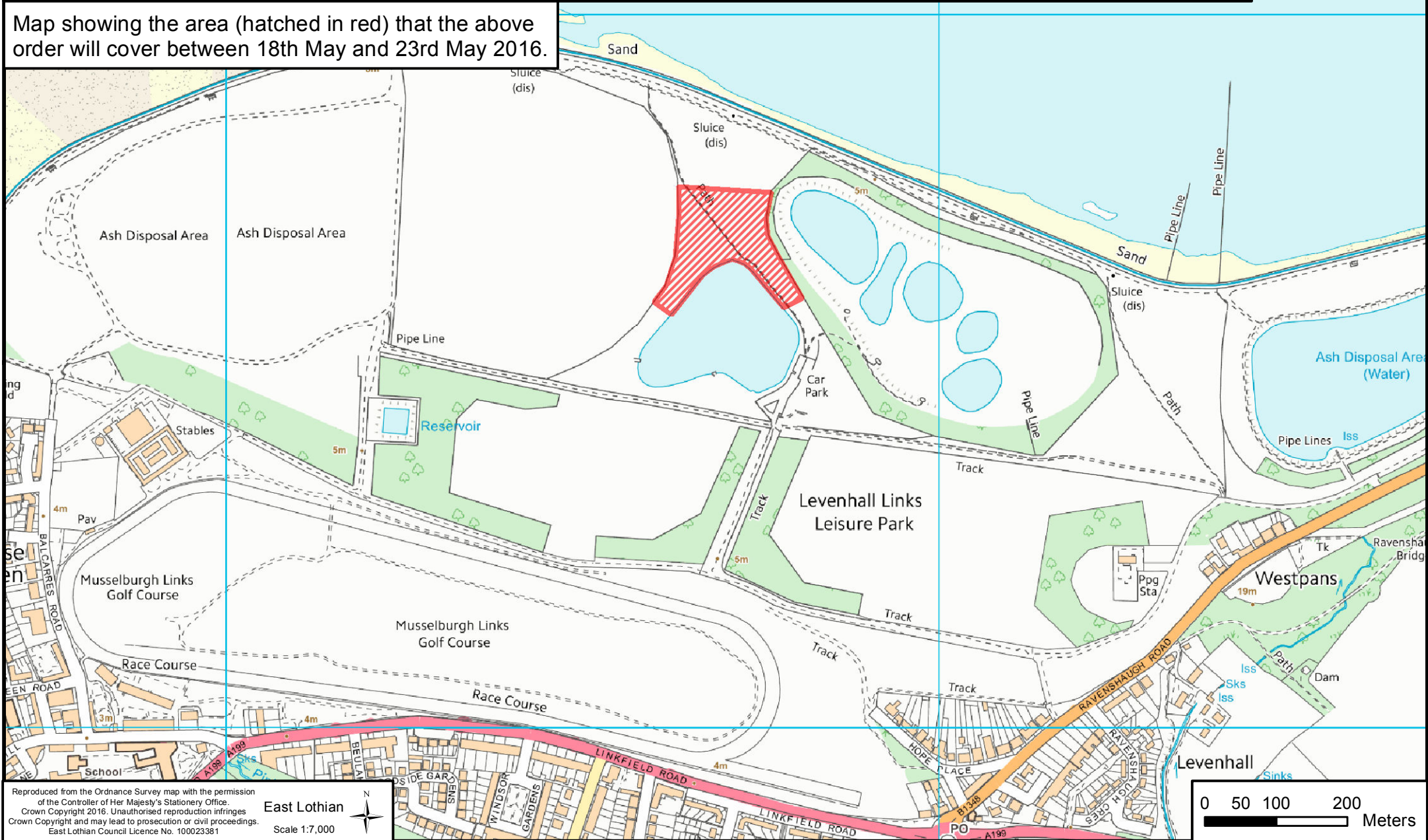
EAST LoTHIAN COUNCIL, in exercise of the powers conferred on them by Section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and all other powers enabling them in that behalf, HEREBY MAKE the following Order:-

1. The Order may be cited as "The East Lothian Council (Big Nature Festival, Levenhall Links, Musselburgh) (Exemption) Order 2016" and shall come into effect at 08.00 hours on 18 May 2016 and will expire at 12.00 hours on 23 May 2016, unless revoked earlier.
2. The effect of the Order is to exempt the area of land north of the Boating Pond at Levenhall Links, Musselburgh, 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 allow a charge to be levied for admission to the Festival;
 - (b) to secure the safety and security of the public during the construction of the Festival infrastructure necessary to support the event; and
 - (c) to secure the safety and security of the public during the dismantling of the said infrastructure.

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 Morag Ferguson, 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 day of TWO THOUSAND and SIXTEEN.

The East Lothian Council (Big Nature Festival, Levenhall Links, Musselburgh) (Exemption) Order 2016

Map showing the area (hatched in red) that the above order will cover between 18th May and 23rd May 2016.



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