



## **Statutory Consultation with the Local Community under Part 8 of the Community Empowerment (Scotland) Act 2015 for the Disposal of Common Good Land – Transfer of Ownership of the Tower and surrounding garden ground at The Wallace Tower, also known as Benholm’s Lodge, Tillydrone Road, Tillydrone, Aberdeen**

**The Consultation will close at 12.00pm 29 November 2022**

### **Common Good Land**

There are specific regulations governing the management of Common Good. This is to ensure protection of the assets held. This includes property that is considered ‘inalienable’. This means that there is a restriction regarding the property, its purpose is clearly stated in the deed or gift to the Common Good Fund, or it has to be used in a beneficial way for a lengthy period of time (time immemorial).

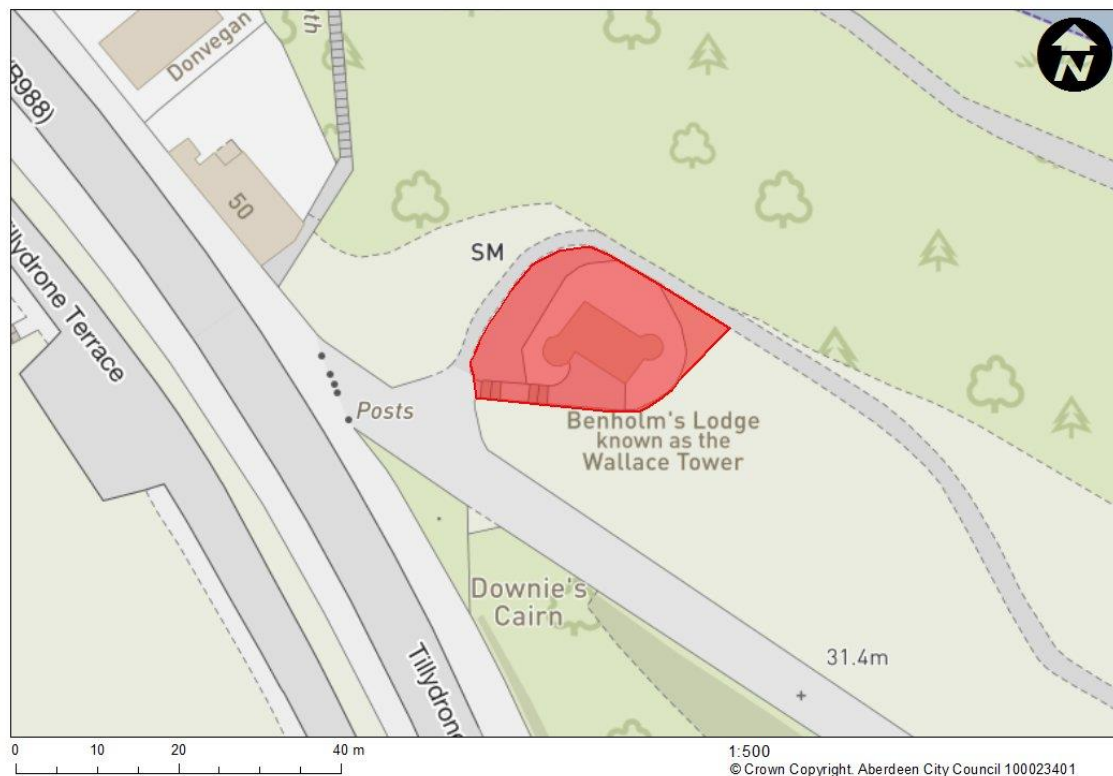
The piece of land that is the subject of this proposal was purchased by the City in 1950, and thereafter transferred “free of all costs and burdens to the Links and Parks Department for use as a public park and pleasure ground.” The Park is considered to be inalienable by the Council and therefore it will be necessary to seek consent of the Courts regarding any disposal of land within the park.

Any application to the Court will include information about this consultation and the responses received. It will also have an impact on any likely timescales involved in selling the property should a decision be made to proceed with the proposal.

### **What land is being consulted on?**

The building and ground at Seaton Park, Tillydrone, Aberdeen outlined in red on the plan below.

Benholm’s Lodge was relocated from its original site in Aberdeen City Centre to a location within Seaton Park. Seaton Park is considered to be Common Good Land. A request to take ownership of the property has been received from the Tillydrone Community Development Trust (TCDT) to purchase the Tower and adjacent ground which extends to approximately 435sq.m.



## What is being Proposed?

That Aberdeen City Council should sell the Wallace Tower to TCDT at a nominal price so they can build an extension to the original building and restore the existing building and in so doing utilise the property for the good of the local communities, visitors to Seaton Park and for tourists and the wider community of Aberdeen through this development of a Community Café, and ancillary Community Hall and Office Space.

## Why are we Consulting?

TCDT have made a request to purchase the property, which forms part of Seaton Park. Seaton Park was purchased by the Common Good Fund, therefore is part of the Common Good Lands is owned by Aberdeen City Council and as such cannot be sold without the Courts consent. The Wallace Tower has been vacant for a number of years and needs a significant amount of money spent on it to bring it back in to a viable use.

TCDT have a considerable amount of support within the local Community for their proposal, however the Council is required to undertake this consultation to find out if this support is prevalent across the City and to take account of the land being part of the Common Good.

This Consultation forms part of the Community Empowerment (Scotland) Act 2015 Part 8 which requires the Council to publish details and consider representations from the public prior to selling common good land.

If the Council decides to progress the disposal following the Consultation, then Court approval will be sought as per s75 of the Local Government (Scotland) Act 1973

**The information provided in the remainder of the document has been provided by Tillydrone Community Development Trust as part of their request for ownership of property.**

## **Tillydrone Community Development Trust**

Tillydrone Community Development Trust (TCDT) was established in 2012 securing status as a registered charity in September 2020. The organisation's purposes are:

- The advancement of community development, the arts, heritage and culture, provision of recreational facilities and the relief of the needs of the inhabitants of Tillydrone in the City of Aberdeen and in furtherance of these by;
  - Promoting projects of all kinds in the area of Tillydrone which will benefit the public there.
  - Promoting the interest of the people of Tillydrone in relation to development of the area.
  - Encouraging the community of Tillydrone to participate in decision-making which affects them.
  - Acting as a vehicle by which the community of Tillydrone can exercise its rights under the Community Empowerment Act.
  - Accepting the undertakings of the former unincorporated association known as the Tillydrone Community Development Trust.
  - Working in partnership with other bodies to achieve the purposes.

Tillydrone is defined for these purposes as the area bounded by the River Don, including Seaton Park to The Chanonry, to its junction with St Machar Drive, from there to the railway line and along the railway line to Don Terrace and from there back to the River Don.

## **Project Objectives**

The main objective of this is to return life and dignity to a recognised historic monument and in so doing utilise the building for the good of the local communities, visitors to Seaton Park and for tourists and the wider community of Aberdeen.

- Each floor of the building will have a different purpose and hence differing objectives and benefits.
- The ground floor is intended to be outfitted and extended as a cafe – the only one in Seaton Park – and this will be run in conjunction with a capability building organisation to develop skills and provide training
- The first floor will be created as a multi purpose hall for let, to allow a flexible open space to be used by the community however people would desire it. The only other facility with this sort of space in Tillydrone is the Community Campus and while there is some overlap, there is sufficient demand for another facility and a difference in layout as the hall here would be large enough to hold functions and exhibitions.

The building itself needs urgent work to prevent further degradation and as the only serious interest in taking on the running of the tower for the past several years, there is a need for the project from that view alone.

The interior of all three floors of the tower have been heavily vandalised so redevelopment will be a necessity for any planned purpose. In this case, the outfitting of the top floor into the described office/workshop spaces, the clearing of the middle floor to provide a hall and development of a cafe for the ground floor and a proposed glass extension to the rear of the building.

This has previously been the subject of a successful planning application ( both ACC and Historic Environment Scotland) and there is on-going work to renew this permission currently being progressed.

In terms of the multiple uses, described above, which are intended for our use of the building – then these are not widely available in the area and even where other such facilities do exist (such as room space) they are not common enough prevent more being beneficial.

This will provide an asset to the local community and will provide a range of uses that will nurture both economic and social development of the community. We have carried out consultation with the community and many people are keen to see the building brought back into use, with a café being a popular idea for use.

Cafe, Hiring of facilities and exhibition space for public of interest groups and business/artistic activity as planned by those looking to lease the facilities. All such activities will be vetted by hall management committee to ensure they fall within any conditions set by authorities.

Disabled access to the ground floor will be accommodated through alterations (ramp) to the front door and provision of a disabled door in the rear of the planned extension. Unfortunately, due to the age and construction of the tower it is not possible to plan wheelchair access to the upper floors as the construction of lifts in the building is not currently feasible.

## **The Benefits of the Proposal**

The prospective cafe franchise holders that TCDT have taken expressions of interest from are both intent on employing locally and ensuring there are elements of skills training and disability positive practices within their day-to-day business.

The upper floor development of flexible office/workshop space is designed to help boost small startup businesses and artists within the community and this will be provided at low to cost rates to ensure greatest economic benefit.

The venue will be available for the community to use at affordable rates, or free of charge.

By returning a currently derelict building to community life, this project will have a direct, positive effect on the regeneration of the Tillydrone area. This and the linked Benholm's Gateway project ([www.TCDT.co.uk/benholms-gateway/](http://www.TCDT.co.uk/benholms-gateway/)) will create an attraction and along with other projects such as the Tillydrone Gateway, help to develop Tillydrone as a destination within Aberdeen rather than being regarded as somewhere simply to drive past.

For the local community it will provide new facilities and by showing that the area is 'worth investing in' help to nurture a sense of local pride. The building has been unused and at risk for around 20 years and throughout that time its dereliction has been regarded with great sadness in the community and the news of planned redevelopment has been a noted high point and uplift to the local mood.

The employment and business development options inherent in the café and office space are discussed elsewhere, and more facilities, both social (i.e., café) and meeting/exhibition space will be of benefit to the local communities mental and social health.

Tillydrone and Seaton are both residential areas with high density of social housing and a lack of outdoor space and gardens. A café facility will encourage the local community to walk and use the surrounding outdoor space.

The proposal will provide a facility for learning and creative activities. While there are existing facilities in Tillydrone and Seaton, we hope to offer additional benefits such as availability in the evenings and weekends. We aim to improve pride in the area and build community capacity, with the facility being run by and for local people

The tower development should have no significant impact on the environment. The works themselves will focus either within the building or the (currently) tarmac covered area to the rear of the structure and apart from some potential temporary damage to the surrounding grass surface will not affect the surrounding parkland. Once in operation the building will benefit from a higher level of insulation, maintenance and energy saving technology than its previous use and this will be of benefit moving forwards.

This project will help to reduce inequality and drive regeneration within the local community, The facilities will be available to hire at affordable rates for whatever use members of the community would put them to, and the café will be available for all, to enjoy both the building and the surroundings of Seaton Park.

In particular the project will align with several LOIP priorities; Creation of opportunities for employment and development of skills; Maximise use of spaces in communities to create opportunities for people to connect; and improve mental health and well-being of the population.

## **Representations**

If you would like to make a representation in relation to this proposal for the Council to sell the Wallace Tower to TCDT please do so in writing either via email to:

**CAT@aberdeencity.gov.uk** and copied to: **Estates@aberdeencity.gov.uk** or via post to:

**Estates**

**FAO Cate Armstrong**

**Business Hub 10**

**Second Floor South**

**Marischal College**

**Broad Street**

**Aberdeen**

**AB10 1AB**

**Please submit any representation by 12.00pm on 29 November 2022.**

## **What happens next?**

Aberdeen City Council will consider all representations. The Council's final response will be published on the Aberdeen City Council website, along with details of all representations to this consultation (excluding address, postcode and email of respondent). The Council will then take a decision having regard to the outcomes of this Consultation as to whether to proceed with the disposal.