

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	2 October 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Proposal for the Torry Battery
REPORT NUMBER	F&C/24/284
DIRECTOR	Eleanor Shepherd
CHIEF OFFICER	Stephen Booth
REPORT AUTHOR	Cate Armstrong
TERMS OF REFERENCE	Intro. 6.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Council of the proposal received from Greyhope Bay Ltd for the expansion of their existing facility at the Torry Battery, and request that a 20-year lease be granted to allow them to secure funding to undertake required remedial works to the existing monument and the proposed development works.

2. RECOMMENDATION(S)

That Council:-

- 2.1 acting in its capacity as trustee of the Lands of Torry (charity number SC021299),
- (i) approves the granting of a 20-year lease of The Torry Battery to Greyhope Bay Ltd at a proposed peppercorn rent of £1.00 per annum, subject to planning and Listed Building consent for the proposed works being granted;
 - (ii) instructs the Chief Officer – Governance following consultation with the Chief Officer Corporate Landlord to conclude the appropriate legal agreements incorporating various qualifications as necessary to protect the Council's and Trust's interests.

3. CURRENT SITUATION

- 3.1 Following the approval by Council on 2 March 2020 for a 5 year lease and consent to install a temporary modular unit with associated decking / seating etc, Greyhope Bay Ltd obtained building warrant and listed building consent for these works, which started on site in July 2021 and were completed in April 2022.

- 3.2 The Centre has proved very popular receiving over 100,000 visitors since it opened. Plans have now been developed to expand and enhance both the community café facility and the Torry Battery itself. The design statement (shown at Appendix 1) provides an overview of the proposed development of the site. Appendix 3 shows an updated site plan, produced following the proposed closures for Greyhope Road.
- 3.3 The proposed development of the site comprises:
- the addition of a modular unit to provide a separate educational / workshop space, to be located adjacent to the existing unit;
 - an outdoor amphitheatre to provide a performance space for Living History and storytelling events;
 - the development of the Old Guard house, to provide an exhibition space;
 - recreation of the former storerooms/houses along the south wall, to create an outdoor market space for one off events.
- 3.4 Greyhope Bay Ltd have submitted funding requests with Historic Environment Scotland and also the National Lottery Heritage Fund. While this funding has not been committed, it cannot be secured without the Council's commitment to the grant of a 20-year lease.
- 3.5 As part of the development Greyhope Bay Ltd will also undertake the remedial works to repair and restore the walls of the Torry Battery. The completed project has an estimated cost in excess of £1.1 million, with the remedial works costing circa £450,000.
- 3.6 By approving the recommendation to grant Greyhope Bay Ltd a 20-year lease, the Council would transfer all maintenance and repair responsibilities for the Torry Battery to Greyhope Bay Ltd, and thereby relinquish its current liability for the Scheduled Monument.
- 3.7 This proposal will also ensure that the Scheduled Monument is maintained and enhanced to enable a viable future for the site, without detracting from its status.
- 3.8 The proposal has been considered by the Council's Senior Historic Environment Officer who has provided a letter in support of the proposals (see Appendix 2), with the caveat that appropriate steps should be taken to prevent private vehicle access through the gateway into the Monument.
- 3.9 The route along Greyhope Road to reach the Torry Battery and the Greyhope Centre was closed to general traffic in June 2024. Access is available via the south side of Greyhope Road connecting from St Fitticks Road / Coast Road past the Lighthouse. Only drivers with a disability and delivery vehicles are to be permitted vehicular access to the west car park. Plans have been drawn up to improve the footpaths and parking areas along the south stretch of Greyhope Road with works anticipated to begin before the end of 2024.
- 3.9 Greyhope Bay Ltd have requested that the Council give consideration to the granting of a 20-year lease at the nominal sum of £1.00 per annum. Officers

are of the opinion that this is not unreasonable, given the estimated cost of the works to repair, develop and maintain the Torry Battery, and Greyhope Bay Ltd's commitment to ensuring there is no further deterioration to the Torry Battery during the period of the lease.

- 3.10 As the University of Aberdeen Bursary Fund is a recipient of 49% of the income received by the Lands of Torry Trust, officers have contacted the University's Estate Team to inform them of the proposal and make comments. They have responded thanking us for the information; but given that they are recipients of only a portion of the fund's annual revenue acknowledged that the University have no place to comment on the proposals.

4. FINANCIAL IMPLICATIONS

- 4.1 If the recommendations in this report are approved, the Council will no longer have liability for the maintenance and repair of the Torry Battery for the duration of the lease. While there are currently no apparent costs associated with the monument, it has been noted that the walls are in need of repairs, which, as noted above would involve a significant cost in the future.

5. LEGAL IMPLICATIONS

- 5.1 Torry Battery is a trust asset that is managed by the Council on behalf of the Land of Torry Trust, benefitting the University of Aberdeen Bursary (49%) and the Common Good Fund (51%). Any disposal (including lease) must serve the Trust's best interests. The Trusts (Scotland) Act 1921 permits trustees to grant leases that align with the trust's objectives of promoting and advancing education and heritage. It is considered that the existing provision of hospitality and welfare facilities along with the proposed development for the larger Torry Battery to integrate the history and heritage of the site will provide benefit to both the local community and visitors from further afield.
- 5.2 Under the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010, the Council can dispose of land and buildings at below market value if the Council is satisfied that the price offered is reasonable, and the disposal is likely to contribute to the promotion of a) economic development or regeneration, b) health, c) social well-being, or d) environmental well-being. Given the commitment Greyhope Bay Ltd will be making to repair, maintain and enhance the scheduled monument, and the information presented in their offer proposal which addresses the anticipated heritage and environmental benefits, the recommendations in this report are considered to be consistent with the 2010 regulations.
- 5.3 Legal Services, in consultation with Corporate Landlord, will undertake the necessary diligence checks to ensure that any lease arrangement is compliant with the relevant industry norms and legislative requirements, while ensuring that the trust's interests are appropriately protected.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The environmental implications of proceeding with the proposed development of the Torry Battery are on the whole expected to be positive as any negative impact deemed to be created by the development of a historic Scheduled Monument will be offset by Greyhope Bay Ltd's commitment to restoring and sustaining the historic structure. The organisation is also committed to providing more sustainable environmental, education and economic benefits to the City through this development and to green energy, relying on a solar energy and associated storage battery system to operate the facility.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	n/a			
Compliance	n/a			
Operational	n/a			
Financial	By granting a lease at less than market rent the council could be criticised under best value guidance	The proposed lease requires the charity to repair and maintain the scheduled monument which will provide facilities for the use of both the local community and visitors to the area.	L	Yes
Reputational	The Ancient Monument may be damaged during the developments works or occupation.	Protective measures can be included within the legal agreement, to ensure the lessee takes the appropriate measures to minimise the risk.	M	Yes
Environment / Climate	n/a			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposed development of this scheduled monument will encourage more visitors to Torry, which can only have a positive impact and help our city to thrive.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	Stretch Outcome 1 Approval of the recommendation will help ensure that the existing popular centre which provides welfare, educational and hospitality services, is expanded to accommodate more visitors. This will encourage more people into the area, and will contribute to the economy of the Torry locality.
Prosperous People Stretch Outcomes	The availability of an environmentally friendly and educational centre within the city will have a positive impact visitors of all ages
Prosperous Place Stretch Outcomes	Stretch Outcome 13 The facility will be sustainable through the use of green energy with the use of solar panels and a storage batteries. Stretch Outcome 15. A facility such as the one proposed is likely to encourage people from across the city to come to the site to see the Dolphins and birdlife; encouraging healthy, and family friendly activities for all ages

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	
Data Protection Impact Assessment	Not required
Other	

10. BACKGROUND PAPERS

10.1 Council 2 March 2020 RES/20/058 Temporary Lease at Torry Battery

11. APPENDICES

11.1 Appendix 1 – Design Statement

11.2 Appendix 2 – Letter from Archaeology Service

11.3 Appendix 3 – Updated Site Plan of Development

12. REPORT AUTHOR CONTACT DETAILS

Name	Cate Armstrong
Title	Team Leader Estates
Email Address	Carmstrong@aberdeencity.gov.uk
Tel	01224 045519