

REPORT TO FORMARTINE AREA COMMITTEE – 5 JUNE 2018

MEMBER PROMOTED ISSUE – RENEWAL OF LEASE AT PROP OF YTHSIE, TARVES

1 Recommendations

The Committee is recommended to consider the Member Promoted Issue attached as Appendix 1.

2 Background / Discussion

- 2.1 The Member Promoted Issue raised by Councillor Hassan, on behalf of Ward 8 Councillors, requests consideration of renewal of the lease at the Prop of Ythsie, Tarves.
- 2.2 The Prop of Ythsie, a B-Listed square granite tower some 25m in height, belongs to the Haddo Estate. In 1993, the tower became subject of a repairing lease with the former Gordon District Council, which ran until 19 January 2016.
- 2.3 Whilst the building required some repointing and repainting, it was not considered a risk to public health and safety when inspected by Council surveyors in 2006. However, in accordance with the terms of the lease it was considered appropriate to progress some repairs; even at that time however (over a decade ago), problems were encountered in meeting the costs and identifying appropriate sources of funding from across Local Authority budgets.
- 2.4 Eventually, work was enabled through a combination of funds from the North East Scotland Preservation Trust (NESPT), the Environment Maintenance budget and Area Top Up funds, over a period of two years. Notably, the final recommendation within the report seeking agreement to the funding arrangements, was that officers look again at '*...the funding of this and similar historic buildings leased to the Council...*' (Report to Formartine Area Committee 17 November 2009)
- 2.5 The key objective of the Historic Asset Management Project (HAMP) which ensued was thus to identify and survey all non-operational assets in the ownership or management of the Council. This would assist in identifying funding requirements in a fair and transparent way, prioritising sites with urgent health and safety issues.
- 2.6 An annual budget of £200,000 initially passed from the Property Service to the Planning and Building Service, has now become the 'Historic Assets' budget within P&BS. It is allocated annually to those projects identified within a scheme of prioritisation approved by the six Area Committees and the

Infrastructure Services Committee. Out of a total of over 500 non-operational assets owned or managed by the Council, only very few can be supported annually; those proposed for work in the current year were detailed in the report to Members of the Formartine Area Committee on 7 November 2017.

- 2.7 The correct answer to the question 'is this connected to any other project currently being progressed' would be 'Yes' – as it relates directly to the question of the Council's approach to non-operational structures, now addressed through Historic Asset Management Project. HAMP revealed not only that existing budgets are insufficient to address all urgent health and safety issues in any one year; but also that, were funding ever to be increased, the Council has hundreds of assets already in its ownership, where non-urgent repairs and maintenance work would be desirable.
- 2.8 On the specific question of renewing the lease, the 2009 report to the Formartine Area Committee did state that the question of whether the lease might be extended would be justified, given the level of investment which was required. However, it was considered this should be addressed closer to the lease expiry date '*...depending on financial resources available to the Council at that time, and having regard to the Service's overall asset management plan*'. There was no specific instruction or recommendation to return to the Committee on this.
- 2.9 Between 2009 and 2016, a clear picture emerged that resources available to the Council for this type of asset were limited and likely to be subject to ongoing pressure; furthermore, work carried out under HAMP had by that time revealed that the Council had nearly 500 non-operational assets under its management or ownership, nearly 50 of which required urgent health and safety attention.
- 2.10 Any question of renewing the lease therefore, was not considered justifiable: officers did not seek to extend the local authority's responsibilities for additional assets, and responsibility for repair and maintenance of the Prop reverted to the owners, Haddo Estate. The Estate did not raise any objections or concerns about this.
- 2.11 It is recognised that the Prop of Ythsie is an iconic local landmark and that the route to it provides a popular local walk. However, although the local authority own and maintain the North Ythsie car park, no formal access agreement exists in respect of the path leading to the monument. Identified as a core path requiring non-routine maintenance, such work as has been done on the route has been carried out by the farmer of the adjoining land, should his timetable allow for this in a particular year. (Negotiations are ongoing in this respect for continued improvements to drainage this year).
- 2.12 Officers are keen to find ways in which Aberdeenshire Council can transfer certain natural and built assets back to the community or other relevant group; in the case of the Prop itself, the community may wish to consider setting up an agreement directly with Haddo Estate regarding its maintenance.

- 2.13 Such an arrangement could enable the community to apply for funding that may be available to local groups in the event of significant repairs being required. This situation is considered unlikely to arise in the short term, given the extent of recent works. However, it is feasible that such an agreement might require Haddo Estate to carry out biennial engineering inspections, for example; and for the community meantime to be responsible, for example, for any minor works such as sweeping of the stairwell, painting, or tidying up of the surrounding area as may be required.
- 2.14 Even if Asset Transfer were to be achieved for certain sites, the local authority would retain liability for a large number of assets, with the associated ongoing challenges that this presents in terms of meeting its commitments under national outcomes and strategic priorities within available resources. (Just one example of this would be Drinnies observatory, also a B-Listed structure - well down on the HAMP list on priorities but nonetheless popular with the community and, by contrast, within the Council's ownership: an estimated £88,000 would be necessary for repairs).
- 2.15 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report. Their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The report is submitted for committee consideration in accordance with the Scheme of Governance Part 2A – List of Committee Powers, F.1.1.d and in terms of Standing Orders, Appendix A – Member Promoted Issues, section 3. The Committee has power to undertake a formal scrutiny process in terms of Part 2A – List of Committee Powers, F.7.1.1.

4 Implications and Risk

- 4.1 An equality impact assessment is not required because the content of this report does not have a differential impact on any of the protected characteristics.
- 4.2 There are no staffing or financial implications arising directly from this report.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level:- ACORP009: Operational Risk Management (including Health and Safety).

Stephen Archer
Director of Infrastructure Services

Report prepared by Irina Birnie, Environment (North) Team Leader
22 May 2018

MPI – APPENDIX 1

MEMBER PROMOTED ISSUE FORM

SUBMITTED BY MEMBER *Cllr Andrew Hassan*, WARD 8 - Mid Formartine.

FULL DESCRIPTION OF THE ISSUE TO BE PROMOTED:

I, on behalf of the Ward 8 Councillors (Cllr Adam, Cllr Gifford, Cllr Johnston & myself) would like Aberdeenshire Council to consider renewal of the lease of The Prop of Ythsie, Tarves.

The building which is owned by Haddo Estate was at risk in the 1970s, rescued by Gordon District Council who took a long lease and undertook repairs. The Service responsible returned it back around June 2016 with no consultation with Councillors at that time.

The Council are, to this day, still maintaining the access path up to the structure.

Wider thinking could be considered as part of any future for the building - with input from Historic Scotland and the Preservation Trust.

Could a partnership be set up with Haddo and Aberdeenshire Council with the ownership still with Haddo, but care, maintenance and insurance with Aberdeenshire Council?

IS THIS ISSUE CONNECTED OR RELATED TO ANY OTHER PROJECT CURRENTLY BEING PROGRESSED, PLEASE OUTLINE:

Not that I am aware of

HAS THIS ISSUE ARISEN AS THE RESULT OF ANY REPRESENTATION BY CONSTITUENTS OR OTHER PARTIES, PLEASE IDENTIFY ANY INTERESTED PARTIES:

Tarves Community Council have continually lobbied for the lease renewal since I was elected in May 2017 (and apparently for some time beforehand) - as can be viewed in their meeting minutes.

HAS THIS ISSUE BEEN CONSIDERED IN THE PAST AND IF SO, WHEN AND BY WHOM (OFFICER OR COMMITTEE):

The renewal of the lease hasn't, but the Prop of Ythsie itself was discussed at Formartine Area Committee (17th Nov 2009) & Formartine Area Committee (28th June 2016). Councillors were provided with an update from Planning & Building Standards, Environment Team in October 2016 & there has been much correspondence from Tarves Community Council over several years.

Previous discussions with the Formartine Area Manager Elaine Brown at Councillors Ward Meetings which have resulted in the Member Promoted Issue Request coming forward.

SIGNED:

DATED: 1st May 2018