

BRIEFING PAPER ON FORT GEORGE OWNERSHIP AND OCCUPATION

Background

Historic Environment Scotland (HES) occupies part of the Fort George complex. The terms of HES occupancy are set out in a Memorandum of Terms of Occupation (MOTO), the latest version of which was signed in January 2015.

Fort George is owned by the Ministry of Defence (MOD), occupied as an Army Garrison 365 days a year, and operated by Scottish Ministers through HES as an all year visitor attraction and as the operational base for HES North Region with the exception of the Queen's own Highlanders Regimental Museum who occupy part of Building 20.

There are 45-50 HES staff based at Fort George (numbers vary according to seasons).

Fort George is deemed to be Scheduled as a Property in Care of Scottish Ministers. A scheduling description exists, but no Scheduling document. It is a Category A listed building.

HES has responsibility for:

- External fabric, including the sea walls, but excluding the modern kitchen roof at Building 9.
- Internal fabric for areas occupied by HES.
- Building and Civil Engineering and Mechanical & Electrical engineering services for areas occupied by HES.
- Health & Safety matters for areas occupied by HES as a visitor attraction.

The MOD have responsibility for:

- All matters relating to security.
- Building and Civil Engineering and Mechanical & Electrical engineering services infrastructure.
- Blacktop roads, pavements, parade grounds and car parks.

The MOTO and Appendices clarify the specific areas and buildings which comprise the areas of HES and MOD responsibility.

Queen's own Highlanders Museum

The museum occupancy is set out in a lease with the Secretary of State for Defence. The area occupied covers the ground, first and second floors within part of the North Staff Block (Building 20). The current lease runs until 2050 and rental is on the basis of £1 per annum if asked. The landlord (Secretary of State for Defence) is responsible for fabric repairs.

Potential for inherited liabilities for Scottish Ministers

The site is owned by the MoD, and the MoD's responsibilities are set out in the bullet points above. If the MoD ceased to operate Fort George as an Army Garrison, they would presumably retain these responsibilities until such time as they disposed of the site, or transferred the responsibilities to another body.

The requirement for site security would reduce significantly if there was no Army presence, but HES would want to ensure that some security measures were in place. Equally, HES would want to ensure that the blacktop areas (roads etc.) were maintained in a reasonable condition for staff and public access, and that the services infrastructure was checked, tested, and maintained as necessary – but these matters would remain the responsibility of the Ministry of Defence.

HES is already responsible for the external fabric of all buildings on the site, but there would be no responsibility to maintain the internal fabric, fixtures or fittings of those buildings currently occupied by the Army should they vacate the site.

[Redacted – Out of scope]

Running costs

HES has an agreement with the MOD to repay 5% of the total utilities costs for Fort George, reflective of the areas occupied and estimated usage.

In round terms this amounts to the following figures per annum (including VAT):

Electricity	£5,500
Heating Oil	£31,300
LPG	£250

As these figures total £37K per annum and represent 5% of the cost, the total utilities bill for the site will be in the region of £740K per annum. However, if the MOD were to vacate, the cost of utilities for the site would reduce dramatically if the MOD buildings remained unoccupied. The terms under which HES repay utilities would then need to be revisited, but we are reasonably confident that our current contribution is close to our actual consumption. The 5% figure was agreed relatively recently, the HES contribution had previously been 10% which we judged to be excessive.

HES pays no rental to the MOD for occupation of Fort George. A future change of ownership of Fort George might change this status.

Additional Resource Needs

If the MOD vacated Fort George, any additional HES resource requirement would depend upon what uses (if any) the MOD buildings were then put to.

As noted above, the MODs responsibilities would remain unless they transferred these to another body or sold the site.

If the MOD buildings were “mothballed”, and responsibility fell to HES, then little investment would be required other than routine maintenance inspections, as HES already have responsibility for maintenance of the external fabric of the buildings.

At present HES are not in a position to resource all the conservation works required to fulfil their responsibilities, another tenant may not be prepared to accept this situation.

As noted above, additional site security may be required. If HES were to provide security at the access gate from the staff car park, then minimum 1 additional member of staff may be needed at Band A to manage access.

If it was decided that 24 hour cover was needed, then it is likely that a security firm would be engaged to either staff the site overnight, or to perform periodic visits by van.

Any additional considerations (e.g. opening up of vacant buildings for public access or other use) would require a more detailed business case and resource needs assessment.

**Historic Environment Scotland
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