

HIE's cover up at Cairngorm and the re-birth of Natural Retreats UK Ltd

Description

Strathpey Herald

www.strathpey-herald.co.uk

Thursday, SEPTEMBER 6, 2018

Accusation of 'veil of secrecy' at ski resort

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THERE are calls for Highlands and Islands Enterprise not to hide behind "fabricated cloaks of convenience" when it comes to repairs and the running of Cairngorm Mountain.

It follows the Scottish Freedom of Information commissioner upholding an appeal after the agency refused to release its latest report on the condition of foundations for ski tows at the resort.

HIE has six weeks to appeal the decision or action will be taken to release the information compiled on their behalf by a third party, Crieff-based ADAC Structures, into the public realm.

Campaigners said that similar reports in the two previous years had highlighted potential health and safety concerns at the resort. They claim the findings may have been withheld as they could reveal repair works have not been carried out as required in the lease by their tenant Natural Retreats.

HIE released the 2015 and 2016 reports on ski infrastructure to Graham Garfoot after Freedom of Information (FoI) requests but refused the 2017 report citing commercial confidentiality and the intellectual property belonging to ADAC Structures.



LEFT: The damaged Colraig Ciste loading area in June. RIGHT: Alan Bratley, of Save the Ciste group. HIE has said: 'The Information Commissioner has taken a different view. We fully respect this and will respond once we have had an opportunity to consider it in full.'

Mr Garfoot, who learnt to ski at Cairngorm in 1964/65 but stopped visiting in April 2016 after "appalling" customer service, said: "The two earlier reports highlighted several issues which the author recommended be addressed and evidence has come to light that at least one of these was not carried out, namely the West Wall Poma loading area, and that is why I believe HIE withheld the last report.

"In my opinion the loading area of the West Wall Poma was a health and safety issue which should have been repaired, HIE were aware of this and yet did nothing to force the tenant to act on the reports.

"It will be interesting to see the 2017 report and compare it to

the others which will then highlight how much notice is being taken of its recommendations."

HIE chief Charlotte Wright refused release of the report twice and Mr Garfoot referred the matter to the information commissioner in May who decided in his favour earlier this week.

Save the Ciste secretary Alan Bratley said HIE needed to be more transparent and not use "fabricated cloaks of convenience."

He said: "We regret HIE continues to draw a veil of secrecy over the ongoing situation on Cairngorm.

"We've genuine concerns that the tenant is not being required to adhere to the terms and conditions contained in the lease



questionable at best. It's time for the Scottish Government to take a hands on approach here and pull their development agency into line."

The information commissioner said in its decision issued on Friday: "HIE has provided no evidence to support the existence of an implied duty of confidentiality in this case, other than a reference to the retrospective views of Natural Retreats on the matter"

An HIE spokesperson said: "We have been very clear in our correspondence over this FoI request that this report does not raise any potential health and safety issues. We can also confirm that the operator of Cairngorm Mountain has met and continues to meet the terms of the lease.

"There were two main reasons for our decision to decline the report's release.

"We consider it to be a working document, with actions arising from it still being carried out.

"We further understand the intellectual property relating to the report belongs to the author, ADACS, who did not want it released publicly at this time.

"We concluded releasing the report as and when requested could cause substantial harm to the legitimate economic interests of ADACS and Cairngorm Mountain Ltd."

agreement with respect to general maintenance issues.

"The ADAC report has previously highlighted the condition of the West Wall Poma loading area; the broken wood on the loading area at the Ciste T-Bar - recently resolved thanks to publicity about it - and the failed paint system at the top of the Carpark T-Bar.

"None of these items were being attended to and we wanted to see if ADAC Structures had identified further issues in the 2017 report.

"It's our view HIE simply do not want any further details which call their competence into question to become public knowledge. All they have now done is to make it very clear the judgement of their CEO is

Following coverage of Highland and Islands Enterprise and Natural Retreats failures to act on health and safety recommendations from independent consultants about the ski lift infrastructure ([see here](#)), HIE refused to provide a copy of the latest report (they had provided two previous reports), citing commercial confidentiality and intellectual property rights. Malcom Garfoot appealed and a week ago the Scottish Information Commissioner found in his favour and ordered HIE to release the information in [DecisionNotice141-2018](#). The excellent coverage in the Strathpey this week covers the presenting issues.

The Commissioner's report also reveals some insights into HIE's thinking which should be of concern to anyone who cares about what is going wrong at Cairngorm and the increasing culture of secrecy in

the public sector.

“31. HIE submitted that the withheld information was commercial in nature as it related to the condition and maintenance of key assets owned by CML, and was contained in a report prepared as part of ADACS’s business of providing consultancy services.”

Now, as anyone who has followed the saga of HIE’s sale of Cairngorm Mountain Ltd to Natural Assets Investment Ltd will know, HIE retained ownership of the ski lift infrastructure and funicular. Yet now HIE have apparently told the Scottish Information Commissioner that the lifts are owned by Cairngorm Mountain Ltd and therefore information about them is commercially confidential. If HIE has secretly sold off its assets at Cairngorm that really would be a public scandal but this appears just another example of HIE incompetence. These are public assets and the public has a right to know how they are being maintained.

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In the case of assets at Cairngorm, HIE has failed to ensure Natural Retreats adhere to the terms of ADAC recommended it be addressed as a matter of urgency



Uplift last weekend – the old rotten loading platform has now been removed, a new gravel base created as a consequence of the release of the earlier ADAC reports under FOI. The work, however, has increased to meet the best practice standards for vegetation restoration utilised in the construction of the funicular. Photo

What is as worrying is that HIE has tried to claim that the latest report on lift structures cannot be

released because the Intellectual Property Rights belong to the consultants. On this argument, ANY report commissioned by the public sector could be kept secret and open government as we know it would disappear. The HIE Board really need to get a grip and instruct their staff that such secrecy is unacceptable and if they fail to do this, the Minister responsible, Fergus Ewing should step in and instruct them to put their house in order.

Underlying this cover-up is HIE's failure to enforce the terms of their lease with Cairngorm Mountain Ltd/Natural Retreats. The Information Commissioner's report provides more evidence that HIE are not in control and simply do whatever "Natural Retreats" tell them:

"HIE submitted that, following consultation with Natural Retreats, the company which manages CML, Natural Retreats had expressed an expectation of confidentiality in relation to the report and did not wish it disclosed".

What happens at Cairngorm should not be about what a private company wants but what is in the public interest.

The re-birth of Natural Retreats UK Ltd

Last year parkswatch covered how Natural Retreats UK Ltd, the company that ran Cairngorm Mountain on behalf of the owner, Natural Assets Investment Ltd, had changed its name to the UK Great Travel Company ([see here](#)). This was connected to a rupture between the US and UK arms of the former organisation. What I totally failed to pick up at the time was that a week before Natural Retreats UK Ltd changed its name on 1st October was that a new company NRML Technology Ltd (the clue is in the first two letters) had been created at the same UK address and under the ownership of Natural Retreats Management LLC, the then owners of Natural Retreats UK Ltd. The names NRML Technology Ltd suggests that the American half of the operation maybe retained ownership of some of the technology used by the UK Great Travel Company.

What then happened on 20th June, however, was that NRML Technology Ltd changed its name – to Natural Retreats UK Ltd! So, the company which ceased to exist on 1st November was re-born 8 months later – albeit with two different Directors based in the USA. For all this information I am indebted to <https://jacothnorth.net/blog/> who has been conducting research into Natural Retreats Activities in Wales (well worth a read) and whose blog contains some further information about the American Directors of the re-born Natural Retreats UK Ltd (they basically appear venture capitalists).

In addition to this the Registered office address changed from Whitecroft House 51 Water Lane Wilmslow SK9 5BQ United Kingdom to c/o 17 St. Anns Square Manchester M2 7PW on 27 February 2018. That address belongs to CG & Co Insolvency Practitioners – so what is going on?

While it is possible that the relationship between the new Natural Retreats UK Ltd and "Natural Retreats" in the form of the UK Great Travel Company, may become clear in the forthcoming accounts of the respective companies, whether it does or not this should be of interest to our public authorities and in particular to HIE. For example to what extent, if any, can the increasing proportion of expenditure by Cairngorm Mountain Ltd devoted to administration since Natural Retreats took over (as reflected in their accounts) be attributed to IT expenses and was leasing of IT software, for example, the means by which money passed from the old Natural Retreats UK Ltd to Natural Retreats Management LLC in the USA? HIE will claim such matters are commercially confidential, just like

health and safety, whereas I believe that where public assets have been outsourced, as at Cairngorm, its in the public interest to know how they operate and that they provide value for money. If “Natural Retreats” can’t or won’t do this they are not fit to run Cairngorm and if HIE can’t or won’t make public how much money, if any, is passing through Cairngorm Mountain Ltd to the USA or anywhere else that’s more evidence they are unfit to own Cairngorm and that a community owned alternative would be in the public interest.

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Date Created

September 7, 2018

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