

## Red Herrings at Cairn Gorm

### Description

[This post is partially in response to comments made by Ray Sefton on Drennan Watson's post "Time for a re-think at Cairn Gorm" <https://parkswatchscotland.co.uk/2018/12/05/time-for-a-re-think-at-cairngorm/>]

Rights of public access, as established by the Land Reform (Scotland) Act 2003, apply to all ground around the Ptarmigan restaurant and beyond, to the far reaches of land and water in the Cairngorms. The exercise of such rights can, however, be restricted or restrained by certain measures, including those contained within the planning system. In the case of the funicular the restriction is contained within the planning conditions. These oblige Cairngorm Mountain Ltd to inform persons who are purchasing a ticket for the funicular that a condition of carriage is that they do not exit the funicular at the top station onto the surrounding ground, unless it is the winter season and the person is downhill skiing. This is exactly the same as a normal railway ticket – a condition of sale is that you cannot jump off the train at an unauthorised location.

In the case of the funicular there is nothing in law which prevents a person arriving at the Ptarmigan (top station) from existing the building through a door or by climbing down from the terrace. No offence is committed, although a staff member of Cairngorm Mountain Limited might complain that this is in breach of the planning condition. The only sanction they can apply, however, is to refuse to sell a ticket to that person on the next occasion that they want to use the funicular, or to cancel their season ticket.

The only reason that the closed system is in place is because HIE promoted it as a means of securing planning approval for the funicular and because they knew that the alternative would be a public inquiry into the project. They were desperate to avoid such an inquiry because they also knew that evidence presented to such an inquiry by people such as David Hayes (Landmark Visitor Centres Ltd), David Pattison (ex Head of Tourism, HIEB and ex-CEO Scottish Tourist Board) and Alan Blackshaw (board member Moray, Badenoch and Strathspey Enterprise) would expose the funicular project as completely economically unviable, with or without a closed system. Any competent public inquiry reporter would have then rejected the planning application and HIE would have been forced to examine alternative uplift options. Such options could have included a chairlift to a lower altitude location in the Ptarmigan bowl at 3,200 ft (the Ptarmigan and top station are at 3,550 ft) which would have allowed for an "open" system for everyone, all year round, as it is a lot further away from the sensitive plateau area at 4,085ft. This location, commonly known as "Ice Station Zebra", had already been identified by the Cairngorm Chairlift Company as a suitable location for "*additional toilet, shelter and restaurant facilities*" because of the "*number of people, particularly beginners, who ski in the bowl at the top of Coire na Ciste*" and which the "company would hope to carry out when it has enough funds available" (Cairngorm Chairlift Company, Development Plan for the 1980s and 1990s, 21 March 1986).

The development of a chairlift from Coire Cas to altitude 3,200 feet (Ice Station Zebra) along with associated facilities, as proposed by the chairlift company, was one of the alternative options to the

funicular that was being promoted by those opposed to the funicular. HRH Prince Charles convened a meeting of interested parties to discuss the funicular controversy. At that meeting Ian Robertson, CEO of HIE, gave a commitment to consider alternative options and a subsequent meeting was convened to discuss these. He then reneged on the commitment and HIE refused to consider any other options. The contract was then awarded to Morrison Construction to build the funicular and Robertson resigned from HIE and became a staff member of Morrison Construction.

To blame today's problems on Cairn Gorm on the closed system of the funicular is a complete red herring. The entire responsibility for these problems lies at the door of Fraser Morrison, who just happened to be chairman of HIE at the same time as being head of Morrison Construction when the funicular project first arose within HIE, along with his CEO, Iain Robertson. It was Robertson who ensured that no other alternative uplift option was considered by HIE, despite overwhelming economic evidence that it would be a disaster. HIE tried to pretend that the multi-million expenditure of public funds on the mountain (£20 million and counting?) was an "investment" that would all be re-paid on an annual basis of £300,000 – £850,000 from the chairlift company profits. Assurances were given that the closed system would have no significant impact because most visitors (mainly family parties plus coach borne tourists in summer) simply wanted to ride on the funicular, have a cup of coffee at the top and come down again, according to the chairlift company. It was known from day one that this could never be achieved and the operating company would become bankrupt.

Today the number one requirement is to remove HIE from any responsibility for future strategic planning and operations on Cairn Gorm. The second requirement is to relieve Fergus Ewing MSP from any responsibility for future decisions on Cairn Gorm. As a Cabinet Secretary in the Scottish Government he is the minister responsible for HIE. He is also a local MSP. This creates a complete conflict of interest between his local and national responsibilities. In 2000 he made the following public statement (Strathspey and Badenoch Herald 21 December 2000), after stating that claims being made by funicular opponents were "pure fantasy":

*"Claims that the funicular railway is reliant on public money are totally absurd and without foundation....this is a commercial project and the chairlift company will have to pay substantial money back....these claims are being made by opponents who are hell-bent on spreading lies and half-truths in an attempt to sabotage the funicular."*

This statement demonstrates the power of HIE to fool even one of the most experienced ministers in the Scottish Government. The First Minister needs to get a grip of this situation to ensure that the future expenditure of large sums of public money on Cairn Gorm is compatible with today's standards for public expenditure. Such funding should also primarily meet local community and national outdoor recreation and heritage requirements rather than the particular private interests of a few individuals.

## Category

1. Cairngorms

## Tags

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