

## HIE's management of Health and Safety at CairnGorm Mountain

### Description

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# Snow season's been derailed

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THERE was an air of inevitability that the £20 million funicular would be out of the action for the entire snowsports season at Cairngorm, local businesses say.

A general acceptance has been long held by many in the industry the resort's main uplift would not operate this winter following its Autumn closure on safety grounds.

Whilst fingers were crossed for good news, as the attraction remained closed and investigations became protracted then so the prospects of it running dwindled.

Owners Highlands and Islands Enterprise confirmed on Tuesday the mountain railway would not be running for this latest ski season.

Mike Dearman, director of the Aviemore and Glenmore Community Trust, said: "It's sad to hear the news that the funicular will not run this season confirmed but it is not a great surprise.

"What customers and the community need most at this point is a clear plan of action for the future, with and without the funicular, and AGCT is pushing to get that in place as soon as possible."

Alan Bratley, spokesman for the

Save the Ciste campaign, said: "We are disappointed but not surprised to hear that the funicular is unlikely to operate this season.

"We hope that low temperatures come soon so that the snow cannons can provide a piste from the middle to the Day Lodge.

"A big dump of long lasting natural snow would also be very welcome.

"Decisions about how to funicular proof the hill business should be central to any new uplift provision.

"It is clearly obvious that exposing the hill business to a single point of failure has had disastrous consequences and a solution to that must be put in place.

"We look forward to the Cairngorm Estate - including the hill business - being transferred into community ownership."

HIE acquired the business last month after the previous operator Cairngorm Mountain Ltd went into administration.

Just prior to that the agency invested £1 million of its own money in a double unit snow factory.

That has meant there has been provision for lessons at Cairngorm when in previous winters the lack of snow would have meant ski

schools trying to scramble to book time on local dry ski slopes.

Badenoch and Strathspey Highland councillor Bill Lobban said: "Local businesses have already been adapting to the prospect of the funicular being non-operational this winter and will continue to make best use of the facilities we have.

"This includes the massive £1 million investment in snow-making and the huge range of other activities which make the strath a must visit place whatever the season brings."

Paul Cobb, of Aviemore Ski School, who was teaching at the resort yesterday, said: "We've plenty of snow to work with up here and it's certainly not all gloom.

"What we need is more people now and they should come because it's absolutely beautiful."

Jerry Craig, of Aviemore-based Free Ski, said classes for level one and two skiers were able to be held and there are plans to expand the current beginners' area.

He said: "The snow-making has allowed us to operate over Christmas and New Year which was fantastic. It is limited to complete beginners and those learning to stop and turn but it has still



LET IT SNOW: Jerry Craig (Free Ski), Paul Cobb, of Aviemore Ski School and Mike Brown (Ski Norwest) survey the snow.

enabled us to get our groups out. The team at Cairngorm Mountain (Scotland) are doing all they can to make the snow with the temperatures and conditions they have and are doing a great job."

Kate Forbes, MSP for Badenoch, said: "I am pleased that the investigation has been concluded and will be published soon.

"It is disappointing to hear that the funicular will likely remain out of service for the rest of the winter season, but it is critically important to remind skiers and snowboarders Cairngorm Mountain is still open."

An HIE spokesman said they did not have a date yet for the Covi inspection report into the safety of the funicular to be made public.

The attraction has been out of action since September.

The problem centres on bearings between parts of the supporting structure that holds the two kilometres of track. The bearings allow for movement in fluctuating temperatures.

### Series of failures

THE Health and Safety Executive has issued three Improvement Notices for repairs to be carried out to uplift at the Cairngorm resort, it has emerged.

Concerns had been raised by members of Save the Ciste over the condition of several tows including the Ptarmigan lift and associated public access platforms.

Some of the concerns have been highlighted over three years by the group with only some remedial action taken by the previous operator Cairngorm Mountain Ltd.

An HSE spokesman said: "Safety concerns constituting breaches of health and safety law were identified regarding several of the tows looked at - resulting in formal enforcement action. Three Improvement Notices have been served regarding these matters and we are currently in on-going correspondence with the site regarding the improvements required to comply with these notices."

While Highlands and Islands Enterprise announced last week that the funicular railway would be closed for the rest of the snowsport season on safety grounds, they have kept secret the three Improvement Notices served by the Health and Safety Executive in early December (see right above). While HIE has been keen to demonstrate that it takes safety issues relating to the funicular seriously, it has been far less interested in tackling safety issues relating to the rest of the lift infrastructure - except where this suits its own agenda - despite repeated warnings. The Improvement Notices would appear to provide further evidence of this. This post takes a look at the issues.



HIE is still not saying what has caused the safety problems on the funicular – photo credit Alan Bratt

The Funicular Railway on CairnGorm Mountain has now been completely closed for almost 4 months. Back on 4 October 2018 HIE had this to say:

*“The present closure relates to safety concerns that obviously need to be investigated thoroughly”*

Nobody could disagree with that because the safety of the public is of prime concern and no risks can ever be taken in that respect. What’s of note is that the engineers report has taken so long and when eventually received HIE responded by stating that internal discussions are underway to allow HIE to understand the problem[s] and plan the solution[s]. Then, despite not having explained what the problem is, HIE then announced the funicular will not operate for the duration of the snowsports season.

How then has HIE reacted to other H&S situations on the mountain?

## **Health and Safety in Coire na Ciste**

In August of 2017 HIE initiated the destruction of the Coire na Ciste and West Wall Chairlifts on the basis that they had a consultants’ report that condemned the lifts. They claimed that the Chairlifts were unsafe, that the safety of the public was their prime concern and that the lifts had to be demolished **at pace**. The CEO, Charlotte Wright, was quoted as follows:

*“The prime reason for our actions was related to Health and Safety. We’ve undertaken an engineers report and it was quite clear from that that there was a danger there, and that’s a primary cause for our actions...to remove a health and safety issue from the mountain”*

At face value that seems reasonable enough, until you understand that they received the consultants report in October 2016 and then took over 9 months to bring about their removal for allegedly Health and Safety reasons. Nobody can construe that as acting ‘**at pace**’ to ensure that the public were safe. They then left the site even more dangerous than it was before the lifts were removed:



And the dangerous building has still not been removed despite this being part of the clean-up plan – although someone has decided to improve its appearance:



There are danger keep out notices all over the building – apologies one top left chopped off! Photo Nick Kempe

### **Health and Safety and the Daylodge**

During the summer of 2018, parkswatch published a post ([see here](#)) that showed the dilapidated state of the environs around the Daylodge. That post made it clear that the retaining wall at the corner of the Daylodge was in a state of collapse, that a large granite block had already fallen out of it and that it was clearly unsafe. Any child scrambling around that area, as children do, could be at risk of coming to harm if a further collapse were to occur. To our astonishment, we discovered today, the 10<sup>th</sup> of January 2019, that no remedial work whatsoever had been done to this potentially unsafe structure.



Picture from June 2018 – credit Alan Bratney



The offending wall on 10 January 2019 – photo credit Alan Bratley

What makes that even worse, if it can be worse, is that this is a disabled persons access ramp and it can clearly be seen that the railings remain broken today, just as they were last June.

The original post also made it clear that the tenant was failing to adhere to their lease obligations in terms of maintenance. It's a dreadful indictment of HIE's ineptitude to find that nothing was ever done about this situation. HIE continued to allow a potential H&S issue to develop as well as failing to hold their tenant to the terms of their lease.

**There isn't any doubt that Health and Safety has been ignored here.**

### **Health and Safety and remaining uplift**

In November 2018, parkswatch published a report ([see here](#)) that highlighted safety concerns with respect to uplift infrastructure, on the hill. This report was prepared because there had been no remedial maintenance work undertaken in response to annual reports, in 2015, 2016 and 2017 made by ADAC Structures. These reports highlighted issues that were of concern to the reporting engineer but which had not been rectified.

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The smashed upload area at the Ciste T-Bar.....finally sorted out during the summer of 2018.

The Save the Ciste campaign contacted HIE directly because there was the possibility that identified issues could have placed public safety at risk due to the absence of remedial attention. On 2 November, an email response was received from HIE:

*“As you know, the operator is responsible for maintenance and Health and Safety obligations as part of the Lease and Operating Agreement that HIE has in place with CML [Cairngorm Mountain Ltd run by Natural Retreats]. We have been in touch with CML over the document that you sent us and sought their assurance that any action required is being taken”*

There was collective astonishment at such a weak response. HIE were seeking assurances from the tenant who had failed to undertake the necessary maintenance over a period of 3 years that they would then put things right. We were later to discover that nothing was done and HIE didn't bother to follow this up.

The Save the Ciste campaign had the fortitude to send a copy of the report to the Health and Safety Executive. That was something that the members felt compelled to do because of the uncertainty over whether HIE would treat the matter with the necessary seriousness and because we were also uncertain that the operator would take the remedial action called for, having already failed to undertake the maintenance in the first place.

The public can be assured that the Health and Safety Executive took the matter very seriously and they made a site inspection on 6 December 2018. An email received from them on 9 January 2019 said this:

*“Safety concerns constituting breaches of Health and Safety Law were identified regarding several tows looked at during this visit....resulting in formal enforcement action being taken. 3 improvement notices have been served.”*

While the Improvement Notices are not publicly available due to maintenance on the HSE website, so its unclear what actions have been required of CairnGorm Mountain, it would appear that nothing had been done between 2 November 2018 when HIE were 'seeking assurances from their tenant' and 6 December 2018 when the HSE made their inspection visit. That completely vindicates the Save the Ciste campaign's decision to involve the HSE.

Readers should also note that HIE had for a long time failed to ensure that their tenant, Natural Retreats, was adhering to the terms of their lease with respect to maintenance quite apart from ignoring the Health and Safety aspects. With CML going into administration, they have now been left to pick up the pieces and the cost through the new company they have created.

On 12 June 2018, Charlotte Wright, CEO at HIE wrote this in an email to parkswatch:

*“HIE remains satisfied that our monitoring arrangements of the contract between HIE and CML are rigorous and compliant”*

All of the information written above shows just how laughable that statement is in reality. HIE completely failed to monitor their tenant's compliance with the lease terms in respect of maintenance and they also didn't take their Health and Safety responsibilities seriously, in any of the above mentioned cases.

## What needs to happen?

When a pressure group, populated by committed volunteers, has to bring potentially serious Health and Safety concerns to the attention of the HSE and that leads to enforcement action being taken then there are very grave causes for concern. HIE have been shown to be thoroughly incompetent and the public can have no faith in them as an organization that is fit to own and manage the CairnGorm Estate and the business located thereon. The entire CairnGorm Estate must now be brought into Community ownership with HIE retaining all financial liabilities for their dysfunctional Funicular Railway as well as providing the capital necessary to redevelop the business after a decade of decline under their ownership.

Public Relations disasters will continue to follow HIE around because the evidence suggests that it isn't a capable organisation and it clearly lacks effective leadership.

We are left to wonder just exactly what has to happen before the government takes the decisive action that is urgently required. A first step in the restoration of public confidence would be for a cross party parliamentary committee to be convened to examine the entire CairnGorm debacle. Evidence can then be sought from all stakeholder groups.

## Category

1. Cairngorms

## Tags

1. Freedom of Information
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