

## Cairngorm Mountain artworks – HIE's negligence

### Description



This post takes a further look at the Artworks/landscaping structures that are adjacent to the Coire Cas Carpark on Cairn Gorm.

Following my blog post ([see here](#)) that showed the dilapidated condition of the walls, I was contacted by two members of the public, both of whom expressed concerns about the safety aspects of the collapsing stonework in an area where the public have unmonitored access. Accordingly, HIE, as estate owners, were formally contacted on 30 July 2020 and informed about the unsafe conditions:

*"The stone Artworks that sit adjacent to the main Coire Cas Carpark are in a dilapidated condition to the point where public safety is at risk. Many of the cap stones are loose and a number have already fallen off [picture attached] There is a large stone missing from the structure at one point [picture attached] and the wall could collapse under the weight of a child climbing on it because there is now nothing to support the Cap Stone.*

*Please consider this information to be formal notification to you with respect to these unsafe conditions. A Duty of Care is owed to the public who have had free access to this area since the carparks re-opened. I'd suggest that you should close off the area in question until remedial works are done"*



Picture of a missing Cap Stone.....sent to HIE





Picture of the missing stone which could have led that section of wall to collapse under the weight of child....sent to HIE



Collapsed stonework. Picture sent to HIE

A response was received on 31 July 2020:

*"Thank you for your email and photographs which I have shared with Cairngorm Mountain Scotland Ltd. CMSL had expected to complete these works earlier in the year but had to postpone due to the COVID-19 pandemic. I am pleased to be able to inform you that a contractor has now been appointed and the works will be carried out shortly"*

A Freedom of Information request then revealed that no contractor had been formally contacted before July of this year but that one was due to begin the remedial works at the end of August 2020.

If CMSL had expected to complete these works earlier in the year, then they were clearly aware of the dilapidated and unsafe condition of the stonework but had done nothing to ensure the safety of the public.

Interestingly, following the notification to HIE, action was then quickly taken by CMSL who took off all of the loose Cap Stones and collapsed the dangerous section of wall. They clearly agreed that there were safety issues here and it was pleasing to find that quick action was taken.





Loose Cap stones removed



The dangerous section: taken down and roped off [no hazard signage though]

The question this begs though is why does it take the intervention of a member of the public to bring about the actions that the company management should long since have brought about?

It seems that no Health and Safety lessons have been learned, despite the Health and Safety Executive having served three Improvement Notices after they were informed about potentially unsafe conditions. CMSL's Board of Directors considered HSE's improvement notices at their meeting held on 19 January 2019.

*"There followed a discussion explaining Health and Safety matters. It was noted that H&S was a serious consideration moving forward given the issues faced by the company including the HSE improvement notices. A number of maintenance and repair issues were acknowledged and discussed. It was agreed that there would be a regular report on H&S issues highlighting both minor and major issues. Noted that HIE and CMSL would work in collaboration to ensure that all Health and Safety issues are being addressed with clarity around responsibilities"* (Para 7.7 of minute).

One might therefore have expected that H&S would have become a 'serious consideration' to



management but that isn't what's apparent here.

By early October, the remedial work that HIE had said would be done 'shortly' in their email of 31 July, had not been done. Clarification was then sought from HIE as to why nothing had been done in the 9-week period since late July. Their response was that the contractor is now expected to commence the work later in October. HIE also had this to say:

*'In the meantime the technical team at Cairngorm Mountain have made the area safe with barriers: Loose stones have been made safe and there has been a tidy up around the Artworks Site'.*

In fact, the 'barrier' that was put around the section of wall that they collapsed, is no longer there. The length of red/white chain is missing, as it has been for at least a week now, and there are no hazard warning signs. Clear evidence that that no monitoring of a hazardous site is being undertaken.



The 'barrier' i.e. the red/white chain is missing and there are no warning signs.

Nearby, there is further evidence of CMSL's failure to pay attention to Health and Safety Issues.



The wall next to the Daylodge.

The wall has been gradually collapsing over a long period of time. Hazard tape can be seen but it's obviously no more than a token effort and would do nothing to keep children off..





The steps up to the Fiacail Ridge Poma Loading area.

And, slightly further afield, these steps are clearly rotten and a nasty accident awaits anyone who puts his/her foot through there.

The evidence, therefore, shows that Health and Safety issues are not being addressed as agreed at the CMSL Board meeting of 19 January 2019.

Responsibility for Health and Safety cannot be delegated away and that fact was also recorded in the minutes of the CMSL Board Meeting on 8 February 2019: “.....*responsibility for Health and Safety lay jointly with the Safety Manager, the General Manager and the Chief Executive*”

CMSL’s Chief Executive Officer has ultimate responsibility here. She was appointed by HIE, having had considerable responsibility for handing the lease for CairnGorm Mountain to Natural Retreats. Much of the dilapidation around the hill is a result of the lack of maintenance during their tenure. The dilapidated artworks are a notable case in point. It is now close to two years since HIE were forced to take the business back into public ownership and control there is little evidence of any significant improvements being made. Even the basics at CairnGorm Mountain, such as Health and Safety, are inadequately managed.

The Board of Directors ought to take a long hard look at this themselves. There’s nothing to stop each of them from walking around the site and seeing what everyone who visits the hill can see. Perhaps an

ongoing and continuous commitment to Health and Safety responsibilities will then be made. The public and staff are entitled to expect no less.

A decision to repair the Funicular Railway is expected soon, but it's very clear that the problems that continue to beset the Cairngorm Mountain business run much deeper than a commercially and mechanically failed funicular.

### **Postscript 9th October – Ed**

Not long after Alan's post appeared, the "barrier" at the crumbling artworks went back up again.



Clearly, somebody at CMSL reads parkswatch and, with the Scottish Government announcing today that it had agreed the business case for repair of the funicular, didn't want anything to detract from that announcement.

### **Category**



1. Cairngorms

### **Tags**

1. Cairn Gorm
2. funicular
3. Governance
4. HIE

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