

## The Cairngorm funicular construction health and safety file and its implications (1)

### Description



Repairs on upper part of funicular mid-September. Note the numerous blue silt traps across the hillside, an indication that spoil is being washed down the hillside. Photo credit Parkswatch reader.

Recently Highland and Islands Enterprise released the remains of the Health and Safety (H and S) File concerning the construction of the funicular railway required under the Construction, Design and Management (CDM) Regulations 1994. Having originally requested this file on 21/01/21 I received this email on 06/09/21 at 12.22p.m. from HIE:-

Thank you once again for your Freedom of Information request received by Highlands and Islands Enterprise (HIE) on 21 January 2021.

We can confirm that for Point 1 of your request, HIE has only recently been able to access the physical copies of the Health and Safety file on Cairngorm Funicular Railway, we have therefore also been able to publish this information on the HIE website it is referenced as 'Cairngorm Funicular Contract file', these can now be accessed at;

<https://www.hie.co.uk/our-region/regional-projects/cairngorm/cairngorm-mountain-freedom-of-information/>

For Point 2 we believe that the H&S files would have originally been issued by Morrison Construction Limited to Highlands & Islands Enterprise as client, but were retained on-site by the operator at the time, Cairngorm Mountain Limited.

Thank you once again for your patience in relation to the delayed response to you which was totally out of our control.

I had been notified of the publication of the file by Nick Kempe on Wednesday 01/09/21, five days before, so I don't know exactly when the information was released as no date is included! This post takes a first look at the significance of the file for what is now happening at Cairn Gorm.

## Background

In December 2018, HIE published consulting engineers COWI viaduct appraisal report into the funicular ([see here](#)). COWI mentioned in that report that they were basing their findings on the Health and Safety file provided by HIE:

*A safety report including a limited Health and Safety File has been identified but also contains conflicting information.*

Extract from COWI report (page 14)

This strongly implied information might be missing from the file and the file itself might not be in proper order, hence my information request.

HIE responded to my request initially by stating that only a hard copy of the file was available and that due to Covid restrictions it was inaccessible at that time. It appears HIE are a little bit slow entering the 21<sup>st</sup> century!

Eight months later, HIE's response to Point 2 (above) demonstrates a lack of understanding of the legal requirements for Health and Safety files and their significance. According to the the Construction (Design and Management) (CDM) Regulations 1994, the H & S file would **not** have been issued by Morrison Construction Ltd, but by the principal designer A.F.Crudens Associates! This is confirmed by the screenshot below which also shows the Client as being Cairngorm Mountain Limited which at that time was a wholly owned subsidiary of the Cairngorm Mountain Trust (CMT):

## Category 3 : Construction



Cairngorm Mountain Funicular Railway : Cairngorm, Aviemore  
Client : Cairngorm Mountain Ltd  
Designer : A.F. Cruden Associates  
Contractor : Morrison Construction Ltd



New Visitor Centre, Car & Co  
Client : Historic  
Designer : Ken Wilk  
Contractor : Morrison

*Commendation.*

The screenshot is courtesy of the Saltire Awards for Civil Engineering 2002 in association with ICE ( the Institution of Civil Engineers). HIE is now trying to sue the successors to both!

The information given for the Saltire Wards is also not quite accurate as the client was actually the Cairngorm Chairlift Company (CCC)! The CMT did not take over the CCC until after the build was finished.

8 If a client disposes of their interest in the building, they must give the file to the individual or organisation who takes on the client duties and ensure that the new client is aware of the nature and purpose of the file. If they sell part of a building, any relevant information in the file must be passed or copied to the new owner. If the client leases out all or part of the building, arrangements should be made for the file to be made available to leaseholders. If the leaseholder acts as a client for a future construction project, the leaseholder and the original client must arrange for the file to be made available to the new principal designer.

This shows that HIE

were negligent in either not securing the complete H & S file from CMT/CML when they bought the company in 2008 or determining what had happened to the file during its ownership by CMT/CML. If the only file was held by management at CML, then did HIE get an explanation of why some of the file had gone missing? One also presumes that HIE management should have reported the incomplete file to the relevant authority!

### HIE's explanation for the delays to the funicular repairs

But back to the current situation. The H and S files cast further light on the claims in HIE's press announcement last month ([see here](#)) which announced that the repairs were going to take a bit longer

than expected (initially covered by Parkswatch [here](#)):-

### Claim

According to the development agency, several factors have combined to lengthen the funicular reinstatement programme.

These include technical challenges associated with designing and implementing effective solutions to an existing structure, as opposed to a new build.

The designs for the repairs were supposed to be submitted with the original planning application in 2019 and used in the business case to secure funding from the Scottish Government. HIE in the news release effectively admitted that the repairs had not been planned properly and the case it had made to obtain funding from the Scottish Government was therefore deeply flawed. The H and S file adds further evidence that this was the case because it reveals that there were major technical issues with the original construction and no account appears to have been taken of this BEFORE HIE committed to repair the funicular (I will cover these issues in a second post).

### Claim

In addition, progress has been hampered by COVID impacts and by extreme weather, particularly blizzard conditions in the spring.

While the contractors had been appointed and started work BEFORE Covid restrictions were instigated, in relation to the extreme weather, this quote is from *Morrison Construction Limited, Cairngorm Funicular Health and safety Plan files :-Contract no. 4677 File 1 Part 1*

**the site with personnel transport being by four-wheel drive vehicles and by foot. It should be noted by any future Contractors that snow fell every month of the year and wind speeds over 90 mph were common and wind chill temperatures got as low as -36 Centigrade.**

N.B. I have at this time been unable to ascertain when these files were compiled – they should have been dated – but dates that are included are of sub-files from 1999 to 2002!

HIE were therefore officially warned of the problems working on Cairn Gorm at the time of the original construction 20 years ago, failed to take account of this in the repair timetable and are now trying to use the weather conditions as an excuse for the lack of progress!

### Claim



“We’ve always been upfront in describing the reinstatement programme as one of the most complex and difficult civil engineering projects in Scotland.

“As well as managing technical challenges, the team has to take great care to protect the mountain environment, and deal with difficult terrain and extreme weather conditions that can quickly become hazardous.

“The original schedule was very ambitious, even without the impacts of the pandemic lasting as long as they have and before the more recent problems in sourcing construction materials of suitable quality.

“*The original schedule was very ambitious*”, suggests HIE knew that the repairs were going to take longer and cost more than suggested – they certainly weren’t upfront about this – and it turns out now the repairs will take longer than the original build. But being HIE they come up with other excuses: you would expect that a company with the buying power of Balfour Beatty would be able to source materials much easier than the ordinary person! And is this really taking care of the mountain environment?



The sheer amount of the earthworks and imported materials provides evidence that the repairs are significantly greater than originally planned. Photo credit George Paton September 2021



“Restored” ground below the tunnel showing the extent of the tunnel and little evidence of turves having been saved and replaced as required by the planning consent. Photo credit George Paton September 2021.

Balfour Beatty as a major player in the construction industry didn't get where they are today by poor business practices. The real reason for the delays is that they have been asked to repair the funicular based on inadequate information, including gaps in the original Health and Safety File as referred to in the COWI report.

Part (2) of this post will follow shortly and will cover parts of Morrison's Health and Safety Plan which show that the Funicular project was doomed to failure from the start and casts serious doubt on how long the repairs will last.

### **Category**

1. Cairngorms

### **Tags**

1. Cairn Gorm
2. HIE
3. natural environment
4. planning
5. Scottish Government

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