

Is the end for the funicular at Cairn Gorm now in sight?

Description



There has been a lot of activity by workers in the last few weeks often in appalling weather conditions – presumably in an attempt to re-open the funicular for the normally busy half-term week

On 25th January it was a year and a day since the UK Department for Transport had declared the funicular safe to re-open and exactly five calendar months since the funicular was suddenly closed for safety reasons and to attend to “snagging work”. After announcing several dates by when it expected the funicular to reopen ([see here](#)), on 2nd February Highlands and Islands Enterprise (HIE) finally admitted “we are currently unable to put a definite timescale on how much longer this will take”. This was hidden away in a news release headed “Cairngorm Mountain half-term update” ([see here](#)).

Either HIE had no idea that it was in such trouble back in September or they (yet again) misinformed the public.

The Strathy ([see here](#)) helpfully revealed HIE’s explanation of the reasons for the latest delays: “In the latest setback, inspectors identified that some of the “scarf joint assemblies” that link the beams at the top of the piers did not meet the required tension”. That is five months and the scarf joint assemblies and metal brackets around them, ([see here](#)), ([here](#)) and ([here](#)), intended to hold the funicular structure together are still not at the correct tension. This is clearly far more than snagging.

HIE's response to request for information about the source of the current problems

On 15th October I asked HIE for any reports that had been commissioned or requested by HIE from Balfour Beatty and/or the other contractors since the issues with the scarf joint assemblies became known and any other reports about the safety of the funicular more generally that have been completed since the start of this year. HIE eventually replied on 14th December:

We can confirm that we currently hold one inspection report which is part of a current workstream. This report is being withheld under Regulation 10(4)(d) Material in the course of completion as it is still in the course of completion.

We may be in a position to release this material at a later date.

After I wrote to HIE to clarify the meaning of the last sentence they replied "It is always our intention to publish key documents relating to the Cairngorm Funicular when it is appropriate and in the public interest to do so." In my view it would be in the public interest for HIE to tell the public what is really happening now but they have little choice about publishing such reports eventually after a decision from the Information Commissioner in 2018 ([see here](#)).

Was the funicular safe to re-open last year?

The operation of the funicular railway has always been governed by specific health and safety legislation designed to protect the public. Originally it was covered by UK railway legislation but is now governed by the EU derived cableway regulations, which cover ski lift infrastructure across Europe. Responsibility for those regulations sits with the UK Department for Transport (DfT) which granted approval for the funicular to re-open last January.

The DfT, however, appears to have outsourced their responsibility for inspecting cableways and that prior to the funicular re-opening was undertaken by a company called LECS UK. This describes itself as a lift and escalator consultancy ([see here](#)). You can see the logic, the funicular is a form of uplift and involves cables, but there are questions about what expertise LECS UK had to determine the safety of a cableway situated in a harsh mountain environment and supported by a highly problematic concrete structure ([see here](#)).

My FOI to HIE in October also included questions about the final inspection process by LECS UK before the funicular re-opened. Their [response](#) revealed that the DfT "authorisation inspection" took place on 10th October and the accompanying emails ([see here](#)) showed LECS UK had attended "final commissioning tests to confirm compliance" on 20th December but little else. Significantly HIE stated that it did not hold any copy of the report on the final inspection by LECS UK.

My FOI request was far too limited in scope. In November Gordon Bulloch submitted an FOI directly to the DfT asking for ALL the information they held about funicular re-opening last year. He received a reply that listed this information on 18th January :

The Department for Transport confirms that it holds information in the following documents relevant to your request. They are:

- Letters from Highlands and Islands Enterprise requesting Stage 2 authorisation for:
 - a) the Control System Replacement, which included the following reports:
 - Control System Stage 2 Safety Report by Sequis;
 - Garaventa Safety Report;
 - Garaventa safety Analysis;
 - FREY Safety Analysis; and
 - Technical File.
 - b) the Funicular Viaduct Strengthening of the Cairngorm funicular cableway, which included the following reports:
 - Viaduct Strengthening Stage 2 Sequis Consulting Safety Report;
 - Sequis Consultant Safety Analysis; and

- Technical File.
- A letter from the Department for Transport to Highlands and Islands Enterprise granting authorisation under Stage 2 of the application to re-open the Cairngorm Funicular for public use, in accordance with The Cableway Installations Regulations 2018.

The documents are enclosed with this reply.

Missing from the list of documents is any report by LECS UK. It appears therefore that neither HIE nor the DfT have a copy of the report of the final inspection which resulted in the funicular being signed off as safe to use by the public. An extraordinary state of affairs!

From the wording of the DfT response it not clear that they only released documents listed under b) and the final bullet point. Moreover some of the information in the two Sequus reports (under b) was redacted, making it harder to understand the big picture and whether the repairs to the funicular were fit for purpose. A critical examination of those reports will appear on Parkswatch in due course.

Meantime the justification the DfT has given for not releasing most of the information it holds on the safety of the funicular is revealing. It has claimed two exemptions under the Freedom of Information Act 2000. (This applies to information held in England, the Freedom of Information (Scotland) Act (FOISA) is a separate piece of legislation which was passed in 2002).

The first exemption has been used to justify the redacted material in the Sequus reports

Section 43(2). *The release of the information would likely be utilised against Highlands and Islands Enterprise (HIE), to the significant prejudice of its commercial interests whilst the Cableway remains closed due to safety concerns.*

HIE is engaging with its contactors [sic], independent legal and professional advisors to determine where the liability for these safety concerns lies, with litigation pending. Releasing the information at this time, in full, would severely prejudice their commercial interests.

Yet more HIE funicular court cases in the pipeline! That was quite predictable although so far HIE has not made this public. The DfT's argument, however, is bunkum. Any half-decent lawyer will be able to obtain unredacted copies of all the reports as part of preparing the defendant's case.

The second exemption, applied to the reports that have been withheld, will surprise most readers:

Section 24 national security. *The information contained within the operational safety reports, analyses and technical file that are being withheld and/or redacted would provide any potential hostile actors with detailed information on the safety critical systems and how potential safety risks can be addressed and mitigated, thus increasing the risk of attack. Whilst the possibility of a terrorist attack being aided by the release of the information may be relatively low, we should not completely dismiss this scenario. We recognise that terrorists can be highly motivated and may go to great lengths to gather intelligence. This means there are grounds for withholding seemingly harmless information on the basis that it may assist terrorists when pieced together with other information they may obtain.*

The funicular a target for terrorist attacks! Some would no doubt wish that had happened long ago providing no one was hurt as it might have saved a lot of public money which could have been far better spent! This claim too, however, is nonsense. The cables on the funicular, just like those on much uplift infrastructure across Europe, are readily accessible and there is absolutely no need for any would be terrorist to understand how the control system operates. If there were anything in the terrorism argument HIE should be applying for planning permission to surround the whole funicular structure with barbed wire fences and deploy dogs in the new enclosure!

The final piece of documentation released was the Stage 2 authorisation letter for the funicular to re-open sent by the DfT to HIE last January ([see here](#)). This includes the following statement:

Regulation 15 (2) of the 2018 Regulations state that the Secretary of State must grant a Stage 2 authorisation if satisfied that

(b) the cableway installation and the subsystem and safety components incorporated into it are not liable to endanger the health or safety of persons or property when properly maintained and operated in accordance with their intended purpose; and

The letter was signed by a nameless official and it is not clear that the Secretary of State, Mark Harper, was aware that the decision appears to have been based on a number of reports submitted by HIE and advice from LECS UK, without having sight of the final inspection report on which that advice was based. It now appears possible that DfT staff may have failed to scrutinise those reports properly, have belatedly realised that they are deficient and as a consequence have resorted to national security as a means of covering up these failures.

It would appear in the public interest therefore that all the reports held by HIE and DfT should be published and they ask for and publish all information LECS UK hold regarding their final inspection.

Why does HIE need to replace the funicular bogies again?

Three weeks ago this notice from HIE appeared on the Scotland Contracts Portal:

Notice Details

Introduction	Full Notice Text	Further Info	Contact Info	Coding
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Title: Supply and installation of funicular bogies
Reference No: JAN496817
OCID: ocds-r6ebe6-0000753112
Published by: [Highlands and Islands Enterprise](#)
Publication Date: 19/01/2024
Deadline Date:
Deadline Time:
Notice Type: 15 Voluntary ex ante Transparency (VEAT) Notice
Has Documents: No
Has ESPD: No
Abstract: This contract is for the supply and installation of replacement bogies for both Cairngorm funicular wagons as well as some related tests and inspections.
The figure used in this VEAT is an estimate in GBP - payments will be made in CHF.
CPV: 34631400.

The information on other tabs reveal that HIE is negotiating with Garaventa, the Swiss company who provided two of the reports which the DfT has refused to release on grounds of national security, to replace the bogies beneath the two funicular carriages. The projected cost is £210,442 + vat.

The bogies have already been replaced once, in June 2014 ([see here](#)), and were then out of use from September 2018 to the end of January 2023 when the carriages were given new livery and named Eagle and Hare. So why do the bogies need replacement after just over four and a half years use? And why are HIE spending another £210k of public money when they apparently can't even guarantee the funicular will re-open again? Or are the current bogies too dangerous to use and there is no possibility of the funicular opening until they have been replaced?

The likely explanation for the replacement is that the rails over which funiculars run become pitted through rust and corrugated and need to be ground smooth regularly. If not, as appears to be the case at Cairn Gorm, they damage the wheels of the bogies while the vibrations caused by the bogies running up and down the track increase. While this could damage the body of the bogies much more important is the impact on the structure below. With concrete far less able to absorb vibrations than steel, one needs to look little further to explain some of the damage to the funicular structure.

There is no point replacing the bogies again unless HIE commits to a regular programme of rail maintenance.

What needs to happen?

The conclusion to Sequa's Stage 2 Safety Report released by the DfT reads as follows:

9 Conclusions

This document presents the case for acceptance by the DfT for Stage 2 Authorisation of the Cairngorm Funicular Viaduct strengthening work.

9.1 This Stage 2 Safety Report has demonstrated that the strengthening works to the funicular viaduct and management arrangements establish it is acceptably safe to recommence movement of the carriages.

Parkswatch will consider the basis for these claims further in due course but, even if the funicular was actually safe to use between January and August when it was closed again, the public deserve an answer to the question of why none of those involved in the safety sign off process anticipated the problems to come?

The DfT's authorisation for the funicular to reopen was on the basis it was *not liable to endanger the health or safety of persons or property when properly maintained and operated*. There appear three possible explanations for why the funicular was closed because of the dangers to people less than eight months later. Either the funicular was not really safe when re-opened or HIE failed to maintain it properly or some new factor has arisen. Establishing which is likely to require an independent expert investigation, perhaps by the Health and Safety Executive.

While it looks increasingly likely that HIE may never be able to establish the funicular is safe to use again due to the extent of the underlying problems, if they do apply to the DfT for authorisation to re-open the funicular there needs to be far more scrutiny than happened last time. In my view that should involve establishing the causes of what has gone wrong, rather than asking various engineering companies how to stick plasters over the symptoms for a cost of £25m and rising.

HIE has always been so set on the funicular, encouraged by the likes of Fergus Ewing, that it has never been able to take an objective view. A nice illustration of this was the statement from Susan Smith, CEO of Cairngorms Mountain Scotland Ltd, in HIE's news release announcing they did not know when the funicular would re-open: "We have been enjoying a busy snowsports season!..â?•. Really?"

Category

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Author

nickkempe

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