On 14/12/2023 09:38, Team - Customer Service wrote:

Dear Mr Kempe,

Thank you for your Environmental Information Request (EIR) received by Highlands and Islands Enterprise (HIE) on 15 October 2023 which we are dealing with in accordance with The Environmental Information (Scotland) Regulations Act 2004.

**Points A- D** are listed below and we have now responded to each of these which relate to the Cairngorm Funicular in **bold**:

1. any information HIE/CML holds about the actual inspection (eg, records about which HIE project management staff and/or staff from the design consultants and Balfour Beatty were present, what was actually inspected on the day - did the Inspector look at the whole funicular or did they just sample certain points? etc - any actions noted as being required from this).

**We have interpreted this question as referring to Dept for Transport authorisation inspection, which took place on 10 November 2022.  The Department was satisfied that the requirements were met and the Secretary of State granted Stage 2 authorisation for the Cairngorm funicular to re-open.  HIE holds limited information about the logistics of the inspection, which is attached as a PDF.**

1. a copy of the report produced by LECS UK on the Inspection (I appreciate that this may not originally supplied to HIE - with DfT the customer - but given what has happened I would hope that HIE/CML now has secured a copy).

**We can confirm that having reviewed the files in accordance with Regulation 10 (4) (a) – Information not held,  HIE does not hold any relevant recorded information.**

1. all communications about the inspection

**We can confirm that having reviewed the files in accordance with Regulation 10 (4) (a) – Information not held,  HIE does not hold any relevant recorded information.**

1. what further reports have been commissioned or requested by HIE from Balfour Beatty and/or the other contractors since the issues with the scarf joint assemblies become known and any other reports about the safety of the funicular more generally that have been completed since the start of this year.

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.

The use of each of the exceptions above requires consideration of the public interest.  It is recognised that there is a significant public interest in the facilities at Cairngorm Mountain, and in being open and transparent.  However, disclosure in this case is highly likely to substantially prejudice the inspection process. There is also a significant public interest in ensuring that actions taken by HIE do not detrimentally and unfairly influence that process.  Consequently, in this case it has been decided that the balance of the public interest lies in withholding the information at the current time.

If you are unhappy with this response to your request, you may ask us to carry out an internal review by contacting us.  Your request for review should explain why you are dissatisfied and should be made within 40 working days of receipt of this response.  The review will be undertaken by staff not involved in the original process and we will reply within 20 working days of receipt.

If you are not satisfied with the outcome of the review, you then have the right to appeal to the Scottish Information Commissioner (SIC) and thereafter to the Court of Session on a point of law only.  The SIC can be contacted using the details below:

Scottish Information Commissioner

Kinburn Castle

Doubledykes Road

St Andrews

Fife

KY16 9DS

Telephone: 01334 464610

[http://www.itspublicknowledge.info](http://www.itspublicknowledge.info/)

or for online appeals:

[www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)