

Michael Russell  
Minister for the Environment  
The Scottish Parliament  
Edinburgh  
EH99 1SP



28<sup>th</sup> November 2008

Dear Mr. Russell

### **Carron Valley**

I refer to our meeting in the Scottish Parliament on 16<sup>th</sup> April 2008, your letter to Cathie Craigie MSP dated 17<sup>th</sup> June 2008 and our letter via Michael Mathieson MSP dated 29<sup>th</sup> June 2007.

I have seen your response to Cathie's further communication however whilst you repeat your position, you have again failed to address the fundamental issues. Therefore, and in order to avoid any further miscommunication, I will set these out in detail.

I refer to events fully eighteen months ago:

CVDG provided your party colleague Michael Mathieson with a series of detailed written briefings and we know the summary position was passed directly to you. These briefings set out the troubled history of the Carron Valley project specifically regarding what CVDG saw as a number of serious shortcomings in Forestry Commission's behaviour. These included, but were not limited to: failure to comply with a Freedom of Information request; the deliberate deception of the former Minister for Tourism Culture & Sport, doctoring of press releases and partner documentation and renegeing on written undertakings containing agreed aims and objectives.

These are not trivial matters however, in your response dated 29<sup>th</sup> June 2007 you stated: "*I have looked into the concerns which have been raised.*" Essentially you

concluded there was nothing that merited further investigation and your letter did not address any of the complaints I have now repeated above.

Instead, you focused on Forestry Commission achievements to date and the (apparently) positive steps they were taking to ensure the future delivery of Mountain Biking in Scotland- the so called Strategic Framework.

Forestry Commission has deployed a succession of similarly unfinished strategies for over four years and they have clearly calculated the public at large can be pacified by good news stories and box ticking. In the case of Carron Valley there is a recognised problem which not of CVDG making. There is now a pressing need to investigate the serial misconduct of a small minority of FCS officers and your continued references to successes elsewhere does not absolve the staff involved of their behaviour on this particular project.

In terms of the substance of your letters I refer to your points:

i.) *"The group (Visit Scotland, Event Scotland, Forestry Commission et al) anticipates completing its work by the end of the year and I expect that one of the outcomes will be a clearer strategy for development of mountain biking facilities."*

Minister, you penned this fully eighteen months ago. Now that we near the end of the following year what has actually been achieved?

The self appointed "steering group" headed by Forestry Commission is running a project with no clear objective - other than to provide "a structure", this project is ridiculously behind target, there are no mountain bike groups or cycling organisations (other than the de-facto SCU) amongst their number and nor have any even been invited. Furthermore, they have failed once again to publish the results of a "public consultation."

In terms of Scottish Cycling, it is very unfortunate they have historically focused purely on competitive sport and this is a situation which requires to be addressed however it is also common knowledge they are only a bit-part player in this project. Forestry Commission's stultifying hand is controlling events and the strategy is commonly viewed as a paper exercise to silence and shut out volunteer groups.

Whatever your thoughts on CVDG, Mr Maxwell and yourself need to be aware the Mountain Bike community has much more to offer but they are growing increasingly disenchanted by these unelected Quangos who are continuing to hold so called public consultations, ignoring the results, failing to even publish them and then making the real decisions behind closed doors. The continual efforts by these bodies

to commercialise and pigeon hole the Mountain Bike “product” is not actually giving the sport in Scotland the increased accessibility or the leg up it actually deserves – it is alienating the people the strategy purports to serve.

You should also be aware there was already widespread outrage at the manner in which Forestry Commission frittered away three years and wasted the time of innumerable individuals and organisations on the forerunner to this process. The now infamous National Mountain Bike Strategy was to set out what development could or could not be expected to be delivered on the National Forest Estate. Forestry Commission failed to publish the public consultation for the previous study and the document (which Alan Stevenson told our former Chairman in Oct 2006 “*was almost ready*”) fell conveniently into a black hole leaving a raft of groups, including CVDG, disenfranchised and in a continued state of limbo.

I therefore put it to you that the current framework exercise is nothing more than Forestry Commission sweeping yet more inconvenient unfinished business under the carpet.

This is the second reason why there is a major problem with Forestry Commissions behaviour. They have abused their privileged position as “leaders in mountain bike provision in Scotland” by ignoring the outcomes of the processes which they dictated were essential before anything could happen and they have squandered public time and money with endless filibustering.

ii.) *“Development of trails on the estate by other parties is something which Forestry Commission is happy to consider.....”*

Forestry Commission is re writing history after the event and they are being deliberately misleading. The nub of the issue here is the Machiavellian tactics Forestry Commission employed to “manage partner expectations”. They led an entire partnership (including several key local authorities) around in circles for the best part of four years - they deliberately squandered thousands of hours of partners time and money using one decoy hurdle and goal post moving exercise after another. This was a partnership with written aims & objectives and defined and agreed project plans. CVDG went to great lengths to request confirmation of Forestry Commission position going forward and to avoid ambiguity. We have retained screeds of detailed correspondence on these issues Minister and there is no two ways about it – your officers reneged on an agreed partnering position by cynically delaying and twisting the situation until the only show in town was a commercial lease.

It is gross distortion of both the ethos and the spirit of 'partnership working' to commute four tedious years of FC imposed hoop jumping, where so much hope and expectation had been riding on it from a multitude of quarters, into a deliberately unworkable land lease option or nothing. Forestry Commission succeeded in disrupting and demoralising the Carron Valley Partnership project on several key occasions - ultimately to the point where there was little remaining of the project left to develop. You appear to deem this acceptable and you seem to expect CVDG to walk away because a Government Minister has told us to do so?

What was required here was fundamental honesty by Forestry Commission and they have fallen woefully short of the standards the public expect. CVDG are not conducting a vendetta - what we are seeking is the truth. There are fundamental issues concerning the serial misconduct of senior civil servants and the manner in which they have abused the public trust and those of their elected representatives. At our meeting you apologised for Forestry Commission's previous shortcomings - coining this "miscommunication". It is true that many of these matters pre date your involvement however, the staff involved are under your control now and CVDG expect them to be held to account for their actions.

In addition, information which is now coming to light proves beyond all doubt the Forestry Commission were playing the willing and cooperative partner with CVDG and the CVP on the one hand whilst undermining the project with the other. It is now apparent that everything following the launch event was borne out of the need to substantiate the fabrications given to the former Minister Patricia Ferguson to cancel her visit. In simple terms, the Minister was lied to in order to prevent her attendance at the official launch (or what FC have ludicrously dubbed the unofficial opening) of the trails. We have enclosed the evidence which proves their fundamental dishonesty and in light of this we await your advice as to whether you will re appraise the stance you have taken thus far.

Turning to your letter most recent position - some 6 months ago

iii.) *Para 3: All of this suggests to me....*

Despite what Forestry Commission has clearly led you to believe I have to point out that Carron Valley is very much considered to be a "current success story," not least by the general public, the partners, bike clubs and cycling organisations - all of whom are advocates for facilities which are commensurate with the needs of the people of Central Scotland. If you had followed through on your undertaking to visit Carron

Valley and if you had talked to our members (we are more than a small group of activists I can assure you) and the other partners involved then you might have witnessed this first hand. Furthermore, the venue has been officially open to the public for three years - nobody, anywhere, describes Carron Valley as anything other than an “existing facility.”

With regard to your point about encouraging local businesses - remarkably, even this has been hijacked and destroyed. You are likely unaware that numerous written undertakings were given by FC to develop the site (Rena Tarwinska & Michael Wall) and it was even considered that Feasibility Studies were not required because the “business case was so assured”.

The man who CVDG and the CVP were told had been brought in to “deliver the Carron Valley project” (Jeremy Thompson) even cultivated a “special relationship” with a preferred bidder for a catering / café facility. He held numerous informal meetings with this candidate in early 2007. However, this initial burst of energy was short lived and when the PID reached the Board, Alan Stevenson suddenly decided to behave in a manner which completely contradicted his role as Project Champion. Jeremy then refused to return this ‘candidates’ calls.

Despite all this, the same bemused and somewhat annoyed candidate returned to tender for the opportunity for a second time in 2008. It is a cruel irony that Forestry Commission chose to deny the same business (who they themselves courted less than a year earlier) the opportunity because they “didn’t have enough experience”

We are talking here about a completely ‘neutral’ member of the public - someone who had a first class sporting pedigree and wanted to run a small mobile catering facility. There was no business risk to Forestry Commission and no cost. In fact, had the lease went ahead, the costs of the tender exercise would likely be recovered and the business would have had the chance to test the market and flourish or fail of its own accord. Instead Forestry Commission chose to lead the candidate down a blind alley (twice) before passing judgment on her ability to run a business. Is this kind of behavior also acceptable Minister?

*iv.) Para 4: I have therefore asked Forestry Commission to move forward on this basis...*

The statements and observations in your letters run contrary to the actual position on the ground - I speculate your briefings have been subject to similar

“miscommunication” by Forestry Commission Officers. CVDG did “*significantly reduce the burden they place on Forestry Commission staff with regard to day to day contact and detailed requests, in order that Forestry Commission time can be focused on delivery*”. In blunt terms we fell silent for two months. When we did finally e mail to ask what was happening (regarding the loch side trail which Forestry Commission had already succeeded in delaying for 12 months) they simply picked up where they had left off: inventing problems that weren't there, failing to address those that were, deferring information and failing to provide engineers reports which had previously been referred to. This alone is completely unprofessional and brings the Forestry Commission and your department into disrepute.

So for a second time the group was forced to rescind hard-won funding. On the previous occasion last September Leader+ money destined for trail development was effectively hijacked by FC refusal to get on with the job. Instead, this was embarrassingly recycled to (finally) complete the toilet block which FC was supposed to be providing at no cost to the public through a dubious tenant leasing arrangement.

The Leader+ debacle is not the only funding matter - a major funding exercise was given written approval at District level then subsequently undermined in much the same manner as the PID. Both Councils went on record to voice their displeasure and again, this is characteristic of what has been happening on this project. Such behavior undermines public confidence in the civil service and the funding shambles and the toilet lease are the third principle reason why it is essential you instruct an investigation.

Finally, and for the reasons already described, there is little point in commenting upon the page you dedicate to Forestry Commission “terms for development”.

v.)Turning to the various Freedom of Information requests - those you were “*content should be allowed to progress to a conclusion.*”

It is lamentable that an organisation which prides itself on public consultation habitually avoids any independent public scrutiny.

- Forestry Commission Board member Alan Stevenson did not follow process when faced with an FOI in late 2005. Alan promised the information via a telephone call and failed to deliver. In the interests of “partner working” CVDG did not follow this up.

- Carron Valley PID (version 3) quoted a number of sources detailing why CV should not be developed further. CVDG and the partnership were refused these documents in order to understand the decision so CVDG were forced to request them under FOI.
- Forestry Commission chose to refuse these requests as vexatious and to begin a lengthy and extremely costly review process.
- Forestry Commission committed a breach of the Data Protection Act by revealing information regarding a request to other individuals allegedly linked to CVDG.
- Forestry Commission unilaterally decided it was appropriate to deal with an FOI request made to the Scottish Government, despite the fact the two bodies are governed by different legislation. This is surely no schoolboy error and cannot be described as a failure of process as the FOI legislation has been in place for a number of years - the Information Commissioner corroborates this. In CVDG view this looks more like a deliberate act - one of trying to pervert the course of an FOI investigation.

In summary, CVDG cannot accept your blithe dismissal of the issues surrounding the conduct of your officers. We have evidenced within this letter and in the supporting documentation that Forestry Commission have lied to and willfully misled a number of people and organisations during the course of this project, not least a former government minister.

I now request that you launch a full and independent investigation into Forestry Commission's handling of this project, particularly with regard to the conduct of Forest Enterprise Scotland's senior Board members and their Secretariat based in Inverness.

I look forward to hearing from you at the earliest opportunity

Yours Sincerely,

David Russell

Cc. to Patricia Ferguson MSP, Cathie Craigie MSP