

Minister for the Environment  
The Scottish Parliament  
Edinburgh  
EH99 1SP

11<sup>th</sup> February 2009

Dear Mr Russell

### **Forestry Commission Scotland**

I refer to Mr Insley's circuitous and belated response to my letter to you dated 28<sup>th</sup> November 2008. I gather this response was delayed because you were unavailable for comment. However, the letter was expressly written to you to complain about Forestry Commission Scotland so it is hardly appropriate it is they who respond. In any event, Mr Insley's reply does not actually contain any of your comments so I am at a loss to explain the two month delay in answering my letter.

For the avoidance of doubt, I wrote to you lodging a formal complaint and it was specifically directed thus because Forestry Commission Scotland is clearly incapable of investigating itself. As a case in point I refer to the Forestry Commission's 'internal review' of the various Freedom of Information requests and the Scottish Information Commissioners subsequent ruling on Mr Steele's information request. I consider that an independent investigation would have concluded that Mr. Steele's request should not have been refused under the vexatious exemption, as the request was not made of the Forestry Commission in the first place.

I also requested that you instruct an independent investigation into allegations of serial misconduct by Mr Insley and senior Forestry Commission officers and again, Mr Insley is clearly incapable of addressing these issues.

In my letter and enclosures I set out the evidence against Forestry Commission Scotland in forensic detail. However, you have made no effort to acknowledge these allegations, much less instruct an investigation. I am most surprised, therefore, that you deemed it appropriate for the CEO of the accused party to respond on your behalf. Please can you now confirm if you have investigated any of the allegations outlined in my letter? If you are not the correct authority to investigate these complaints then please forward my letters and attachments to the relevant authority and advise me also who that person or organisation is.

Mr Insley's letter demonstrates relevance and accuracy in only one key respect - the nature and gravity of the charges leveled against him and his colleagues. Patricia Ferguson was fed a string of lies in March 2006 by several senior officers in Forestry Commission Scotland and this organisation has since tried everything in its power to suppress the release of that information up to, and quite possibly including, perverting the course of an FOI investigation. Furthermore, all of their actions since that date have

been predicated upon thwarting progress of the project behind closed doors on the one hand whilst running CVDG and several public bodies around in circles for three years on the other.

In light of the evidence which is now in the public domain - the evidence placed before you, it is completely unacceptable for Mr Insley to state that your office has given tacit approval to another blatant fob-off letter. Forestry Commission Scotland's repetitive narrative that they have done nothing wrong runs contrary to the weight of evidence against them.

The remainder of Mr Insley's response is largely irrelevant and serves only to underline his steadfast refusal to address any of the issues. His robust but unsubstantiated rebuttals expressing their denial of any wrongdoing is hardly a defence in itself and simply exposes Forestry Commission's eagerness to sweep this episode under the carpet. Given the detailed information which has now been passed to you, any notion that your office could possibly be 'happy' with the contents of Mr Insley's letter sit very uneasily with the statements you made at our meeting in the Scottish Parliament on 16th April 2008.

It is a damning indictment of Forestry Commission Scotland's behaviour on this project that our community group, a former minister, a sitting MSP, two local authorities, Scottish Water, numerous sections of the mountain bike community itself and indeed the Scottish Information Commissioner are all on record as being highly critical of numerous aspects of Forestry Commissions conduct. Yet apparently, there is no case to answer?

The issues have most certainly not been addressed by Forestry Commission Scotland in the past - far from it. Mr Insley's 'final words' are completely unacceptable.

I look forward to hearing what action you now intend taking as soon as possible.

Yours sincerely

David Russell  
Chairman  
Carron Valley Development Group