

20th June 2009

The First Minister
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Mr Salmond

Carron Valley - Forestry Commission Scotland (FCS)

I refer to the enclosed correspondence sent to your Ministerial colleague Roseanna Cunningham MSP and to her response received some months later, suggesting that I seek redress through the Scottish Public Service Ombudsman.

I am chairman of the Carron Valley Development Group, a charity set up to help promote and develop recreation in Carron Valley forest, just South of Stirling. There are a number of outstanding issues regarding FCS treatment of my group and the public authority partners on this project which stretch back several years - the correspondence refers in detail.

Many of the key issues had been flagged up to Ms Cunningham's predecessor Michael Russell via Michael Matheson MSP but these were neither fully addressed nor resolved by Mr Russell. However, since his direct involvement, both the English and Scottish Freedom of Information Commissioners have ruled on a handful of Freedom of Information appeals lodged by several of our members. Mr Russell had been "content to let the various FOI appeals run their course" however, both Commissioners have now ruled in favour of all the CVDG members and most of the information requested has now been released by FCS and The Scottish Government. Only now is it plain to see why both FCS and the Scottish Governments Sports Division went to such extraordinary lengths to thwart its release.

The "Patricia Ferguson incident" is particularly damning because it highlights the contempt in which FCS held its partners, the members of the community who worked so hard to prepare for the launch and their democratically elected representatives. This was a calculated and cynical abuse of position sanctioned at the highest level within FCS and there are serious disciplinary and potentially legal consequences for those in both FCS and the Sports Division who deliberately misinformed the former Minister and by subsequently attempting to conceal the release of that information. I have already written to Sir John Elvidge on this specific matter however, given the recent media coverage surrounding his

own position I am not confident the matter will command anything other than a continuation of the cronyism and closing of ranks I have encountered to date. That is why I write to you now.

I'm sure you must be very busy running the country, nevertheless it has become necessary to escalate the matter and to request your personal intervention because the SPSO itself (as Ms Cunningham must surely be very well aware) has an appalling track record of incompetence and maladministration and as the FOI reviews with Forestry Commission England so clearly demonstrated, the civil service is incapable of policing itself. Carron Valley Development Group has been subjected to a pattern of cynical behaviour by FCS - they have destroyed what should have been a powerful partnership and they have stymied the development of appropriate Mountain Biking facilities for Central Scotland. In doing so, they have impeded the development of sporting facilities for the areas which need it most.

In 2004 FCS cited their "impending national mountain bike strategy" as a barrier to developing a mountain bike centre for Central Scotland. They stated that the imminent arrival of this document was the reason why various community groups including ourselves could not progress and develop mountain biking facilities at Carron Valley and Blairadam in Fife. For the record, both of these areas were promoted by entirely separate community groups, both had extensive support within the mountain bike community and both had significant public sector buy - in.

Fast forward another two years and that document, if it ever existed at all, still hadn't been published. In fact FCS Tourism and Recreation Manager, Alan Stevenson, even went as far as to inform our former Chairman at a face to face meeting in October 2006 that the strategy was "almost ready - but not quite." Mr Stevenson unwittingly characterised FCS modus operandi - waste time and money, do nothing, keep it all in final draft and cite the "intent to publish" as a reason for withholding it from general release. This inertia is precisely the type of civil service flim flam your Government targeted as being unacceptable when it came to power - behaviour which I had thought you were wholly committed to reforming.

Having been pursued relentlessly for sight of their long overdue strategy by CVDG, Bike Blairadam and string of other mountain bike groups FCS switched tack again and decreed the apparent need for a Strategic Framework to assist with the delivery of Mountain Biking in Scotland. Michael Russell confirmed in writing in July 2007 that "the group anticipates completing this work by the end of the year." That was two years ago now, and yet nothing has materially changed in the intervening time.

First Minister: these strategies, frameworks and studies are simply outputs from a giant talking shop and it is clear that FCS and its partners are completely

moribund. Even in its latest form the Strategic framework will deliver nothing more than a framework for development and this is not helping access to the sport of mountain biking in Central Scotland to progress - quite the reverse.

More than half a decade has now passed since the first "national strategy" was mooted yet still there is no clear vision, nor even a mechanism for delivery of a vision despite thousands of hours of time and countless sums of money being "invested" in mothballed reports and studies. Meanwhile, the FCS-imposed development embargo has ensured the facilities and infrastructure in place at Carron Valley, are half built and stagnating - yet elsewhere, (in the case of all existing Forestry Commission sites) development has continued unabated in an ad-hoc manner. The striking irony of course is that the "National Strategy" was supposed to bring an end to the ad-hoc developments. The sad reality is that thanks to this inertia Central Scotland and indeed the country as a whole has fallen significantly behind our neighbours in development of mountain biking as a sport.

The Forestry Commission and the other public bodies they are seeking to hide behind cannot have their cake and eat it - if the studies are necessary and the taxpayers' foot the bill then the public have a right to see the outputs from this and expect to see progress made towards achieving something. I'm sure you will correct me if I'm wrong however I'm certain the SNP pledged to start measuring the performance of Government departments by results and not by the number of box ticking reports and strategies they could produce.

Using expensive studies which conveniently manage to stay hidden in final draft form, which never get published and which never lead to anything, has brought FCS and ultimately both Environment Ministers into disrepute in the eyes of the public. In this case however, the situation is far worse - FCS has cynically and perversely used these very processes to hinder progress and development. Looked at in the round, this charade has cost the taxpayer hundreds of thousands of pounds and has left a trail of broken promises and discontentment with FCS partners and in the mountain bike community at large.

FCS will invariably counter that CVDG are a small group of activists that didn't get what they wanted - or quickly enough and that it has run hundreds of successful partnerships. It will question why an organisation that "has done so much for mountain biking" would want to damage it in any way. We'd like an answer to that last question too but we'd particularly like to know why FCS considered it fair game to mislead its partners, to blatantly lie to a Minister - ergo why both FCS and the Sports Division found it necessary to breach Freedom of Information legislation to cover this up. In terms of this last point I have asked Sir John to find the missing information and to pass this to the Scottish Information Commissioner.

You can easily corroborate the evidence placed before you: both Stirling and

North Lanarkshire Councils, Scottish Water and several current and former MSP's have all registered complaints on the record - off the record the staff involved are far more damning. I gather the situation in Fife is not too dissimilar.

I appreciate the challenges the SNP Government faces, but you were elected on a series of sweeping manifesto pledges to weed out inefficiencies and reform poorly-performing public bodies. Indeed, we know from your fellow MSP Michael Matheson that he disagreed with FCS posturing and that "Michael (Russell) is aware the Forestry Commission has many of the wrong people in the wrong jobs". Those were pledges that you were elected upon and sadly the "root and branch" review of FCS that is so obviously needed has failed to materialise. As Scotland's largest landowners FCS occupy a highly privileged position and it is clear their Executive Board occupies a more privileged position still. Key members of that team took the law into their own hands - they abused their position and the trust placed in them by politicians.

With the greatest of respect to Mr Russell, CVDG did not seek to be told FCS latest position - that changes like the seasons. What we asked Mr Russell to do was to investigate detailed evidence regarding FCS behaviour in terms of the Patricia Ferguson incident and their appalling stewardship of the Carron Valley project. With the greatest of respect to Ms Cunningham the FOI revelations change everything and the recommendation that justice is best served by submitting a complaint to another public body which is even more dysfunctional than FCS itself, only serves to underline the fob-off it so clearly is.

As First Minister I'm sure you have many demands on your time however, your ministerial colleagues have repeatedly tried to sweep this entire shambolic episode under the carpet and CVDG will not accept another pat response. I have documented a number of serious allegations against senior civil servants whom I believe exercised a monumental abuse of power and position to lie to a former minister and thwart the subsequent attempts to get to the truth. In addition, the Forestry Commission Board is guilty of fundamental and systemic mismanagement of the Carron Valley project and their inertia at a national level is jeopardising the future of Mountain Biking in Scotland. CVDG wish for nothing more than independent scrutiny of the facts and we will happily stand by any decisions made following such a process.

I look to you as First Minister and await your response with keen interest

David Russell
Chairman
CVDG