



19th November 2024

Subject: Appeal FAC086/23 against licence decision DU02-FL0171

Dear

I refer to the appeal to the Forestry Appeals Committee (FAC) in relation to the above licence granted by the Minister for Agriculture, Food and Marine (Minister). The FAC established in accordance with Section 14 A (1) of the Agriculture Appeals Act 2001, as amended, has now completed an examination of the facts and evidence provided by the parties to the appeal.

Hearing

A hearing of appeal FAC086/23 was held remotely by the FAC on 2nd October 2024. In attendance:

FAC Members:	Mr. Seamus Neely (Chairperson), Mr. Iain Douglas, Mr. Luke Sweetman & Mr. Vincent Upton
Secretary to the FAC:	Ms. Aedin Doran

Having regard to the particular circumstances of the appeal, the FAC considered that it was not necessary to conduct an oral hearing in order to properly and fairly determine the appeal.

Decision

Having regard to the evidence before it, including the record of the decision, the notice of appeal, and submissions received, the FAC has decided to set aside and remit the decision of the Minister for Agriculture, Food and the Marine (Minister) to grant licence DU02-FL0171. The reasons for this decision are set out hereunder.

Background

The appeal relates to the decision of the Minister for Agriculture, Food and the Marine to grant a tree felling licence, subject to conditions, referenced DU02-FL0171 on 3.22 hectares of forest land at Killakee, Co. Dublin. The application was made on 24th March 2023 and included operational and environmental information and a series of maps. The forest is currently comprised of mixed high forest across three plots containing primarily Douglas fir and Sitka spruce with smaller components of oak, birch, Japanese larch, and beech with ages varying from 16 to 64. The forest forms part of a wider landscape of managed forest on the fringes of the Dublin mountains. The land would not be replanted. As recorded in the application the land lies beside a carpark, proximate to the public road to the east and is crossed by existing forest

roads on which the stacking areas and service area would be located. The forest is located in the Liffey and Dublin Bay 09 catchment and the Dodder_SC_010 subcatchment and the subbasin of the Owendoher 010 waterbody. The proximity to the closest waterbodies is recorded in the documentation and pressures in the area generally are related to urban runoff. The forest is described as not being crossed by any relevant watercourses or aquatic zones. The forest is on a steep site with a shallow, mineral soil and is bounded by other plantation, agricultural land and man-made features including a car park.

The Applicant also submitted a document entitled "Appropriate Assessment Pre-Screening Report" which is described as providing supporting information to assist the competent authority to conduct an Article 6(3) screening for Appropriate Assessment of the project. This provides further information on the site and the operations in addition to information on European sites (Natura 2000 sites). The lands are not located within a European site and the document identifies eight European sites within 15 km. The interest of each site is considered in turn and a reason for the suggested screening decision is provided. This document concludes,

Following an evaluation of the information set out in this report, it is concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed project, individually or in combination with other plans and projects, will not have a significant effect on any European Site.

Based on this information, we contend that the competent authority can determine that an appropriate assessment is not required.

The DAFM recorded a screening for Appropriate Assessment, dated 17th October 2023, which identifies the same eight European sites for consideration. There are Wicklow Mountains SAC IE0002122, Glenasmole Valley SAC IE0001209, Knocksink Wood SAC IE0000725, South Dublin Bay and River Tolka Estuary SPA IE0004024, South Dublin Bay SAC IE0000210, Ballyman Glen SAC IE0000713, Poulaphouca Reservoir SPA IE0004063, Wicklow Mountains SPA IE0004040. The document records the proximity to each site and includes an overview map. Each site is considered in turn with its conservation objectives and interests and reasons are recorded for each screening conclusion. The documentation also includes other plans and projects considered in-combination with the proposal. The proposal is screened out in relation to seven European sites while Wicklow Mountains SPA IE0004040 is screened in for the following reason,

Possible effect due to the proximity of potential habitat for the species listed as the Special Conservation Interest of this European site.

Appendix C of the document contains what is entitled a "Screening Validation" conducted by an Ecologist which contradicts the initial conclusion to screen in Wicklow Mountains SPA and provides a reason for this contradiction that relates to the unsuitability of the habitat at or in the vicinity of the project area.

The application was referred to the Local Authority and Inland Fisheries Ireland and no submission is recorded from either body. No other submissions are recorded on the file.

The documents include a report prepared by a DAFM Archaeologist that records that no recorded monuments are on site and that the closest are over 50 metres, a Standing stone (DU025-021001-) and Enclosure (DU025-021002-). The report recommends specific archaeological conditions be attached to the licence.

The licence was approved on 15th November 2023 subject to conditions including those recommended by the archaeologist.

Appeal

There is one third party appeal against the granting of the licence and the full grounds have been provided to all parties and were before the FAC, in addition to the further submissions from the Appellant and the responding submissions made by the DAFM and the Applicant. In brief summary the appeal contends that,

- The public were not notified of the application by way of public notice as required by the Forestry Act 2014 and the relevant regulations and there has been no public participation and no effective public participation in relation to the application,
- The application is predicated on the necessity to carry out post-permission surveys to establish whether there is a necessity for a derogation licence and that this is incompatible with the law,
- This is particularly the case where the surveys conducted in May and September 2019 identified significant presence of a number of bat species,
- The grounds make similar reference to otters and the suggested inadequacy of the surveys undertaken and that the FAC should consider whether the Board had sufficient evidence to conclude no significant effects on otter,
- That if a derogation licence is required that Article 16(1)(a) of the Habitats Directive restricts the reasons for the granting of such a licence,
- The Notice of Appeal further submitted multiple links to survey data, reports and planning applications. It is also contended that the hydrology of the site has not been mapped to determine links to watercourses and that some developments may not have been legally compliant. It is submitted that there has been no assessment to minimise soil disturbance to address the risk of carbon loss and reduce any risk of sedimentation or nutrient loss,
- Applying for multiple felling licences is project splitting and contrary to EU Directives,
- The applicant has not identified all protected structures and national monuments within the site, that there are cumulative effects of project splitting that are being ignored, that a standing stone has been previously damaged,
- The application does not consider the impacts on a range of protected bird and mammal species and habitats,

- That there are a number iconic trees on the site and that the forestry licences should have been acquired first and been considered as part of the overall Environmental Assessment,

The DAFM prepared a response to the appeal which contained submissions from a number of personnel. The statement outlined the processing of the application and contended that the decision was issued in accordance with DAFM standards and procedures, S.I. 191/2017 and the 2014 Forestry Act.

The statement goes on to describe the public participation process, submits that there is no evidence of the site supporting bat or otter populations and that the licence does not remove any legal obligations under the Wildlife Act, describes the consideration of other plans and projects and contends that the protection of water quality has been addressed.

The DAFM archaeologist submitted that they remained of the view that the related conditions were appropriate and had been agreed with the National Monuments service, Department of Heritage. They further submitted that the referenced standing stone lies outside of the proposed felling site and beyond 50 metres of its boundary and that, further, there are no protected structures within or proximate to the felling licence site.

The Applicant also made a submission in response to the appeal. This contends that the appeal is addressed towards the planning decision and contains matters not related to the felling licence decision. The submission further contends in brief summary,

- That the application was processed and advertised following standard practice and that no derogation licence was required as there was no designation or evidence that the site contained protected species,
- That there is no designation for bats or otter on the site and that the surveys conducted did not identify the presence of these species on the site,
- That it is standard practice to apply for planning permission, where relevant, prior to seeking a felling licence and that it was standard practice to submit the licences in the manner that they were,
- That the hydrology identified in the application was correct and that given the nature of the operations there is no potential pathway for an effect on groundwater systems,
- That the operations will adhere to the licence conditions and that there is no requirement for cultivation or drainage for replanting as none would occur,
- That the Applicant is the landowner,
- That the site has been assessed by a DAFM Archaeologist and that a consulting archaeologist will be appointed to review the plan and provide a report to DAFM and undertake monitoring,
- That the proposal was assessed in relation to potential impacts on designated species and habitats and that the Applicant has its own risk assessment process,

- That a hydromorphological assessment is not relevant to the application as there is no water features and no connectivity to the Owendoher catchment,
- That the Massy's Estate booklet that identifies iconic trees relates to a separate property to that of the felling licence,

The Appellant made a further submission that again contended that the decision was not made in compliance with the EIA Directive, that the AA screening process was not compliant with the law, that the Harvest Plan is not to the requisite standard, that there is no protection to the Recreational trail, that conditions 10 and 11 are unenforceable, that there was inadequate and ineffective public notice in contravention of Article 6(2) of the Aarhus convention, that there are insufficient protections in relation to Article 5 of the Birds Directive and Article 12 of the Habitats Directive.

All submissions were provided to the other parties.

Considerations of the FAC

The FAC considered all of the submissions and material provided to it by the parties, including the record of the decision. As the parties were informed, the FAC considered the documentation related to the decision as provided by the Minister on the publicly available Forestry Licence Viewer. The Appellant had suggested that the FAC had access to information not provided to the Appellant but this is not the case.

The FAC considered in the first instance the grounds that referred to the decision for planning permission and the transposition of Conventions and Directives. The FAC is an administrative committee established under the Agriculture Appeals Act 2001 to determine appeals against certain decisions of the Minister for Agriculture, Food and the Marine. The Agriculture Appeals Act 2001, as amended, provides the following,

Establishment of Forestry Appeals Committee and its function

14A.

...

(2) The function of the Forestry Appeals Committee shall be to hear and determine appeals specified in subsection (4).

...

(4) (a) Where a person is dissatisfied by a decision made by the Minister under an enactment or statutory instrument specified in Schedule (2) (referred to in this section and sections 14B and 14D as a 'decision') he or she may, within a period of 28 days beginning on the date of the decision, appeal to the Forestry Appeals Committee against the decision.

...

Schedule 2

Section 7 of the Forestry Act excluding grants arising under the schemes mentioned in Schedule 1.

The Forestry Regulations 2017 (S.I. No. 191 of 2017) insofar as they relate to a licence for afforestation, felling of trees, forest road construction or aerial fertilisation of forests.

The FAC considers that its remit does not extend to making a determination on a planning permission application or a decision of An Bord Pleanála. Furthermore, the FAC does not understand its remit to extend to making a determination as to whether the EU and Ireland have correctly implemented the UNECE Aarhus Convention. All parties noted the general relationship between the tree felling licence application and the project which has attained planning permission, and this was confirmed by the DAFM and Applicant during the application process. The FAC considers its remit to extend only to the decision of the Minister for Agriculture, Food and the Marine to grant a tree felling licence following application by the forest owner. The FAC concluded that it should make a determination of the appeal against the tree felling licence based on its remit as provided in the Agriculture Appeals Act 2001.

The grounds contend that the public were not notified of the application by way of any public notice as required by the Forestry Act 2014 and the relevant Regulations. The DAFM and the Applicant contend that the application was made in keeping with DAFM procedures and the relevant legislation. The DAFM state that the application was submitted on 24th March 2023 and advertised on 12th April 2023. No submissions were made on the application.

The FAC would understand that the Forestry Regulations 2017 provide for the Minister to publish a notice of a felling application in a manner determined by the Minister and to provide for the public to make submissions and to have regard to such submissions in making a decision.

The DAFM have stated that application information was published on the Forestry Licence Viewer (FLV) when received. The FLV is described as a system that allows members of the public to view the geographic location of any felling licence and to monitor felling activity in their area. The FLV records the application as being published on 5th April 2023. The DAFM go on to state that the application was advertised on 12th April 2023 and the public could make submissions for a period of 30 days. In this case no submissions were made.

The Forestry Regulations 2017 also require a site notice to be erected at the entrance to the lands to advise the public that the felling and extraction being undertaken is in accordance with a licence issued by the Minister. This requirement relates to the undertaking of felling after a licence has issued.

The Forestry Regulations 2017 also provides for the erection of a site notice in relation to an application for afforestation and forest road works activities that do not form part of the decision before the FAC.

The FAC does not consider that the Forestry Act 2014 required any additional notices to be made in relation to the application as suggested in the grounds. The FAC does not consider that an error occurred in relation to the making of the decision in relation to these grounds.

The grounds submit that the application is predicated on the necessity to carry out post-permission surveys in order to establish whether there is a necessity for a derogation licence. The FAC does not consider that the application as submitted, or the licence decision made, was predicated on the necessity to carry out post-permission surveys. As noted in the grounds the High Court has referred questions to the Court of Justice of the European Union (CJEU) on other consent systems. The FAC would understand that its remit does not extend to making a determination on a decision of the High Court or the CJEU. The decision under appeal to the FAC is in relation to the granting of felling licence DU02-FL0171. This area as previously noted has not been designated for any nature conservation purpose and is comprised of managed forest of primarily non-native coniferous species. The Appellant went on to make a suggestion that there was no account taken of increased otter activity in the Dodder catchment but did not identify a reason as to how the felling of a managed forest as applied for and licenced might have a significant effect on the species. Such habitats would not be considered of particular value for otter or bats. The FAC understands that the granting of a felling licence does not remove any legal obligations on the licence holder or their agents that are provided for in the Wildlife Acts or other relevant legislation.

The grounds go on to make some general references to otter and bats and refer to Massey's wood. Massey's (also referred to as Massy's in some documents) wood comprises a different area and licence application to that under appeal. Licence DU02-FL0171 relates to an area of mature plantation comprising primarily exotic conifer species adjoining a car park and to the west of Massey's wood and is a habitat type not considered highly valuable for bats or otter. The area under appeal is described as not containing any watercourses or aquatic zones. The appeal makes a general claim that the hydrology of the site has been described incorrectly but provides no convincing evidence to substantiate this claim nor explains how the proposal might have a significant effect on otter or bat species or water quality. The grounds refer to the restrictions on the granting of derogation licences under Article 16(1)(a) of the Habitats Directive but the FAC has no role in the granting of such licences. The FAC is not satisfied that an error occurred in the making of the decision in this regard to these grounds.

The Appellant goes on to claim that the Wildlife Acts are themselves deficient in relation to Annex IV species and birds but does not substantiate this in any real way and the FAC does not consider its remit to extend to making a determination of the legality of the Wildlife Acts. The grounds further question the enforcement of conditions 10 and 11 of the licence that refer to obligations in relation to invasive species and protected species. The FAC agrees that these conditions appear to be more akin to general statements that may be more suited to the application documentation or the cover letter that accompanied the licence but the FAC is not satisfied that this might constitute a serious or significant error in itself as it has no real impact on the decision.

The grounds make some general references to the manner in which tree felling licence applications were made in the area and suggests that this constituted project splitting. The overall planning proposal,

including tree felling, was subject to an Environmental Impact Assessment and as previously noted, the FAC does not consider its remit to include making a determination on the planning decision. In relation to tree felling applications, the FAC considers that it is standard and good practice to manage forest stands or plots following individual prescriptions that might be based on the species composition and age of the trees and the overall management objective of the landowner in addition to any regulatory constraints. The FAC would understand that submitting separate licence applications for the felling of trees separate from the planning application is in keeping with the requirements of the Forestry Act 2014. The Minister has discretion to accept management plans but that was not applied for in this case. The Minister did consider other plans and projects in-combination with the proposal in the Appropriate Assessment screening. The FAC is not satisfied that an error occurred in the making of the decision in this regard.

The grounds make further submissions in relation to the planning process and the views of the Heritage Officer and Inland Fisheries Ireland but these related to the planning application. The tree felling application was referred to the local authority and Inland Fisheries Ireland and neither made any submission. While it is well known that tree felling can have a negative impact on water quality this is dependent on a number of factors including the nature of the works, including any good practice measures, its location, including soil and geology, and the status of any waterbody that might be impacted. In this case the grounds do not provide any convincing evidence that the proposal might have a significant adverse impact on water quality. The DAFM submit that a range of checks are carried out on a licence application and that any felling licence must adhere to the Standards for Felling and Reforestation (DAFM, 2019) which provides specific measures related to the protection of water. The FAC would understand from the DAFM submission and the Standards and the Felling and Reforestation Policy documents that it is the general policy of the Minister to condition felling licences on adherence to these standards. The FAC would understand that adherence with the Standards for Felling and Reforestation (DAFM, 2019) have not been included in the conditions and no reason for their absence has been provided. The FAC would consider this to be a serious error that should be addressed by remitting the decision to the Minister to condition adherence with these Standards or provide a reason for their omission.

The grounds suggest that the Applicant has not identified all of the protected structures and national monuments within the site and that the curtilage of the protected structures, their character and setting will be affected by the forestry works but provide no evidence to substantiate this claim. The grounds make specific reference to a standing stone. The application included mapping information that identified the location of monuments in the wider landscape but none within the boundaries of the felling site. The DAFM have submitted that there are no recorded monuments within the site. The grounds make further reference to Massey's wood which is a different location. The FAC is not satisfied that a serious or significant error was made in relation to these grounds.

The FAC did note that condition number 13 in the licence sets out specific archaeological and architectural heritage protection requirements which shall be fully complied with while also referencing that the archaeological and architectural heritage protection report and illustrative map are attached for further details. The FAC considers that the wording of the condition creates some ambiguity as to whether the conditions set out in the report referenced as being attached to the licence are to be complied with or are

included for further detail. The FAC also noted that no map was included as indicated. While this is an error, in the context of the overall proposal and the report, which does not include spatially explicit measures, the FAC did not consider this to be a serious or significant error. The licence in this case is being set aside and remitted to the Minister for reasons set out elsewhere in this letter. In making a new decision, the Minister should determine whether an illustrative map is required in this case and ensure that conditions are clearly stated.

The grounds make a number of general references to the Environmental Impact Assessment (EIA) Directive. In considering this aspect, the FAC notes that the EU EIA Directive (2011/92/EU as amended by 2014/52/EU) sets out in Annex I a list of projects for which EIA is mandatory. Annex II contains a list of projects for which member states must determine, through thresholds or on a case by case basis (or both), whether or not EIA is required. Annex II contains a class of project specified as "initial afforestation and deforestation for the purpose of conversion to another type of land use" (Class 1 (d) of Annex II). The Irish Regulations (SI 191 of 2017), in relation to forestry licence applications, require compliance with the EIA process for applications relating to afforestation involving an area of more than 50 hectares, the construction of a forest road of a length greater than 2000 metres and any afforestation or forest road below the specified parameters where the Minister considers such development would be likely to have significant effects on the environment. These provisions in the Forestry Regulations 2017 do not include the felling of trees or deforestation. As the Appellant has identified, the planning permission application, including the felling of trees, was subject to an EIA and as previously noted the FAC does not consider its remit to extend to making a determination on the planning permission decision.

The grounds further submit that the forestry licence should have been acquired before planning consent and should have formed part of the planning application and that the failure to do this was project splitting. The FAC would understand the reference to project splitting to relate to a situation where a developer might separate a development into separate parts or applications to circumvent a regulatory process. In this instance, the FAC would understand that the landowner was required to attain a felling licence for the felling of trees in keeping with the Forestry Act 2014 and the FAC does not consider that there is any evidence of an attempt to avoid any regulatory requirements or assessments in relation to the decision before it.

The FAC considered the grounds of appeal related to the screening for Appropriate Assessment. The Forestry Regulations 2017 provide,

19. (1) Where the Minister receives an application for a licence under sections 17 or 22 of the Principal Act, which is not directly connected with or necessary to the management of a European site, the Minister shall carry out a screening for appropriate assessment of the development, in view of the conservation objectives of the European site, to assess if the development, either individually or in combination with other plans or projects, is likely to have a significant effect on the European site.

The FAC considered that the grounds of appeal, while making some general references to possible impacts on the environment, did not provide any reasons or evidence as to how the proposed felling, itself or in-combination with other plans and projects, might have a significant effect on a European Site and should have been subject to an Appropriate Assessment.

The application was accompanied by a pre-screening document that provided information in relation to the proposal and European sites. The FAC noted that this document referred to the incorrect townland. However, in the context of the overall details of the application and extensive mapping, the voluntary nature of the submission, and the details contained in the Minister's notice it was considered that in this instance this was a minor typographical error.

The DAFM recorded a screening for Appropriate Assessment that identified European sites within 15km of the proposal and made a screening determination for each one. The proposal is for the felling of trees without reforestation and would occur in a managed forest comprised primarily of non-native coniferous species and located adjacent to a car park and in a broader managed landscape of forest, agriculture and man-made structures. The lands do not fall within a designated area. The documentation submits that there are no watercourses or aquatic zone crossing or adjoining the site.

The DAFM AA screening concludes that the proposal should proceed to Appropriate Assessment in relation to one European site, Wicklow Mountains SPA. The document then contains an Appendix that contradicts the screening conclusion. The FAC considers this to be a serious error for a number of reasons. Firstly, the Ecologist's conclusion is contained in an Appendix to the main screening and it is not standard or good practice to include what the DAFM is suggesting to be the actual screening conclusion as an Appendix to the primary document. It is not normal that an appendix would fully contradict and supersede the findings of the main document and it is not clear from the document which conclusion is actually being adopted. The FAC does not consider that there is any reason for such an approach to be employed and that it introduces a significant lack of clarity to the document. Furthermore, the conclusion in the Appendix is undated and, while the Appendix conclusion must clearly have been undertaken after the first screening conclusion, it does not confirm that the conclusion was made before the consent decision was made.

In addition, the file includes a separate document entitled *Appropriate Assessment Screening Report Appendix A: in-combination report for Felling and Reforestation project DU02-FL0171* recorded as having been completed on 13/10/2023. This section predates the primary document but relies on its findings. As the first screening conclusion is contradicted and the proposal did not proceed to Appropriate Assessment it would appear from the text of the in-combination document that potential effects of other plans and projects were not considered with the proposal in relation to Wicklow Mountains SPA. Additionally, the in-combination appears to record that it had regard to an out of date County Development Plan and Forestry Programme and not to the documentation in place at the time the assessment was undertaken.

In considering the content of the In-Combination Report, the FAC further noted the DAFM's use of the word "residual" in their conclusion. The FAC considered that, in the context of AA, the term "residual effects" is more commonly employed in relation to the consideration of what effects remain after

mitigation measures have been assessed as part of an appropriate assessment. For example, the Department of the Environment, Heritage and Local Government has published a guidance document on AA titled *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities* (DEHLG, 2009). This document states on page 40:

If the competent authority considers that residual adverse effects remain, then the plan or project may not proceed without continuing to stage 3 of the AA process: Alternative Solutions.

In the context of undertaking the screening again the FAC considers that the Minister should correct this language to avoid the introduction of any unnecessary confusion. For the reasons outlined above, The FAC is satisfied that the DAFM's AA screening contains significant errors and that the decision to grant the licence should be set aside and remitted to consider whether the felling is likely to have a significant effect, either individually or in combination with other plans or projects, on European sites in view of the sites' conservation objectives.

The Appellant goes on to suggest that the application was deficient regarding the Harvest Plan submitted. The Forestry Act 2014 and the Forestry Regulations 2017 reference the information required to be submitted with a tree felling licence application and provide discretion to the Minister to prescribe further particulars and to seek further information. The FAC would understand from the Standards for Felling and Reforestation and Felling and Reforestation Policy that the submission of a Harvest Plan is not a requirement to make a tree felling licence application.

In relation to recreational users the application mapping identifies forest roads and recreational trails and the area is a commercially-managed working forest. The Standards for Felling and Reforestation address the matter of safety signs and these Standards should be conditioned. The Appellant submits that the stacking areas are located outside of the licence area but this is not the case. Stacking areas are identified as being located alongside the existing forest road within the site boundary. The Appellant suggests that the mapping standard is 1:5,000 and that even this would be deficient based on the size of the site. The FAC does not consider that the Minister has established an exact legal standard as suggested by the Appellant. The Application included a number of maps at varying scales, both greater and smaller than 1:5,000, including one at 1:2,101. The FAC does not consider that there is any reason to conclude that the application was deficient or that an error was made in the making of the decision in relation to these grounds.

The Appellant makes a general claim that there is no information that the "original forestry permission" was complied with and that "indicators on the ground" suggest that the landowner has not complied with such permission and that unauthorised works had taken place. The trees that form part of the application vary in ages with some at least pre-dating Ireland's membership of the EU (EEC) and others being replanted following felling. The Appellant does not substantiate the grounds or provide a basis as to why the FAC might conclude that a serious or significant error had been made in the decision as it relates to this ground in the appeal.

The Appellant suggests that the licence and process is contrary to the FSC interim forest stewardship standard for Ireland but that is a voluntary, private, sustainable forest management certification scheme and also not a matter on which the FAC would make a determination.

In considering the appeal, the FAC had regard to the record of the decision, the grounds of appeal and submissions received. The FAC is satisfied that serious and significant errors were made in the making of the decision in this case. The FAC considered that serious errors had been made in the screening for Appropriate Assessment and that the decision should be set aside and remitted to the Minister for a new screening to be undertaken before a new decision is made. In making a new decision, the Minister should address the other errors outlined in this letter.

Yours sincerely,

—
Vincent Upton,
On Behalf of the Forestry Appeals Committee