

21.03.2025

Mr Neil Foulkes

By email only: neilfoulkes62@gmail.com

Our Ref: AIE Request 20250053

Your Ref: Tree Shelters at Lugduff, Co. Wicklow

Dear Mr Foulkes

I refer to your Request dated 21.02.2025 made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (the “**AIE Regulations**”), for access to Environmental information held by Coillte for information as follows:

Under the Access to Information on the Environment Regulations, in electronic format;

I wish to receive

Information on the use of plastic tree shelters on Coillte owned / maintained property at Lugduff, Co. Wicklow

- a) To include quantity used per annum in each of the last 10 full years*
- b) Maintenance schedule for the trees.*
- c) Proportion of the trees / shelters that are replaced per annum in each of the last 10 full years*
- d) Number of tree shelters collected and removed from the site in each of the last 10 years*
- e) Information of the environmental impacts caused by the degradation of tree shelters*

Please interpret this request broadly.

Please provide a schedule of records with your decision.

Decision

Following an exercise whereby I contacted the relevant parties within Coillte, I have decided to grant **partial access** to the environmental information sought. Details of my decision are set out below.

In relation to point a) of the Request, I am granting partial access to the information sought as follows

Year	Tree Shelters
2019	700
2021	250
2022	300
2022	120
2022	400
2023	300
2023	200
	Sum=2,270

Please note that no information exists for the years 2016, 2017, 2018, 2020, 2024 and therefore records are not “held” by Coillte within the meaning of Article 7(5). Further information relating to the application of Article 7(5) of the AIE Regulations is provided below.

In relation to points b) and c) of the Request, it was confirmed that Coillte does not hold information relating to the maintenance of trees or replacement of trees / shelters during the previous ten years as these works are completed by contract staff under long-term maintenance contracts and specific details relating to maintenance of trees / shelters such as numbers of same is not submitted to Coillte.

Further, in relation to point d) of the Request, the Establishment Manager confirmed that for the time period set out in the Request, no tree shelters were collected or removed from site. Therefore, no information exists for this element of the Request.

Refusal of Request pursuant to Article 7(5) of the Regulations

Coillte’s position in respect of the Request is that it been unable to locate any records relevant having taken all reasonable steps to locate the information sought and the Request is refused pursuant to Article 7(5) of the AIE Regulations.

Materials considered

Article 7(5) of the AIE Regulations provides: -

Where a request is made to a public authority and the information requested is not held by or for the authority concerned, that authority shall inform the applicant as soon as possible that the information is not held by or for it.

In Mr X and Environmental Protection Agency ([OCE-99411-G9T2S](#)), the Commissioner provided the following commentary in respect of Article 7(5) of the AIE Regulations:-

Article 7(5) of the AIE Regulations is the relevant provision to consider where the question arises as to whether the requested environmental information is held by or for the public authority concerned.

We are further aware from the decisions of the Commissioner in [Mr G and Department of Agriculture, Food and the Marine](#) and [Mr X and Environmental Protection Agency](#) that we are required to justify how we came to the conclusion that the records do not exist.

Upon receipt of this Request, the AIE team assigned it to the relevant subject matter expert, being the Establishment Manager, BAU 4. During discussions, it was confirmed that while information exists relating to points a) and e) of the Request, information for points b), c) and d) as detailed above does not exist. The above steps having been taken; I am satisfied to confirm that no records of the kind specified in the Request exist in Coillte.

Finally, in relation to point e) of the Request, I am granting access to information held by Coillte about the environmental impacts caused by the degradation of tree shelters. Please find attached report for your information.

Charges (where applicable)

As previously notified to you, in accordance with Article 15 of the AIE Regulations charges may apply for provision of information. However, in this instance no charges apply as retrieval and compilation of records did not exceed one hour.

Right of Review

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision, including the decision to charge a fee. An internal review involves a complete reconsideration of the matter by a member of the staff of Coillte, unconnected with the original decision, and of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by writing to the following, referring to this decision and quoting the AIE reference number. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

The Information and Data Protection Officer
Coillte CGA.
aie@coillte.ie

If you choose to make a request for an internal review, this must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Yours sincerely,

Sent by email, no signature

AIE Officer
Coillte CGA.
Email: aie@coillte.ie