

Mr Neil Foulkes

By email only: neilfoulkes62@gmail.com

14 March 2025

RE: European Communities (Access to Information on the Environment) (“AIE”) Regulations 2007, as amended.

Our Ref: AIE Request 20250017

Your Ref: Anaerobic digesters on Coillte lands

Dear Mr Foulkes,

I write to you on behalf of Coillte, and as the person tasked with conducting the internal review, requested by you on 17 February 2025 per your entitlement under Article 11 of the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (the “**AIE Regulations**”). This internal review request relates to an original AIE Request received from you on 02 January 2025 (“**the Request**”).

In line with Article 11(2) of the AIE Regulations, I confirm that I am unconnected with the initial decision dated 31 January 2025 (“**the Initial Decision**”) and am of more senior rank than the original decision maker.

1. The Request

The Request to which this internal review relates, sought disclosure pursuant to the AIE Regulations as follows:

Coillte, Dublin Road, Newtownmountkennedy, Co. Wicklow, A63 DN25, Ireland.
T 0818 367 378 E info@coillte.ie W www.coillte.ie

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

I wish to receive

1) Information related to any plans by Coillte to use the output (digest) from Anaerobic digesters on Coillte lands (including any scientific assessment as to the potential impacts on water quality).

2) The location (preferably in GIS format) of where any such material has been applied on the Coillte estate.

If you require any clarification please

Please interpret this request broadly.

Please provide a schedule of records with your decision.”

2. The Initial Decision

On 31 January 2025, you were provided with the Initial Decision. In summary, the Initial Decision refused the Request on the basis of Article 7(5) of the AIE Regulations.

You were further informed you of your right to request an internal review of the Initial Decision pursuant to Article 11 of the AIE Regulations within one month of 31 January 2025.

3. Request for Internal Review

On 10 January 2025, you requested an internal review of the Initial Decision. You stated that you considered the Initial Decision had not had regard to the following:

“I wish to request an internal review of this decision.

I am not satisfied that Coillte has taken all reasonable steps to identify the information requested.”

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4. The Internal Review

Per Article 11(2) of the AIE Regulations, my role is to affirm, vary, or annul the Decision. Having re-examined both the Request and the Decision, I have decided that the Decision should be **affirmed**. The basis of this conclusion is set out hereunder.

5. Reasons for the Decision

Following my review of the refusal of information in reliance of Article 7(5) of the Regulations.

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.'

I consider that reasonable search steps were taken to locate the requested information and establish whether the information you have requested exists. The Decision informed you that the AIE Team communicated with personnel, whose area of work might hold or generate information relating to this subject matter, to search for the requested information.

The AIE Team assigned this Request to key staff whose area of work might hold or generate information relating to this subject matter. Staff who the AIE team engaged with in relation to this Request include the Managing Director, Land Solutions, Coillte; Head of Strategic Business Development, Land Solutions, Coillte and the Establishment Process Manager, Coillte Forest. It was confirmed by the respective SMEs that reasonable searches had been carried out to ascertain if information relating to the Request exists.

A key word search was carried out of Sharepoint Online and Microsoft Outlook as these would be the systems used to generate and share information on this subject. The key words used as part of the search were outlined in the Initial Decision.

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The basis on which it was concluded that Coillte does not hold any information is that engagement was held with senior members of staff, who would have information on anaerobic digesters on lands held by Coillte and would have knowledge of such use on the Coillte Estate, and it was confirmed that this type of information does not exist in Coillte.

Consequently, I am satisfied to confirm that no records relating to the Request exist in Coillte and therefore the Decision is affirmed.

6. Conclusion

The Decision has been affirmed.

If you are unhappy with this internal review, the AIE Regulations give you the right to appeal it to the Commissioner for Environmental Information. You have one month within which to lodge such an appeal from the date of receipt of this Internal Review communication. Further information on making an appeal can be found at the Commissioner's website <https://www.ocei.ie/making-an-appeal/how-to-appeal/>.

Yours sincerely,

Sent by email, no signature

Internal Review Officer

Coillte CGA

aie@coillte.ie

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