

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 19 December 2022

**Public Authority:** Coventry City Council  
**Address:** Council House  
Earl Street  
Coventry  
CV1 5RR

#### **Decision**

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1. The complainant requested information from Coventry City Council ("the Council") relating to the removal of land from a green belt and a Local Plan.
2. The Commissioner's decision is that on the balance of probabilities, the Council does not hold information within the scope of question 2 of the request.
3. The Commissioner does not require the Council to take any steps.

#### **Request and response**

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4. The complainant made the following information request to the Council on 11 April 2022 (numbering added by the Commissioner):  
  
"1. What land (if any) which prior to the adoption of the current Local Plan was part of the greenbelt but is now shown on the Map to the Local Plan as no longer greenbelt and is:-  
  
A. Not comprised in an allocated site as identified in paragraph 3 of Policy GB1,  
  
B. Not land identified in para 4 of policy GB1,

- C. Not land identified in para 5 of policy GB1,
- D. Not land identified in para 6 of policy GB1.

If there is any such land:

- 2. Please provide a plan showing that land together with details of the page number and paragraph(s) in the local Plan which explicitly state the removal of such land.
  - 3. Provide copies of documentation of discussions, meeting reports/minutes, emails or other written communication in which officers discuss removal of such land from the greenbelt.
  - 4. Please confirm that the wording of the Local Plan informs the Map and therefore the Map reflects the wording and not vice versa."
- 5. The Council responded on 9 May 2022. With regards to question 1 of the request, the Council stated that any land that has been removed from the green belt is listed within Policy GB1 of the Local Plan. The Council provided the complainant with a link to where information within the scope of question 3 of the request could be located on its website. With regards to question 4 of the request, the Council confirmed that the Local Plan and Local Plan Map form part of the same document.
  - 6. On 20 May 2022, the complainant requested an internal review. The Council provided the complainant with the outcome of its internal review on 31 May 2022 in which it upheld its original response.

## **Reasons for decision**

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- 7. This reasoning covers whether the Council holds information within the scope of question 2 of the request.
- 8. The complainant considers the Council to hold information within the scope of question 2 of their request. In their complaint to the Commissioner, the complainant explained that they do not consider Policy GB1 of the Local Plan to include all the land that has been removed from the green belt and therefore, they consider the Council to hold information, such as a plan, which shows all the land that has been removed from the green belt but not listed in Policy GB1.
- 9. The Council maintains that all land that has been removed from the green belt is listed in Policy GB1 of the 2017 Local Plan and therefore, it considers that it does not hold information within the scope of question

2 of the request. The Council explained that as a green belt is a statutory land designation, land can only be removed from a green belt by a Local Plan. Therefore, land will only have been removed from the green belt if it has been listed in the 2017 Local Plan, specifically Policy GB1 of the Local Plan.

10. The Council clarified that Policy GB1 only states the area of land that has been removed from the green belt as it would not be practical for the policy to list every building or dwelling that has been removed from the green belt. However, the Council explained that the Local Plan is designed to be used in conjunction with a Local Plan Map which shows the land which is and is not included in the green belt. This is specified in Policy GB1 of the Local Plan.
11. The Council explained that as all the land that has been removed from the green belt is listed in Policy GB1 of the Local Plan, it does not hold information within scope of question 2 of the request.
12. The Commissioner accepts the Council's reasoning for not holding information within the scope of question 2 of the request. The Commissioner notes that land can only be removed from a green belt by a Local Plan. He accepts that Policy GB1 of the 2017 Local Plan lists all the land that has been removed from the green belt. Therefore, the Commissioner's decision is that on the balance of probabilities, the Council does not hold information within the scope of question 2 of the request and so the exception provided by regulation 12(4)(a) (information not held) is engaged.
13. Whilst regulation 12(4)(a) is subject to the public interest test as specified in regulation 12(1)(b), as no further information has been found to be held, the Commissioner can only find that the public interest in maintaining the exception at 12(4)(a) of the EIR outweighs any public interest in disclosure, simply because there is no further information to disclose.

## Right of appeal

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14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**