



Information Governance Team

Postal Address:
Coventry City Council
PO Box 7097
Coventry
CV6 9SL

www.coventry.gov.uk

E mail: infogov@coventry.gov.uk

Phone: 024 7697 5408

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Dear Sir/Madam

**Environmental Information Regulations 2004 (EIR)
Request ID: FOI696113611**

Thank you for your request for information relating to Sale of Open Space Land.

You have requested the following information:

I consider that this is a request for information under the Environmental Information Regulations; it relates to information concerning the Council's activities in relation to open space and is in the public interest to be disclosed.

1. Please list all open space land sold by the Council, including open space land sold by any of its predecessor authorities, since 13 November 1980.

2. If the Council is unable to respond to question 1 (setting out the reason that may be the case), then, in the alternative and to the extent documents are retained and readily available, please list all open space sold by the Council, including open space land sold by any of its predecessor authorities, since 2000.

3. With regard to the open space land listed as sold, please confirm whether the advertising requirements at section 123(2A) of the Local Government Act 1972 were followed.

We consider that your request falls under the exception under regulation 12(4)(b) as 'manifestly unreasonable'. Under the EIR public authorities may refuse requests that are manifestly (i.e. obviously or clearly) unreasonable when the cost of compliance is too great.

We do not hold a single register where all public open space disposal information is held. In order to answer your request, the Council would be asked to go back to each individual disposal file and

check if any open space formed part of the disposal back to November 1980 or even 25 years back to the year 2000.

Our searches have revealed that the authority holds a significant number of records and therefore considers that it would be manifestly unreasonable (within the meaning of regulation 12(4)(b) of the EIR) to have to review the entire content of these records in a granular way in order to apply the EIR, which would include a process of identifying what information could and equally could not be disclosed.

A public authority can only withhold information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. We are mindful of the general public interest in transparency and accountability, and of the presumption in favour of disclosure and to read exceptions restrictively.

We consider that the information we have already identified would likely engage one or more of the disclosure exception provisions of the EIR. It is expected that a considerable amount of time would be required to review all the information to consider whether or not it would be exempt from disclosure.

The time and resources required to review this information would be unreasonable given the potential for it to remain exempt information and (where it is suitable for release under the EIR) the limited benefit to the public debate on this matter.

On balance therefore, it is our view that the public interest in maintaining the exception in regulation 12(4)(b) outweighs the public interest in disclosure. We understand this response may not meet your requirements but it aims to ensure that our responsibilities under the EIR do not distract from our other statutory functions as a public authority.

When refusing a request for environmental information under regulation 12(4)(b) on the grounds of cost, public authorities are required to provide advice and assistance. We can advise that all public held open space would as part of the approval process be required to publish a public notice in the local press for two consecutive week seeking responses to the proposal. The adverts were in the public domain and therefore to assist, you may search in the public notice section of the Coventry Telegraph newspaper. However it must be noted that not all the information will be held.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner,

who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance