

COUNCIL MEETING

Wednesday 12 November 2025

AGENDA ITEM 7 – PUBLIC QUESTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 11

1	<p>Question from Avalon Rawling to the Cabinet Member for Communities and Environment – Councillor Pinnock</p> <p>What information, criteria, or policy guidance does the Council use when deciding whether to manage contamination risks on redevelopment sites through planning conditions instead of determining the land as ‘Contaminated Land’ under Part 2A of the Environmental Protection Act?</p> <p><i>Cabinet Member Response</i></p> <p>One of the central aims of the planning system is to reuse brownfield land. Brownfield land is often former industrial or commercial land which may have contamination. The Planning system is an excellent way of cleaning up contaminated sites. As part of the planning process when land is brought forward for planning permission, the Council will check whether they are aware of contaminated land already at a site and require developers to provide technical assessments and reports to cover what they intend to do to clean up the land before the new use is brought forward. Where sites are required to deal with previous contamination, the Council usually requires planning permissions to include conditions to cover remediation strategies which are then approved by the council after being checked. The developers are then required to carry out construction activities in accordance with approved remediation strategies and produce verification reports afterwards to confirm they have done the remediation in accordance with the approved details.</p> <p>Most ‘potentially contaminated’ sites can be cleaned up through specialist methods to remove contamination and make it suitable for redevelopment. In areas like ours with an industrial heritage the Council is well experienced in dealing with sites where contamination material exists and developers are required by Law to deal with contamination themselves.</p> <p>Where land is brought forward for development, through site investigation reports we may find out information we previously did not know about the level of contamination on a site, officers will use this information to apply the right development conditions to ensure the land does not become contaminated land, as defined by Part 2A of the Environmental Protection Act 1990, by introducing new receptors and pollutant linkages to the site as part of the development. If there is information brought to light that shows there are pollutant linkages already in existence officers will consider its duties under Part 2A. However, this is often not the case, and land contamination and be dealt with under the planning system.</p> <p>Council officers will use the appropriate local and national policies, guidance issued by national government and agencies as well as nationally recognised industry guidance when considering potentially contaminated land.</p>
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2	<p>Question from Avalon Rawling to the Cabinet Member for Finance and Regeneration – Councillor Turner</p> <p>Could the Council provide one documented example from the last five years of a planning application in which conditions were enforced specifically to prevent harm to the surrounding community during development? This is asking for a planning reference number, and not for an ongoing matter or open investigation.</p> <p><i>Cabinet Member Response</i></p> <p>The Council’s foremost responsibility is to protect the wellbeing of residents and the wider community during all stages of development. We take our duty to prevent harm very seriously and we monitor construction activity to ensure that planning conditions are enforced wherever necessary.</p> <p>The Council has where necessary served Temporary Stop Notices at sites to prevent harm to the surrounding communities. For example, a Temporary Stop Notice was served against Harron Homes at Merchant Fields in Cleckheaton planning reference number 2024/91260. We also served Temporary Stop Notices at North Brierly against an industrial development adjacent to the M606, at a site off Penistone Road against Newett Homes, and against Barrats Homes in Owl Lane. There have been 10 Temporary Stop Notices and 1 Stop Notice served between September 2020 and present.</p>
3.	<p>Question from Tracy Ibberson to the Cabinet Member for Public Health – Councillor Addy</p> <p>When the Council commissions or reviews air monitoring on brownfield redevelopment sites, which specific standards or technical guidance documents does it require the monitoring to comply with?</p> <p><i>Cabinet Member Response</i></p> <p>Air monitoring on brownfield redevelopment sites falls under a broad remit. The specific standards or technical guidance documents applied will depend on the nature of the works being undertaken, the objectives of the monitoring, and the pollutant or emission being assessed. These requirements are considered on a site-by-site basis.</p> <p>The requirement for air monitoring would be placed upon the developer, where considered necessary.</p> <p>When air monitoring is undertaken, the Council expects the monitoring to comply with recognised UK standards and authoritative technical guidance.</p> <p>For example:</p> <ul style="list-style-type: none"> • For particulate matter/dust, we would expect this to be monitored in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. (Version 2.2, January 2024).

	<ul style="list-style-type: none"> • For volatile organic compounds (VOCs), we would expect this to be in line with the IAQM Guidance: Good Practice on Air Quality Monitoring for Brownfield Projects (October 2025) • For asbestos fibres, monitoring is subject to HSG248 Asbestos: The Analysts Guide. Any air monitoring commissioned by Kirklees Council is carried out by companies accredited to ISO17025 <p>In summary there is no single specific standards or technical guidance document for air monitoring on brownfield redevelopment sites. The Council ensures monitoring follows the most relevant and up to date technical guidance, is appropriate to the site conditions and meets the defined monitoring objectives.</p>
4.	<p>Question from Tracy Ibberson to the Cabinet Member for Communities and Environment – Councillor Pinnock</p> <p>For each monitoring event, is the full data set — including dates, sampling location, duration, meteorological conditions, equipment type, and laboratory accreditation — published for public transparency? If not, why not?</p> <p><i>Cabinet Member Response</i></p> <p>Officers of the Council carry out many monitoring activities for various functions and duties across the council, some monitoring is informal in nature, and some are formal and carried out by specialist contractors.</p> <p>Where monitoring is undertaken as part of any investigation by Environmental Health or other Council regulatory departments, it would not be standard practice to publish monitoring results. This is because investigations are ongoing in nature and publishing results, as a standard could prejudice any potential, future regulatory activity and due to the volume of activity it isn't practical to publish all monitoring activity.</p> <p>Furthermore, monitoring results may be technical in nature and therefore not easy to interpret or could be misinterpreted.</p> <p>Where monitoring is undertaken, this would be undertaken in-line with any relevant standards or guidance, where applicable.</p>
5.	<p>Question from Janine Gray to the Cabinet Member for Finance and Regeneration – Councillor Turner</p> <p>In what scenario's as examples would the Council override Building Control?</p> <p><i>Cabinet Member Response</i></p> <p>Building Regulations are set out in Law and developers have to carry out construction in accordance with Building Regulations. The Council provides a Building Control Service which individuals can choose to employ however Building Control is a competitive market sector and individuals can choose to employ private sector building control providers.</p>

6.	<p>Question from Janine Gray to the Cabinet Member for Finance and Regeneration – Councillor Turner</p> <p>Where can pre demolition surveys be viewed, is there a data base or are these available through the Council upon request?</p> <p><i>Cabinet Member Response</i></p> <p>If the question relates to demolitions organised by the Council, then the answer is that all pre demolition surveys such as asbestos, bats, utilities etc. are stored on internal council systems that are not accessible by the public.</p> <p>If a request for a particular survey for an identified Council demolition is made, then this could be supplied depending on the circumstances.</p>
7.	<p>Question from Owyn Ibberson to the Cabinet Member for Public Health – Councillor Addy</p> <p>Could the Council tell me how many cases of Asbestosis and Mesothelioma have been reported, within Kirklees, relating to Kirklees workplaces?”</p> <p><i>Cabinet Member Response</i></p> <p>The Council do not hold specific data on the number of Asbestosis or Mesothelioma cases within Kirklees that are linked to workplaces. Local authorities are not required to collect or publish this type of information. Councils have a statutory duty to manage asbestos risks in public buildings and workplaces under their control. Health data relating to conditions such as Mesothelioma and Asbestosis is typically collected and published by Health and Safety Executive (HSE) which provides national statistics on work-related diseases.</p> <p>The HSE website has a public register of convictions in its enforcement register. The Yorkshire and Humber entries show no workplaces in Kirklees: Case list</p>
8.	<p>Question from Owyn Ibberson to the Cabinet Member for Public Health – Councillor Addy</p> <p>Are the Council aware of an increase in respiratory issues across the area of North Kirklees, in particular Spen Valley?</p> <p><i>Cabinet Member Response</i></p> <p>Fingertips/Public health profile data published on DHSC for Kirklees shows respiratory disease over one year and three- year period for mortality, this data can be accessed by the public at: Fingertips Department of Health and Social Care. The most recent update 2024. Data is not available by individual wards.</p> <p>The local data we have access to (hospital admissions) does not suggest an increase.</p> <p>The weekly acute respiratory infection data received from UKHSA during acute respiratory indicators season, across syndromic surveillance</p>

	systems are monitored by the Councils infection prevention and control team. This provides generalised data across the region for acute respiratory infection indicators.
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