

COUNCIL MEETING

Wednesday 10 December 2025

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

1	<p>Question from Tracy Whiteman to the Cabinet Member for Finance and Regeneration – Councillor Turner</p> <p>“Are risk assessments submitted by developers independently verified by the council or an external body, or is the council’s role to accept the consultant’s conclusions at face value?”</p> <p><i>Cabinet Member Response</i></p> <p>The term ‘risk assessments’ can refer to a range of documents / areas, so clarification is needed regarding which type the question is about. For risk assessments related to health and safety on developments or construction sites, these generally fall under the remit of the Health and Safety Executive, rather than the Council.</p> <p>When it comes to planning applications, various risk assessments may be required to evaluate the impact of the proposed development on the surrounding area and to determine whether the proposed use is suitable for the site. Examples include contaminated land reports, noise assessments, flood risk assessments, and other studies tailored to the nature of the site and the proposal.</p> <p>Certain assessments are reviewed by Council officers, while others may be assessed by external bodies such as the Environment Agency. Additional assessments may also be requested as planning conditions, which must be satisfied at later stages of the development process. In such cases, these assessments may need to be reviewed and formally approved as part of the process to discharge planning conditions. Any risk assessment submitted as part of a planning application is examined with reference to the relevant guidance and standards, to ensure it meets the necessary requirements. These reports are typically circulated to specialist consultees where appropriate—such as Environmental Health, drainage teams, or the Coal Authority—for technical review. Their comments form the basis for determining whether the information provided is acceptable or requires amendment before the condition can be discharged.</p> <p>Any risk assessment submitted as part of a planning application is examined by the technical specialist consultees with reference to the relevant guidance and standards, to ensure it meets the necessary requirements.</p>
2	<p>Question from Tracy Whiteman to the Cabinet Member for Communities and Environment – Councillor A U Pinnock</p> <p>“Can the Council list the non-delegable duties of the Environmental Health Department regarding brownfield sites and protection of existing residents?”</p>

Cabinet Member Response

The Council does not maintain a separate list of “non-delegable duties” for Environmental Health. Statutory duties relevant to brownfield land and the protection of existing residents are placed on the Council, principally under the Environmental Protection Act 1990 (including Part 2A Contaminated Land and Part III Statutory Nuisance), amongst others.

Environmental Health officers exercise many of these functions on the Council’s behalf, but the legal duties remain with the Council and cannot be transferred to private developers or landowners.

The Council has many powers and duties under various acts of parliament and associated secondary legislation; Environmental Health’s scheme of delegation can be found here:

<https://democracy.kirklees.gov.uk/documents/s67634/Scheme%20of%20Delegation%20for%20Environmental%20Health%20-%20April%202025.pdf>

There are numerous legal requirements for members of the public, landowners, developers, and others. As regulator, the Council, where appropriate, ensures duties are met through investigations, audits, inspections, and other methods depending on the situation.

Other Council departments and statutory bodies, like the Health and Safety Executive, also regulate ‘brownfield sites’.

3

Question from Sharon Taylor to the Cabinet Member for Finance and Regeneration – Councillor Turner

“Does the Council operate any form of approved, preferred, or recommended environmental consultant list for contaminated land assessments, or provide informal signposting to consultants familiar with Kirklees requirements?”

Cabinet Member Response

The Council does not maintain an official, approved, or recommended list of environmental consultants for contaminated land assessments. However, it does hold a record of consultants who have previously undertaken contaminated land assessments as part of the planning application process. This record can be shared to benefit smaller developers or individuals who may not have established links with environmental consultants. The intention is to provide a helpful starting point when seeking consultancy services, but it is important to note that inclusion on this list does not imply any formal endorsement or recommendation by the Council.

The list is provided with the following caveat:
“I have attached a list of consultancies who have previously been used by applicants to provide contaminated land reports in connection with their planning application to Kirklees Council. It should be noted that this list is not exhaustive. Additional consultants may be found on the internet (e.g. www.yell.com, www.thomsonlocal.com or Google). All contamination reports shall be prepared by a suitably competent person.”

	<p>While the Council's Local Plan contains policies relating to contaminated land, consultants are expected to comply primarily with national guidance and relevant best practice within the industry when preparing reports.</p>
4	<p>Question from Sharon Taylor to the Cabinet Member for Finance and Regeneration – Councillor Turner</p> <p>“Has the Council ever rejected a contamination report for failing to assess existing residential receptors?”</p> <p><i>Cabinet Member Response</i></p> <p>All reports submitted in relation to potentially contaminated sites, must meet legislation and relevant guidance. The Council does not formally ‘reject’ contamination reports. Instead, if a report is unsatisfactory, the Council asks the developer to address deficiencies. This may involve withholding planning permission or attaching planning conditions until requirements are met, it is common for further work to be requested. The discharge of planning conditions, related to land contamination, can be refused if information is lacking, but most developers work with the Council to resolve issues so development can proceed safely.</p>
5	<p>Question from Owyn Ibberson to the Cabinet Member for Finance and Regeneration – Councillor Turner</p> <p>“What measures are in place to guarantee that residents receive clear, transparent explanations of how their environmental or construction-related concerns have been assessed, including what evidence was reviewed and how conclusions were reached?”</p> <p><i>Cabinet Member Response</i></p> <p>The Council aims to keep residents informed about environmental and construction-related decisions by publishing information on its planning website and relevant pages. Queries not addressed online are answered by officers where possible. Officers ensure responses are proportionate and involve relevant staff when needed. Residents unsatisfied with a response can use the Council's complaints process or escalate to the Local Government Ombudsman. For construction site safety, the Health and Safety Executive (HSE) can also be contacted.</p>
6	<p>Question from Owyn Ibberson to the Leader of the Council – Councillor Pattison</p> <p>“After having asked a supplementary question in the council, what is the expected timeframe of a written follow-up response, or the forwarding of additional information, if an answer is not given in the council chamber?”</p> <p><i>Cabinet Member Response</i></p> <p>In answer to your question this would depend on the complexity of any information that needs to be gathered. Clearly in recent Council meetings we have had high numbers of public and Member questions, many of which have resulted in requests for further information and responses. If I or any other Cabinet Members have inadvertently missed anything I'm more than happy to be contacted direct to follow matters up.</p>

