COUNCIL MEETING

Wednesday 15 October 2025

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

1	**Question from Tracey Ibberson to the Cabinet Member for Communities and Environment – Councillor Pinnock** "How does the council keep track of sites where asbestos has been a significant contaminant for decades?" <u>Cabinet Member Response</u> The Council maintains a comprehensive database of land that may be contaminated, fulfilling its obligations under Part 2A of the Environmental Protection Act 1990 (the 'contaminated land regime') and supporting Planning's development management processes. This database records sites with current or historical land uses that could result in contamination. While there is no explicit requirement for the Council to monitor sites specifically for asbestos, there is a general responsibility to be aware of locations where contaminants might exist. Currently, the database includes information on more than 4,000 separate sites, reflecting the area's significant industrial legacy. This industrial history means land may be contaminated due to its former uses. However, the mere presence of contaminants on or beneath a site does not automatically mean there is a risk to health or the environment. For a risk to exist, there must be a combination of a contaminant source, a pathway, and a receptor. To fulfil its contaminated land duties, the Council has conducted a site prioritisation exercise. This involved officers visiting sites to assess their present use and to better understand the potential relationship between source, pathway, and receptor. The Council's current Contaminated Land Strategy, which is similar to approaches taken by many local authorities, focuses on achieving remediation through the redevelopment of previously used (brownfield) sites. This approach is widely regarded as an effective means of managing resources and delivering positive outcomes.
2	**Question from Tracey Ibberson to the Cabinet Member for Communities and Environment – Councillor Pinnock** "Does Kirklees council have an asbestos register and if so, where can it be found?" <u>Cabinet Member Response</u> The council has an asbestos survey, register, and management plan for all of its assets. These are all individual & building specific documents rather than a

	single register. The documents can be found stored in each building within the PAMP folder and are stored electronically on our drives and asbestos database.
3.	**Question from Rachel Batty to the Cabinet Member for Communities and Environment – Councillor Pinnock** "Can the relevant Cabinet Member please outline the council's process and responsibilities if asbestos dust from an unknown source (I.e. it has not come from the fabric of that building itself) is found within a property in the district?" <u>Cabinet Member Response</u> The council does not operate a standardised procedure for investigating incidents involving potentially contaminated dust, as such cases are unusual and not typically encountered in our routine work. Therefore, each occurrence is assessed individually, based on its specific circumstances. The Council has several duties relating to hazards that might be present within buildings, which depend on the particular situation. These duties are governed by various regulatory frameworks, including Housing, Environmental Protection, Workplace Health and Safety, and Contaminated Land management. Our responsibilities may involve the identification and prevention of potential hazards and/or addressing situations where exposure has already taken place. Managing asbestos in the environment presents significant difficulties, as UK government guidance highlights that asbestos is unfortunately common and widespread, which makes pinpointing the exact source of contamination particularly challenging.
4.	**Question from Rachel Batty to the Cabinet Member for Finance and Regeneration – Councillor Turner** "Can the Council explain what procedures are in place for when a planning application proceeds, and subsequently some important historic information about contaminants on the site is discovered to have been omitted from the site history?" <u>Cabinet Member Response</u> All development proposals are assessed in accordance with National Planning Policy and established local procedures. Occasionally, new issues may come to light after planning permission has been granted. In such instances, officers will review the new information and determine its relevance, whether it represents a material change, and how it affects the terms under which the development was approved. While there is no single, dedicated procedure for the specific scenario described, each situation is evaluated individually, taking into account its unique circumstances. In cases involving contaminated land, established referral and operational practices exist between the Planning Department and Environmental Health to manage such matters appropriately. If new information amounts to a material change, officers will liaise with the

	developers to ensure that any necessary documents or plans are resubmitted to reflect the new findings and address any implications. Should the new information warrant it, officers will consider the most suitable course of regulatory action.
5.	**Question from Janine Gray to the Cabinet Member for Highways and Waste – Councillor Hawkins** "If there are public rights of way through land, how can these be removed and what is the process?" Cabinet Member Response Public rights of way can only be removed through a legal process called a *Public Path Order* under Section 118 of the Highways Act 1980. This can only happen if it is considered no longer needed for public use. In most cases, diversion or replacement of a path is preferred over full removal. The process is as follows: • Initial consultation with the Public Rights of Way Team to discuss the proposal. • Submit an application under Section 118, including grounds for extinguishment. • Preliminary consultation with local authorities, councillors, user groups, utilities, and the public. • Objections, if received, are forwarded to the applicant for response or negotiation. • Council decision is made either by committee or delegated officers. • Order is made and published for a 28-day notice period (online, on-site, in press, and via letter/email to formal consultees). • If unopposed, the Council may confirm the Order, which typically takes effect shortly after (e.g., 7 days post-confirmation). • If opposed, the Order cannot be confirmed by the Council and may be referred to the Secretary of State, usually at the applicant's expense. I would be more than happy to visit any specific public right of way you are referring to and support as best I can.
6.	**Question from Janine Gray to the Cabinet Member for Highways and Waste – Councillor Hawkins** "What is the chance of getting public rights of way removed?" Cabinet Member Response It's generally quite rare for a public right of way to be removed entirely. An application can only be approved if it can be clearly shown that the path is no longer needed for public use. Where a route crosses private homes, gardens, or working premises, the Council must carefully balance the interests of landowners with the wider public interest. In most cases, diverting the path to an alternative route is preferred over full removal. Further guidance is available from DEFRA on how such applications are assessed - **'Presumptions Guidance'***

	Again, I would be more that happy to visit any specific public right of way you are referring to and support as best I can. **Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises*
7.	**Question from Karen McKenna to the Cabinet Member for Communities and Environment – Councillor Pinnock** "How many RIDDOR reports have been received by the council, in relation to any brownfield sites, in respect of accidental fibre release into the air?" <u>Cabinet Member Response</u> No incidents involving accidental fibre release into the air have been recorded on ClaimControl, the Council's online system for reporting incidents, accidents, and near misses, in relation to any brownfield sites. It is the HSE that enforces RIDDOR on construction sites not the council. So, any reports would be sent to them not managed by the Council. If a RIDDOR report for a site not enforced by the Council for example a construction site was received by the Council in error, it would have been re-allocated on RIDDOR portal to the appropriate enforcement authority.
8.	**Question from Karen McKenna to the Cabinet Member for Finance and Regeneration – Councillor Turner** "What is the Brick Street Regeneration Scheme, which it appears Kirklees have received £1,000,000 (one million pounds) from the West Yorkshire Combined Authority in 2021? <u>Cabinet Member Response</u> The Brick Street Regeneration Scheme appears to be a reference to a West Yorkshire Combined Authority (WYCA) Brownfield Housing Fund bid, which was not led on by Kirklees. Council officers have liaised with the relevant team at WYCA, who have confirmed that the business case for the funding was not progressed by the private land owner, therefore no funding was ever approved.
9.	**Question from Akooji Badat to the Cabinet Member for Communities and Environment – Councillor Pinnock** "Why is Kirklees proposing that in future, white cars will not be allowed for private hire use?" <u>Cabinet Member Response</u>

	In 2023 the Council carried out a full review of its vehicle specification policy, one of the proposed changes was in relation to the colour of private hire vehicles, specifically not allowing new private hire vehicles to be white in colour. The reason for the proposal was to ensure that members of the public can clearly distinguish between hackney carriage and private hire vehicles. This proposal was in line with the Department for Transport Best Practice Guidance issued in 2023 which states: "Licensing authorities which require taxis (hackney carriage vehicles) to be a particular colour should prevent private hire vehicles from being that same colour, unless they are easily identifiable, i.e. they are purpose-built vehicles as is the case in many of our cities". Kirklees Council requires all hackney carriage vehicles to be white in colour, therefore, in accordance with the guidance we should not be licensing white private hire vehicles. The Council carried out a 12-week consultation regarding all the proposed changes to its policy and licence holders were consulted on the proposed changes. The consultation resulted in a total of 374 responses being received, and 65% of the respondents agreed with the proposal to stop licensing private hire vehicles that are white in colour. On 14th February 2024 Members of the Licensing and Safety Committee Considered the proposed changes including all responses to the consultation and resolved to agree the proposed policy to not permit any new private hire vehicles to be licensed. All existing white private hire vehicles were permitted to remain licensed until the expiry of their licences.
10.	**Question from Alison Morgan to the Cabinet Member for Communities and Environment – Councillor Pinnock** "Would the council commit to using alternatives to pesticides by using the Guide to Alternatives to Herbicides which plays out options, cost breakdowns and case studies?" <u>Cabinet Member Response</u> Kirklees Council does not adopt guides produced by advocacy groups or campaign organisations as a matter of routine. This approach helps ensure that any methods or recommendations adopted by the council are based on robust, impartial evidence and aligned with statutory obligations. However, relevant information and evidence from such guides may be considered during policy reviews. The council currently employs approved methods for weed spraying, both through its internal teams and in conjunction with contracted partners. The council is committed to following all relevant legislation and implementing government guidance on the use of herbicides and pesticides. Our approach ensures that we meet statutory requirements while continuing to review best practices in this area. Both products currently in use are in line with EU regulations.

	In line with the wider Environment Strategy and a strong emphasis on enhancing biodiversity and greenspace across the district, the council is committed to reviewing its existing policy regarding the use of pesticides. This review will commence imminently, reflecting the council's ongoing dedication to responsible environmental management and continuous improvement in its practices.
11.	**Question from Alison Morgan to the Cabinet Member for Communities and Environment – Councillor Pinnock** "If the Council commits to using alternatives to pesticides, could the council make public their commitment to this step change?" <u>Cabinet Member Response</u> Upon completion of the council's review into the use of pesticides, options will be brought forward for consideration and decision. This approach ensures that any future actions regarding alternatives to pesticides will be subject to thorough review and transparent decision-making within the council.