COUNCIL MEETING

Wednesday 21 January 2026

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

1	**Question from Heather Peacock to the Cabinet Member for Housing and Transport – Councillor Crook** "Is Huddersfield bus station getting an upgrade in the next two years as it desperately needs one now?" *Cabinet Member Response* Yes, Huddersfield Bus Station is getting a major upgrade as we move closer to the new publicly owned Weaver bus network in West Yorkshire – with fantastic new zero emission electric busses - aligned with our 2038 carbon neutral Kirklees commitment - and a more reliable and customer focussed network. Construction work will start later this year with this essential upgrade being delivered in phases to keep services running throughout. The work will take around two years to fully complete. This £27 million investment, delivered in partnership between West Yorkshire Combined Authority and Kirklees Council, will create a safer, more accessible and energy-efficient transport hub, with a transformed interior, improved real-time information, better lighting and CCTV, and a greener, more welcoming entrance with a new canopy and high-quality public realm. The bus station will remain open throughout the works, with clear signage and advance information wherever temporary stand moves or short-term changes are needed. This modernisation is about giving passengers the facilities they deserve today and building the transport gateway our town needs for tomorrow.
2	**Question from Owyn Ibberson to the Cabinet Member for Finance and Regeneration – Councillor Turner** "Regarding retaining walls around new developments, how does the Council factor the Highways Act, Section 167, when part of the proposed public highway in question, is actually owned by a third party resident, and no permissions have been sought?" *Cabinet Member Response* When planning applications are considered by the Council the planners will consult the Highway Authority where retaining walls adjacent to the highways are proposed. The Councils Structural Engineer can assess the suitability of what is being applied for and if in principle the details are acceptable it is normal for a planning condition to be attached to the permission requiring details of the retaining wall to be submitted as part of the construction process. The Councils Structural Engineer will then be given full technical details of how the retaining wall would be constructed which is subject to highway authority approval.

	It is normal that on the design of retaining walls on new developments which affect the public highway are checked as part of the planning process. The ownership of retaining walls outside of the highway is usually the responsibility of the landowner to maintain.
3	**Question from Owyn Ibberson to the Cabinet Member for Finance and Regeneration – Councillor Turner** "Kirklees has a large number of brownfield sites, that are available for redevelopment. What steps does the Council take, before the land is sold off, to ensure that it is actually safe for development eg..heavy metal testing, asbestos testing etc...and are these documents / results made public for transparency?" *Cabinet Member Response* <u>Environmental Health</u> There are no legal provisions in England which mean Councils are formally involved in land transactions between private landowners. Therefore, in most cases the Council is unaware when land is sold to know what if any information has been gathered about the condition of land which may have been provided to the purchaser or gathered by the seller. Where previously developed land, which is often called 'Brownfield Land' is bought and sold, especially where the nature of the previous use may affect the nature of the land, the risks and liabilities associated with it and/or the land value – surveys may be carried out by either party to gather more information to help understand these issues more – to identify liabilities and value. These surveys, which could include contaminated land surveys depending on the nature of the land, and the decisions of the seller or purchaser are not normally available to the public (or the Council) as these are private documents, commissioned by private individuals and landowners for the purpose of the land transaction. The sale of land is not directly linked to any development proposals. If a piece of land is put forward for development, regardless of whether it has been bought and sold there is a robust system of site investigations, risk assessment, remediation, and validation for land contamination if the site poses those risks due to the nature of its previous use. This system is part of the Development Management process under the Town and Country Planning Act 1990, its associated regulations, national guidance such as the National Planning Policy Framework and local policies – such as Kirklees Local Plan. Any documents associated with the redevelopment of land through planning is in the public domain and located on the Council's planning portal. In summary, there may well be land contamination surveys associated with land transactions; however, these are private documents for the purposes of identifying landowner liability and land value – these are not public documents and there are no legal provisions for access to these. The Council gets involved in land contamination investigations, risk assessment, and remediation when a piece of land is put forward for development and these documents are in the public domain. It is also important to say that the term 'Brownfield Land' has a number of different uses within the UK framework for Planning and Environmental Protection. It is not a legally defined phrase and does mean

	in some contexts land that has previously being used, and not necessarily for uses which have the potential to cause contamination. <u>Housing Growth</u> Where the Council seeks development partners for the delivery of housing on brownfield sites that are Council owned, the Council undertakes some preliminary site investigations for information purposes in cases, which are shared with Partners. It is the Partners responsibility to then undertake their own due diligence and investigations to assess the land condition prior to submitting planning applications and disposal of the land, relevant site information will be available publicly through the planning process.
4	**Question from Tracey Ibberson to the Cabinet Member for Highways and Waste – Councillor Hawkins** "What is the Council's intention for the increase in traffic in and around Cleckheaton with the substantial increase in housing development with regards to air quality and road safety?" *Cabinet Member Response* The Council takes the impact of new development on air quality and road safety extremely seriously. On air quality, all major planning applications are required to undergo detailed transport assessments, alongside air-quality studies that follow the West Yorkshire Low Emission Strategy. Where developments are shown to increase pollution levels, developers must provide full Air Quality Impact Assessments and put forward mitigation measures such as improved layouts, sustainable-travel plans, or other actions to reduce emissions. On road safety, the Council works through the West Yorkshire Vision Zero partnership to reduce harm on our roads. This includes investment in traffic-calming, speed-management measures, and improvements for walking and cycling, supported by closer enforcement powers and collaboration with local schools and communities. As Cabinet Member for Highways, I can assist further with any supplementary questions specifically relating to road safety.
5	**Question from Sarah Young to the Cabinet Member for Communities and Environment – Councillor A U Pinnock** "If piling operations are carried out in close proximity to residential properties, how will risks related to vibration, noise, and potential disturbance to occupants be assessed and appropriately controlled, such as house surveys?" *Cabinet Member Response* Potential risks relating to vibration, noise and disturbance are normally addressed before works commence through the planning process, where planning permission is required. This may include the use of planning conditions to secure appropriate working hours, construction methods, and measures to control noise and vibration. For certain developments, the submission of a Construction Environmental Management Plan (CEMP) by

	the developer may be required to demonstrate how these impacts will be managed. The developer also has an ongoing duty during the works to operate in a manner that minimises disturbance, including complying with planning conditions, using appropriate construction techniques and responding to issues that arise. During the construction works, the council has powers under Section 60 of the Control of Pollution Act 1974 to control noise and vibration from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. In relation to house surveys the Council isn't aware of any specific requirement for developers to carry out property surveys prior to construction. It may be good practice for developers to carry out property surveys to support them in mediation or litigation if an allegation of property damage were to be alleged during or after pilling or other disturbing construction activity. However, this can only be a recommendation rather than a requirement imposed by the Local Planning Authority. Vibration nuisance is frequently associated with the assumption that, if vibrations can be felt, then damage is inevitable; however, considerably greater levels of vibration are required to cause damage to buildings and structures.
6	**Question from Sarah Young to the Cabinet Member for Communities and Environment – Councillor A U Pinnock** "How does any proposed piling activity, when undertaken near residential properties, comply with relevant standards for vibration, noise control, and protection of nearby structures?" *Cabinet Member Response* It is acknowledged that developments can result in noise and vibration associated with construction activities. Unfortunately, some noise and vibration-generating activities, like piling, will be necessary to ensure that a development is constructed appropriately. However, developers are required to mitigate the impact of these activities on nearby residents as much as possible – using Best Practicable Means (BPM). There are a number of British Standards that relate to construction activities, such as piling, to provide guidance on such mitigation measures. In relation to noise and vibration, the relevant standard is BS5228 Part 1 – Noise & Part 2 – Vibration. The British Standards provide guidance on noise and vibration targets, mitigation measures and assessing Best Practicable Means. Vibration nuisance is frequently associated with the assumption that, if vibrations can be felt, then damage is inevitable; however, considerably greater levels of vibration are required to cause damage to buildings and structures.

	When complaints from residents are received regarding disturbance from noise and vibration, Environmental Health will investigate the concerns and consider whether the noise/vibration exceeds targets and whether the developer has employed BPM. During the construction works, the council has powers under Section 60 of the Control of Pollution Act 1974 to control noise and vibration from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. The protection of nearby structures forms part of the developer's duty to deliver a safe development and is addressed through their design, construction methods and compliance with relevant building regulations and industry standards. The Council does not approve or certify construction methods or structural protection through the planning process.
7	**Question from Sharon Taylor to the Cabinet Member for Finance and Regeneration – Councillor Turner** "Given that Kirklees planning portal has multiple and various 'application' numbers, relating to the same development or plan, how transparent is this process, for concerned members of the public, to educate themselves around what is happening in their areas?" *Cabinet Member Response* Kirklees has one of the most transparent planning processes available for public view in the West Yorkshire region. All the plans and documents for an application are visible online along with public representations from anyone who wants to have their comments online. All the technical consultees comments are also online. Searching for a planning application is straightforward and there is only one number you need which starts with the year of the application, this is then followed by a / line and a unique number beginning with a 9. There are no other reference numbers given out for each application. Our planning webpages are some of the most viewed pages in the Council and there is a user guide online to help people on the webpages. It is possible for members of the public to get updates from their area for planning applications by subscribing to the list features on the planning webpages. This will then notify them of applications in your chosen search area.
8	**Question from Sharon Taylor to the Cabinet Member for Finance and Regeneration – Councillor Turner** "With regards to the Highways Act 1980, section 167, how does the

	Council proceed, with planning permissions already granted, when the developer changes plans, to include a retaining wall, which would contravene (a) within a highway boundary (b) be in close proximity to residential properties (c) is higher than 4.5 feet in height?" *Cabinet Member Response* If a developer changes its plans which necessitates the construction of a new retaining wall which is located within 4 yards of the highway boundary and has a retained height greater than 4 foot and 6 inches or a retaining wall which is considered to have an impact on the safety of highway users, they will be required to seek technical approval for its design prior to its construction in compliance with the Highway Authority's "Structural Procedures" (copy attached). If they fail to do so and construct the wall without a technical approval, this can lead to the Council refusing to adopt the new road on which the wall has been constructed or if the new wall is adjacent to an existing highway, then this would be in contravention of section 167 of the Highways Act 1980 and in breach of the statue, which is a criminal offence and for which a court can issue a fine should the Council resort to taking legal action.
9	**Question from Karen McKenna to the Cabinet Member for Communities and Environment – Councillor A U Pinnock** "When independent asbestos tests, from members of the public, within the area of a brownfield development site, are presented to the Council as being positive (higher than trace levels), and asbestos professionals state clearly, they are higher than 'trace levels', what actions do the Council take, regarding identifying and stopping the cause of the asbestos?" *Cabinet Member Response* Protecting public health is the council's priority and any action taken must be evidence-based and proportionate to the level of risk identified. Asbestos-related issues are complex and while asbestos can originate from specific sources, it is also widely present in the environment due to historic use and the gradual weathering and breakdown of asbestos-containing materials such as insulation, cement products, tiles and vehicle components. Where the Council receives independent asbestos test results from members of the public, the information is reviewed as part of an investigation. This includes considering whether the testing has been undertaken by a UKAS-accredited laboratory and whether sampling and analysis have been carried out in accordance with recognised standards and best practice. The results are assessed alongside other available evidence. Test results provided by third parties do not, on their own, identify the cause of asbestos at a property or justify regulatory intervention. Furthermore, it is not just the presence of asbestos in the environment, but the exposure that is a risk to human health. In such instances, the Council's priority is to identify whether there is an ongoing source of potentially significant asbestos release and to address this as a matter of priority where identified. Where no immediate significant

	source is found, the potential for latent or historic sources may be considered on a case-by-case basis, informed by the evidence available. Where appropriate, the Council will seek independent expert advice to inform its assessment and determine any next steps.
10	**Question from Karen McKenna to the Cabinet Member for Adult Social Care and Corporate Services – Councillor Dad** "When the Council receive a letter before action, from an established solicitor, who has gone through due diligence regarding factual information, what processes do the Council undertake to ensure they are legally compliant?" *Cabinet Member Response* The Council would ordinarily consider the contents of the letter before action and respond in accordance with any relevant pre – action protocol.
11	**Question from Jennifer Devlin to the Cabinet Member for Housing and Transport – Councillor Crook** "Will the Council support the idea of a West Yorkshire Transport Board made up of passengers, community groups and transport workers, with decision making powers over franchising. Will the Council Leader use her seat on WYCA to propose this?" *Cabinet Member Response* I absolutely agree that the voices of passengers, community groups, unions and transport workers are vital to shaping a reliable, affordable and inclusive public transport system across West Yorkshire, especially as we move towards the start of our new, publicly owned Weaver network, following the decision by mayor Tracy Brabin to re-franchise our busses with residents firmly at the wheel. A great deal of work is underway, including discussions around future governance, however any changes to decision-making arrangements, including around franchising, need to be carefully assessed within the West Yorkshire Combined Authority's statutory framework alongside considerations of accountability, value for money, and the practicalities of implementation. There is a long history of representation from across the region on the West Yorkshire Transport Committee (in various forms) and this expertise, along with experience from other areas where franchising has already taken place, will inform how we choose to fulfil this transition in West Yorkshire – and clear lines of accountability, from passengers to decision making, will absolutely be key in the structures that are established. I'm open to exploring how we can further strengthen meaningful participation, and I will raise the points you've made in my discussions with our West Yorkshire partners through the transitional bus board and through the Transport committee, both of which bodies I sit on as a representative on behalf of Kirklees.