

**PUBLIC QUESTION TIME  
15 October 2019**

**1. Question**

What is the Council's response to the following statement:

“I live on Slade Lane in Riddlesden, Keighley. In the late autumn of 2018, one of my near neighbours was having a retaining wall built at the bottom of our very steep hill, the foundations of which, if any, sit immediately on the boundary with Slade Lane, an adopted highway, and within yards of a busy junction of four adopted highways. The postal address of the property in question is 2A Dunkirk Rise, Riddlesden BD20 5DR. It would seem that the wall was to function as a retaining wall, holding back earth within the property's garden on a very much higher level than the surrounding carriageway. The wall, many yards long, was constructed of single thickness breeze blocks, and the idea appeared to be to 'face' the structure with random stone. As the wall rose ever higher, I was not alone among neighbours in harbouring increasing concern that the structure was profoundly unsafe, with questions being asked as to why the wall's method of construction, on such a scale and in such a location, was being permitted by the District Council. I estimate that the wall eventually reached 12 feet or more in height. In addition, even higher internal retaining walls and levels of earth within just a few feet of it internally, were adding a substantial further load on this structure. Predictably, in early January of this year the wall collapsed outwards on to the carriageway of Slade Lane. Shortly after the collapse, the property owners made an attempt to mitigate the worst effects of the earth, stone and breeze blocks scattered across Slade Lane by shoving them up against the remains of the wall. However, since that time, there have been no further efforts to either rebuild the wall or clear the large amount of debris from the adopted highway. Nine months later, the debris continues to encroach on the adopted highway by several feet, constituting a considerable hazard, not least because it constricts the public highway to the width of a single vehicle. Further, the pile of mixed earth, stone and breeze blocks channels heavy rain, and overflow run-off from a culvert further up the hill, towards the middle of Slade Lane. As winter approaches, the formation of a long and wide stretch of sheet ice on a steep down-hill approach to a busy road junction is inevitable. The consequence of the Council's failure to regulate structures to ensure public safety, and its allowing the residue of the fallen structure to remain on the adopted highway for many months is, at best, a considerable eye-sore. Of much greater concern, however, is the immediate clear and present danger to vehicular and pedestrian traffic, and the potential for further collapse of what remains. The Council needs to oblige the property owner to remedy the situation immediately, or to remedy it by its own action” ?

**Answer**

This matter is being dealt with by a combination of Highways, Building Control and Planning officers. Following receipt of the initial complaint, Highways staff visited the

site after, on the 24th of January 2019, and advised the property owner that debris and building material needed to be removed from the Highway as it was in contravention of S.171 of the Highways Act (unauthorised placing of items on the highway). As a result, initial clearance work was undertaken. However, a recent site inspection has indicated a further breach of the above regulations and appropriate enforcement action will be undertaken.

Building Control officers also wrote to the property owner under the Building Act 1984 Section 77 and 78 – Dangerous Structures, instructing that the partially collapsed wall should be taken down and that no further works should be undertaken until a formal planning permission has been granted.

The erection of the retaining walling was also the subject of a planning enforcement complaint and was found to be unauthorised as had been constructed without the benefit of planning permission. The works were challenged as unauthorised however the walling collapsed prior to any enforcement action being taken essentially resolving the breach of planning control. Planning permission is required for any replacement walling that the owner wishes to erect in excess of 1m where adjacent to the highway and an application for a replacement retaining wall. An application was submitted by the owner and refused by the Council due to its impact on visual amenity. No appeal has been submitted to date and it remains open to the owner to seek the relevant consent prior to carrying out any further works of construction.

In order to resolve this situation, the owner needs to submit a planning application for a retaining wall that is visually and structurally acceptable but, in the meantime, Highways and Building Control will continue to monitor and use its enforcement powers as far as possible to manage any impacts.

## **2. Question**

Where neither the Steer Davies Gleave report (upon which the Ilkley Parking Review Scheme was premised) nor the subsequent public consultation contained any proposal or recommendation to issue “special permits” for local business workers to park on zoned residential streets, yet where 1,400+ such permits have been issued to date causing continuing wide-ranging and serious disruption to affected residential streets and displacement of worker/commuter parking to other streets, whilst leaving many new on-street pay-and-display areas largely empty and with the parking scheme in turn causing significant footfall and turnover reductions to many town centre businesses (with no economic impact assessment having been undertaken despite the express SDG recommendation to do so), and with polling of 2,000+ residents/businesses supporting scrapping the scheme (75% favouring scrapping) will the Portfolio Holder (i) acknowledge the legitimate concerns of the majority of Stakeholders, including residents (including the established local action group across multiple streets), businesses (including the Ilkley BID) & district councillors and cease the current piecemeal remedial steps and instead impose a full suspension of the current scheme until a viable solution can be identified following proper and lawful consultation with all relevant stakeholders; (ii) explain why no economic impact assessment was undertaken contrary to SDG recommendations; and (iii) provide specific and full details of all steps taken to date and proposed to

alleviate the ongoing current serious disruption to residents' livelihoods and local businesses?

**Answer**

It is worth bearing in mind that through the consultation process Steer, Davies & Gleave undertook in 2017, they determined widespread concern about parking in and around Ilkley, with a majority of residents struggling to park on their street and feeling it was unsafe. Ilkley's problems with parking are well known and go back many years. The problem has escalated in recent years and therefore scrapping the scheme is not an option as the status quo was no longer tenable.

We have always acknowledged legitimate concerns about the scheme and made a number of changes to the detail of the scheme as a result of the extensive consultation process and continue to do so.

Significant assessments were made of the scheme before it went live, including on-street usage surveys, two consultations with over 1,000 responses each and the formal Traffic Regulation Order consultation. We also engaged directly with stakeholders, including the BID and district councillors, throughout the development of the scheme. The 2017 Steer review suggested further consideration on the potential impacts on local business through reduced commuter parking availability close to the town centre and this work was undertaken, including further consultation with Ilkley BID, with the decision to introduce a special permits to mitigate this impact.

Since the scheme has gone live we have already reallocated over 200 special worker permits to areas with underused capacity, the majority of which have been in underused long stay pay and display parking bays. We will continue to monitor the impact of the scheme and I note this issue will also be discussed elsewhere in today's items of business.