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BROMSGROVE DISTRICT COUNCIL

Contaminated Land Inspection Strategy July 2025

Executive Summary

The industrial history and development of the country has left a legacy of land where there is the potential for contamination to be present. Contamination may pose a risk to human health and the environment. Part 2A of the Environmental Protection Act 1990 places a duty on local authorities to address these risks through the contaminated land regime. The presence of a harmful substance in, on or below a piece of land does not necessarily mean that land is "contaminated land". The source of contamination must present a significant possibility of significant harm to relevant receptors, for example a person, ecosystem, or controlled waters, through a viable pathway of exposure.

Enforcement action under this legislation should only be used when there is no other appropriate alternative with other mechanisms used in preference if possible. These mechanisms include the planning and development control process and voluntary action taken by landowners to minimise the unnecessary burdens placed on taxpayers, businesses, and individuals.

This strategy is a requirement under the contaminated land regime, as set out in the Contaminated Land Statutory Guidance 2012, for local authorities who are the primary regulator. Strategies should be reviewed every 5 years. Due to the withdrawal of the funding system from central Government for contaminated land work, the Council will focus on addressing sites where contamination may exist predominantly through the planning and development control process. This document details further how this is already achieved and how we continue to work to drive standards and improve consistency in regulation across the region and further afield.

To date, no sites have been declared as *'Contaminated Land'* by Bromsgrove District Council (BDC) since the first Contaminated Land Strategy was produced in 2001. Currently, there are approximately 2020 sites identified as potential sites of contaminated land concern within the district, largely relating to the historic land use.

BDC planning policies encourage the reuse of previously developed land subject to appropriate site investigation, risk assessment and remediation. Voluntary action is strongly encouraged to deal with potentially contaminated land, either on an individual site basis or as part of wider regeneration work. Regulatory action under Part 2A will only be used where no appropriate alternative regulatory solution exists.

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1. Introduction

Bromsgrove District Council, as with most local authorities, has a legacy of land contamination that has resulted from over 200 years of industrial development. In addition to historically contaminated sites, pollution incidents, such as spillages and accidents, can give rise to contamination of the land. In the minority of cases the contamination may be serious enough to present a hazard to human health or the environment.

In April 2000, the UK Government introduced a duty on each local authority to inspect the land within its area and identify any areas that could be defined as "contaminated land". Where a local authority finds such land, it must ensure it is remediated to reduce or remove risks to people and the environment. The government set out its requirements for dealing with contaminated land within Part 2A of the Environmental Protection Act 1990 (“the Act”) and associated ‘Statutory Guidance’ documents.

Bromsgrove District Council (BDC) first published its Contaminated Land Strategy in May 2001. This document represents a revised strategy which updates and replaces the previous version. The document considers changes in the Contaminated Land Statutory Guidance 2012, national policy, council policy and sets out the Council’s strategic approach to contaminated land.

2. Legislative Context, National, and Local Policy

Section 57 of the Environment Act 1995 inserted Part 2A into the Act which establishes a legal framework for dealing with contaminated land. This came into force on 1st April 2000.

Part 2A provides a means of dealing with unacceptable risked posed by land contamination to human health and the environment.

The Department for Environment, Food and Rural Affairs (Defra) states the following in its guidance document Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance (publishing.service.gov.uk) (2012)

1.4 The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

(a) To identify and remove unacceptable risks to human health and the environment.
(b) To seek to ensure that contaminated land is made suitable for its current use.
(c) To ensure that the burdens faced by individuals, companies and society are proportionate, manageable and compatible with the principles of sustainable development.

Contaminated land is defined in Section 78A(2) of Part 2A of the Act as "*any land, which appears to the local authority in whose area it is situated to be in such condition, by reason of substances in, on or under the land that:*

(a) significant harm is being caused or there is a significant possibility of such harm being caused.

or

(b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused".

78A(4) Environmental Protection Act 1990 defines harm as:

"*Harm to the health of living organisms or other interference with the ecological systems of which they form a part, and in the case of man includes harm to his property*."

The presence of a harmful substance in, on or below a piece of land does not necessarily mean that land is "contaminated land". The source of harm may be present but unless a possible route exists through which it is likely to cause harm to health, eco-systems or property, or to cause pollution of controlled waters, the land is not contaminated within the meaning of the Act.

Only land where unacceptable risk has been clearly identified after risk assessment should be considered as meeting the Part 2A definition of contaminated land. Land

should be considered 'uncontaminated land' as defined by Part 2A unless there is reason to consider otherwise.

Within this document "contaminated land" is used to mean land which meets the legal definition under Part 2A. Other terms, such as "land affected by contamination" or "land contamination" are used to describe land where contaminants are present but not at sufficient level of risk to be classified as contaminated land.

A site cannot be identified as contaminated land purely due to contaminative substances being present. There must be a relevant sensitive receptor, such as a human being, ecosystem, controlled waters, or property, at risk of significant harm from the source of contamination. There must also be a viable pathway of exposure linking them together. A pathway may be exposure from handling of soils, breathing in dust or vapours, consumption of produce grown in impacted soils, or other means by which a contaminant may reach the receptor. A complete source-pathway-receptor model of contamination is referred to as 'contamination linkage or pollutant linkage'.

The term *'significant contaminant linkage'* is used in the Statutory Guidance to mean a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land.

2.1 Radioactive Contaminated Land

A legal framework for dealing with radioactive contaminated land in England under the Part 2A regime has been established by Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 and the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006.

The radioactive contaminated land regime addresses harm attributable to radioactivity under Part 2A, where radioactivity is present because of a past activity or as a result of the after-effects of an emergency. The regulations do not apply to current practices or natural background radiation and are only concerned with potential effects on human health, excluding environmental receptors. The Radioactive Contaminated Land Statutory Guidance (June 2018) is legally binding on local authorities including Bromsgrove District Council.

Radioactive contaminated land: statutory guidance - June 2018 (publishing.service.gov.uk)

2.2 Duties of Local Authority

Under section 78B(1) of Part 2A of the Act the council has an inspection duty, which is set out below.

Every local authority shall cause its areas to be inspected from time to time for the purpose –

(a) of identifying contaminated land; and
(b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site

The Statutory Guidance states there are two broad types of inspection likely to be carried out by local authorities. Firstly, strategic inspection, which comprises the collection of information to make a broad assessment of land within the area and then prioritisation of sites for further consideration. Secondly, detailed inspection of that particular land to obtain information on ground conditions and, where necessary, carrying out risk assessments in order to make decisions relevant to that land under the Part 2A regime. The Guidance refers to these as 'strategic inspection' and 'detailed inspection'. Further information is provided in Section 5 below.

2.3 Special sites

Land required to be designated as a 'special site' is defined within regulation 2 of the Contaminated Land (England) Regulations 2006. Where a local authority inspects land considered to meet one of the definitions, and determines it may constitute 'contaminated land', consultation with the Environment Agency would be undertaken. Subject to the Agency's advice and agreement, a joint approach to inspection of the land would be adopted. For special sites, regulation is transferred to the Environment Agency, however, the local authority retains the duty to formally determine land as contaminated land under Part 2A.

2.4 Contaminated Land Statutory Guidance

The Department for Environment, Food and Rural Affairs (Defra) published revised Contaminated Land Statutory Guidance in April 2012 (Statutory Guidance). The Statutory Guidance requires the Local Authority to take a strategic approach to carrying out its inspection duty, set out in a written strategy which is periodically reviewed.

The strategy should include the following:

(a) Its aims, objectives and priorities, taking into account the characteristics of its area.
(b) A description of relevant aspects of its area.
(c) Its approach to strategic inspection of its area or parts of it.
(d) Its approach to the prioritisation of detailed inspection and remediation activity.
(e) How its approach under Part 2A fits with its broader approach to dealing with land contamination.
(f) *Broadly, how the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals.*

Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance (publishing.service.gov.uk)

2.5 Bromsgrove District Council Policy

Bromsgrove District Council's 'Council Plan 2024-2027" sets out the Council's strategic priorities. The core values relevant to this strategy are:

- Economic Development
- Housing
- Environment

The Council Plan sets out the Council's ambitions for the area that they aim to deliver within the stated time period.

Bromsgrove District Council Council Plan 2024 - 2027 WEB

Adopted Bromsgrove District Plan 2011-2030

On 25th January 2017, Bromsgrove District Council met to adopt the Bromsgrove District Plan 2011-2030. The adopted Bromsgrove District Plan (BDP) forms part of the statutory development plan for the district, sets out the Council's vision and strategy for the area until 2030 and provides the basis for decisions on planning applications.

The plan makes a number of references relevant to contaminated land including within section 8.20 'Air noise pollution and land contamination', which goes on to state *"there are many sites which have had one or more industrial or commercial uses which may have resulted in soil and water contamination that may need to be addressed".*

Section BDP19 'High Quality Design', also includes the following statement: "Ensuring development is made suitable for the proposed final use, for instance, in

terms of land contamination and, where relevant, does not create an unacceptable risk to controlled waters (where relevant). The Council will determine whether reports detailing for example, site history; a preliminary risk assessment and where appropriate; a site investigation and remediation scheme along with long term monitoring and maintenance proposals, will need to be submitted in support of any planning application. Such reports will be prepared in accordance with best practice guidance".

It is understood that the Council is currently considering recently announced planning reforms and will be publishing publish a new timetable for the Bromsgrove District Plan in due course.

A copy of the local plan is available via Adopted BDP January 2017 . Further information relating to planning policy can be accessed at Planning Policies and Other Information.

2.6 Brownfield Land Register

The Government introduced a requirement for all Local Planning Authorities (LPAs) to publish a Brownfield Land Register (BLR) by 31st December 2017. The BLR is a comprehensive list of brownfield sites in a local authority area that are suitable for housing. The register aims to help house builders identify suitable sites quickly, speeding up the construction of new homes.

The Council will have the final say on which sites are on the register and which sites will have permission in principle. The BLR is compiled in two parts:-

Part 1 will include sites categorised as previously developed land which are suitable, available and achievable for residential development.

Part 2 will allow LPAs to select sites from Part 1 and grant permission in principle (PiP) for housing led development. There are currently no sites that have been put forward for Part 2.

All sites submitted must be Brownfield land, suitable to be developed for housing and meet the National Planning Policy Framework (NPPF) definition of previously developed land.

Further information relating to the BLR within Bromsgrove is available via the following link.

Brownfield Land Register

3. Aims and Objectives

The aim of this document is to outline how the Council will implement the contaminated land regime within the district, in a proportionate and cost-effective manner. It is not intended to reiterate the specifics as defined by legislation or in statutory guidance or other best practice documents which cover the numerous and detailed aspects involved when assessing land for contamination. A brief outline of the regime is provided here Land affected by contamination - GOV.UK and on the WRS website Contaminated Land | Worcestershire Regulatory Services (worcsregservices.gov.uk) .

Aims

The council's aims in dealing with contaminated land are to:

- **Protect human health;**
- **Prevent damage to property, livestock, and crops;**
- **Protect designated ecosystems;**
- **Prevent any further contamination of land;**
- **Encourage voluntary remediation; and**
- **Encourage re-use of brownfield land.**

Objectives

The principal objectives of this strategy are to:

- Identify sites where historic or current use may have led to land contamination.
- Identify and remove unacceptable risks to human health and the environment resulting from contaminated land.
- Ensure sites are suitable for use utilising the planning system and voluntary remediation wherever possible.
- Encourage development and use of previously developed (brownfield) land.
- Ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.
- Ensure the strategy meets obligations under Part 2A of the Environmental Protection Act 1990 and fulfils statutory responsibility.

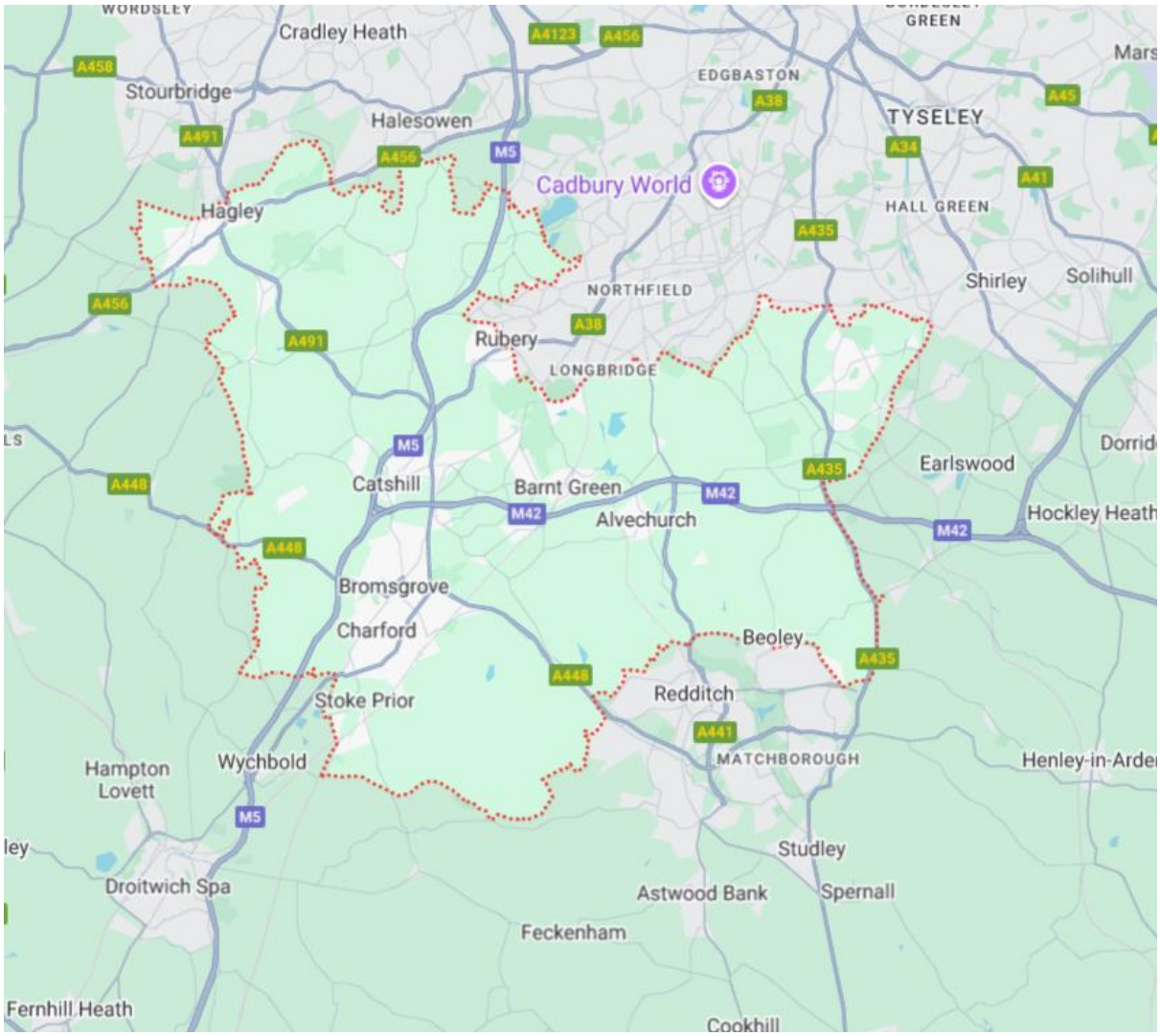
The objectives outline the 'suitable for use approach' with respect to the remediation of contaminated land and achieving sustainable development. This means that the risk is assessed in the context of a specific use with the aim of maintaining an acceptable level of risk at minimum cost, thereby, "not disturbing social, economic and environmental priorities."

Priorities

The council, through WRS, undertakes to:

- Maintain accurate information and records of potentially contaminative land uses.
- Undertake risk assessment and prioritisation of potentially contaminated land sites.
- Where land is considered to be contaminated, ensure appropriate remediation is undertaken, using Part 2A powers only when no alternative solution exists.
- Act as consultee through the planning process, ensuring appropriate investigation and remediation, protecting new developments from historic land contamination.
- Consulting with stakeholders, as necessary.
- Provide information and advice to developers.
- Provide information and advice in response to enquiries regarding property transactions.
- Adopt and publish a revised Contaminated Land Strategy (this document) which is rational, ordered, efficient and reflects local circumstances, in accordance with Statutory Guidance.
- Periodically review the Contaminated Land Strategy, at least every 5 years.
- Maintain a public register of contaminated land as required by Part 2A of the Environmental Protection Act 1990.

4. Characteristics of Bromsgrove District



Bromsgrove District is located in north Worcestershire and is predominantly rural. The north of the district is part of the major urban conurbation linked to south Birmingham. The main centre of population is in Bromsgrove Town, with other large centres in Alvechurch, Aston Fields, Barnt Green, Catshill, Hagley, Rubery and Wythall.

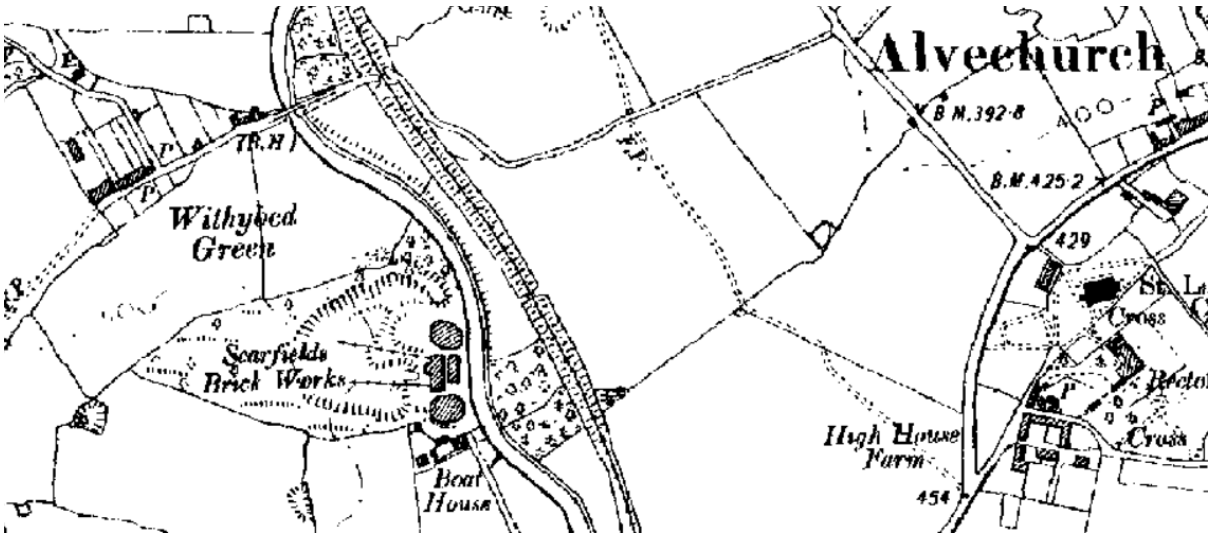
Bromsgrove

Bromsgrove is first documented in 9th Century Anglo-Saxon Britain as 'Bremesgraf'. By the time of the Domesday Survey in 1086 it was described as comprising 18 hamlets with the manor belonging to the King. In 1199 a charter was granted by King John to hold a market and Bromsgrove emerged as the principal market town of north Worcestershire with a prosperous wool trade. The church of 'St John the

Baptist' dates from around this time (although predominantly constructed in the 14th and 15th centuries) built upon a hill overlooking the town.

Early industries and trades included tanners, maltsters, clothiers and linen manufacturers. The district's most renowned trade, nail-making, was first recorded in the 16th century and by the time of the industrial revolution in the 18th Century, Bromsgrove was recognised as a major centre for nail manufacture. By the 19th century exploitative conditions within the nail industry had attracted national attention and strikes ensued. As nail making declined, Bromsgrove became closely linked with areas of Birmingham and the Black Country and the associated heavy industry and manufacturer of vehicle components. The district was a source of many skills, labour and production for these industries. Bromsgrove's strategic position on the road, canal, and railway networks helped shape the town's development. The Bromsgrove railway works was established in the town in 1841. The main function of the site was for maintenance and repair however new steam locomotives were also built there. Following reorganisation, the site was closed in 1964 and demolished.

Other industrial centres within the district include Alvechurch where a brick factory was in operation on the edge of the village at Withybed from the 19th century until the middle of the 20th century known as Scarfields Brick Works. The site was well placed to utilise the nearby canal and railway. Industries, in and around Alvechurch, also included nail production and needle manufacture. Dellow cars were manufactured in the village between 1949 and 1956.



Historical Mapping Image c. 1891-1912

Nail production was also carried out at a number of other smaller villages across the district including Catshill, Bournheath and Lickey End. The village of Belbroughton was at the centre of the scythe making industry for around 400 years until the works finally closed in 1968. Originally the mills in the town were powered by water running off the nearby Clent Hills feeding the Belne Brook but later replaced with electricity as the power source.

The salt works at Stoke Prior became one of the largest salt producers in Europe under the ownership of John Corbett who bought faltering businesses there in 1852.

Corbett introduced improved salt refining techniques as well as utilising the established canal boat infrastructure and developing railway technology to great success. The salt works was in operation at this site until the 1970s. In the 1960s the large Austin Rover car manufacturing plant at Longbridge, Birmingham extended its site into the village of Cofton Hackett within the district. Manufacturing ceased here in the early 2000s and the site has been redeveloped largely for residential housing as has been the case across other former industrial sites.

Despite the areas of industry much of the district remains mostly rural with substantial areas of high-quality farmland that continues to be used for a variety of crops and livestock production.

The area has been extensively quarried as shown by early historical maps (c. 19th century onwards). These operations involved the extraction of large quantities of sands, clays and gravels. The district also has a long history of extraction of high-quality building stone. As a result of such workings a significant number of large quarries and smaller disused pits and marl holes were left vacant. Many of these voids were later infilled with industrial, commercial, and domestic waste, from both within and beyond the district's borders.

There are a variety of specially designated areas highlighting the strategic importance of the Bromsgrove District in terms of its natural assets.

The following sites have been identified:-

- Fourteen Sites of Special Scientific Interest (SSSI's)
- Twelve conservation areas
- Fourteen Scheduled Monuments
- Around 100 key wildlife sites are understood to be located within the district out of 553 recorded across Worcestershire as a whole. These are referred to as Local Wildlife Sites (LWS – formally known as Special Wildlife Sites (SWS).
- Waseley Hills Country Park is also designated as a Local Nature Reserve.

Further details pertaining to the above can be found in Appendix B.

4.1 The Geological Setting

To the north of the district, the areas of Romsley and Dayhouse Bank largely consist of Alveley and Enville Members of the Salop Formation comprising mudstones and red brown sandstones, with subordinate lenticular conglomerates and beds of limestone.

The area of Romsley Hill marks an outcrop of Clent Formation of the Permian period (formed between 298.9 and 272.3 million years ago (Ma)) comprising breccia with a mudstone matrix, and thin red / purple sands. Outcrop frequency of the Chester Formation (formerly Kidderminster Formation) increases gradually towards the south

of this area, overlain locally with deposits of sandy glacial till of the Quaternary period (2 Ma).

The geology of West Hagley and Holy Cross are dominated by Helsby Sandstone Formation with areas of Wildmoor Sandstone Formation formed within the Triassic period (approx. 250 Ma). The sandstone is overlain with breccia in localised areas of superficial Glaciofluvial Fan Deposits comprising Devensian Sands from the Quaternary period.

At Lower Clent there are identical Quaternary deposits overlying an outcrop of Wildmoor Sandstone Member comprising pebble beds of sandstone conglomerates which are also identified in the locality of Walton Pool.

To the east of Lower Clent, the larger outcrop of the Clent Hills are formed principally of the Enville Member and Clent Formation, that contain breccia consisting of red mudstone and red-brown, fine- to coarse-grained sandstone, locally pebbly, and lenticular beds of conglomerate. The sandstone is of sublitharenite; conglomerate clasts mostly Carboniferous limestone and chert.

Areas of the Waseley Hills overlie the Lower Permian Client Formation, consisting of red, brown, and purple breccia, and clasts of sandstone, shale, and igneous material.

The Lickey Hills are formed of metamorphic quartzite materials of the Lickey Quartzite Formation that are connected with igneous material from extrusive volcanic activity during the Ordovician period (485.4 and 443.8 Ma). Areas of the volcanic material outcrop to the south at Barnt Green, known as the Barnt Green Volcanic Formation, comprising igneous bedrock formed in the same period. Rubery includes small pockets of Lickey Quartzite Formation as well Rubery Sandstone Member formed between 443.8 and 433.4 Ma during the Silurian period.

Areas around Cofton Hackett, extending westwards to Wythall and south towards Tutnall, Beoley, and Bentley Pauncefoot are situated above major outcrops of the Mercia Mudstone Group, from the Middle and Upper Triassic. The Group consists of red, brown mudstone with subordinate skerries of sandstone or siltstone. Weatheroak sandstones are also evident in this group. Quantities of localised Quaternary glacial sands and gravel deposits are also identified in these areas.

Large parts of the southwest and central areas of the district including Dodford, Bourneheath, and Dordale are mainly situated upon Sidmouth Mudstone from the Triassic, these comprise red clay banded marls with sand skerries containing pockets of gravel material. Part of Stoke Heath also sits upon Branscombe Mudstone Formation with areas of Stoke Prior also including Droitwich Halite Members (a known historic brine stream) extending southwest to Droitwich. Belbroughton overlies the Helsby Sandstone Formation, which is red brown sandstone having bands of breccia, and containing small pockets of 3rd terrace glacial deposits.

The central and eastern area of Bromsgrove including Aston Fields, Stoney Hill, Finstall and areas of Catshill are situated on extensive strata outcrops of the

Sherwood Sandstone Group. These are structured as three distinct formats comprising Helsby Sandstone Formation comprising red, brown and buff sandstones and siltstones with red mudstone bands, Wildmoor Sandstone comprising red fine-grained sandstones, and Chester Formation comprising red-brown, coarse grained, massive, feldspathic sandstone. These strata overlie basal conglomerates and breccia and are highly prominent in the Marlbrook area.

Bromsgrove centre and west including Charford, Sidemoor, Worms Ash, and Fairfield largely overlie the Helsby Sandstone Formation. Areas of Upper Catshill, Staple Hill, and Lickey End areas are situated above the Wildmoor Sandstone, overlain in parts with an alluvial fan and periglacial flood gravel. Local to Chadwick Manor, Madeley and Chapmans Hill areas there is an outcrop of the Chester Formation. Areas of the formation are overlain in places by alluvial fan materials consisting of large quantities of glacially reworked deposits.

4.2 Hydrogeology and Hydrology

Hydrogeology

To help protect groundwater, the Environment Agency (EA) in England and Wales has identified different types of aquifer, which is the name for underground layers of water-bearing, permeable rock from which groundwater can be extracted. The groundwater within the district largely comprises areas of Principal aquifer within the central and northwestern portions with Secondary A aquifer covering the remainder of the northern areas. The western, southern and eastern areas of the district are largely Secondary B aquifer with small areas of Secondary (undifferentiated) contained within (MAGIC website, 2025). Further information can be accessed via the following website Protect groundwater and prevent groundwater pollution - GOV.UK (www.gov.uk) .

The Private Water Supplies (England) Regulations 2016 and The Private Water Supplies (England) (Amendment) Regulations 2018 set out standards for the quality of the water and place a duty on the Council to sample and risk assess these private supplies. According to the available records there are approximately 169 private water supplies identified within the district. These generally comprise of wells, spring water, or borehole abstractions from the underlying aquifer.

WRS, on behalf of Bromsgrove District Council, undertakes inspection and risk assessment of private drinking water supplies in the area. Further information in relation to private water supplies can be found on the WRS website via the following Private Water Supplies | Worcestershire Regulatory Services (worcsregservices.gov.uk) .

Hydrology

The main river near Bromsgrove is the River Salwarpe which is formed by the confluence of the Battlefield, Spadesbourne, and Sugar Brooks. The Salwarpe flows through the town and eventually joins the River Severn near Hawford, north of Worcester. Smaller tributaries of the river include the Hen, Hadley, Elmbridge, and Martin Brook.

Part of the River Cole flows through the district to the east of Wythall prior to passing beneath an aqueduct of the Stratford-upon-Avon Canal. A small section of this canal cuts through the northeastern most tip of the district in the village of Majors Green. A large section of the Worcester & Birmingham Canal also runs through the district generally in a south-westerly direction, from the vicinity of Hopwood, east of Bromsgrove, and exiting the district south of Stoke Prior.

The River Arrow flows from the Lickey Hills in the north of Worcestershire, following a largely southeastern path to become a major tributary of the River Avon. The river flows through Cofton Hackett, feeding Lower Bittell Reservoir and through Alvechurch before entering the Redditch district. Other large lakes in the district include Tardebigge Lake and Cofton Reservoir.

Notable streams and brooks elsewhere are Gallows Brook in Hagley, and Hoo Brook at Belbroughton in the northwest of the district, Dagnell Brook at Rowney Green in the east, Hen Brook in the southwest at Stoke Prior, Swans and Spring Brook in the south, and Hockley Brook to the west.

5. Strategic Inspection & Prioritisation

Worcestershire Regulatory Services (WRS) is the shared Environmental Health and Licensing functions of Bromsgrove District Council and the five other Worcestershire districts. In line with the service level agreement, the potential contaminated land sites of each district are maintained in a combined working dataset to provide a countywide prioritisation to tackle those sites in the county in order of priority.

Using a combination of historical maps supplemented with Council records and other relevant information sources, a dataset of sites is maintained, where past uses may have led to the presence of contamination. These sites are termed ‘Sites of Potential Contaminated Land Concern’ (“PCL”).

At the time of writing this report, there are approximately 9500 site records held relating to potential sites of contaminated land concern within the dataset. It should be noted that some of these may relate to multiple records for a site due to changes in land use or the time period over which uses have occurred. Approximately 2020 PCL sites are recorded within the Bromsgrove District Council area. New sites are being added to the records as and when they are identified, or further clarity of information is attained. These sites range from large industrial sites, such as former power stations, landfill sites, and gas works, to very small sites such as infilled

ponds, electricity substations, and everything in between, such as petrol filling stations, warehouses, factories, and depots.

A manual method of prioritisation of these sites is being undertaken to rank the sites in order of priority for detailed inspection. Sites that have a greater risk will be classed as a higher priority, those with a lower risk will be allocated a lower priority. Where sites have been remediated as part of the planning process or through voluntary remediation this will be reflected within the prioritisation. The list will continue to be revised as further sites are redeveloped through the planning regime.

Most of these sites will not have been investigated, with only limited information available, and therefore have only been identified with a potential for contamination to be present due to the historical land use rather than a known history of contamination. The sites will be ranked by order of priority for possible detailed inspection in the future.

It is important to note that requirements under Part 2A of the Act address the risk based on the existing land use only and not future possible uses. Whilst sites may have been noted as remediated, or not requiring inspection, this does not preclude further work being required in the future should a more sensitive land use be proposed which may create a higher level of risk.

Part 2A adopts a precautionary approach in terms of the risks posed by contamination. The Statutory Guidance provides more detail on the specifics of risk assessment and the procedures for deciding whether land meets the legal definition of contaminated land resulting in determination. Any inspection carried out by the Council would follow the requirements set out in the legislation and Statutory Guidance at that time.

6. Detailed Inspection

Sites of Potential Concern will be prioritised for further detailed inspection with the highest-ranking sites inspected first. These sites would be those with the highest associated risk. The risk is considered based on the likelihood of contamination being present (by former activity), the sensitivity of the current land use, and likelihood of harm being caused.

Detailed inspection should follow a phased approach, which is standard practice for investigating the presence of contamination. This may include intrusive investigation involving the collection of soil and water samples along with gas and groundwater monitoring, dependent on the nature and likelihood of contamination suspected. All inspections will follow the Statutory Guidance and Land Contamination Risk Management Guidance (Environment Agency, 2024) and other relevant best practice and guidance.

To date, Bromsgrove District Council have undertaken a number of inspections under Part 2A of the Act. However, no sites have been determined as 'contaminated land' as a result at this time.

The detailed inspection of potentially contaminated land sites under the Part 2A regime is very resource intensive for the local authority, in terms of both time and money. Defra previously provided a grant system to local authorities via a bidding system, to finance the investigations. The grant system could also be used by local authorities to remediate sites, where no other responsible party could be identified. This scheme was withdrawn in 2013 and no replacement funding mechanism has been provided to enable local authorities to undertake this work since.

Intrusive investigation can be an expensive process usually requiring the services of specialist environmental consultants, often needing further rounds of investigation after initial results are received. Where remediation is required, the Council will seek to identify those persons responsible for the contamination and therefore liable for the costs of remediation.

Remediation costs can reach hundreds of thousands of pounds and where no other person is found to be liable for the costs, it would fall to Bromsgrove District Council to fund and ultimately the taxpayer.

The Statutory Guidance states that local authorities must seek to minimise unnecessary burdens on the taxpayer. As such, in the absence of any external funding mechanisms and the financial risk that this creates, Bromsgrove District Council at this time, will not proactively undertake Part 2A detailed inspections of Sites of Potential Concern (except where there is clear evidence that a problem exists).

The Council will continue to use the favoured mechanisms detailed in the Statutory Guidance, such as the planning process and voluntary remediation, to ensure that historical contamination is appropriately and proactively dealt with. These alternative arrangements are described in more detail below.

The Council will, however, use its powers under Part 2A of the Act to reactively deal with contaminated land where there is clear evidence that a problem exists or is likely to exist and there is no other regulatory approach available. Any potential funding streams will be assessed and pursued where appropriate should they become available.

7. Broader Approach

Contaminated land is considered within the Development Control and Building Control regimes to ensure sites are suitable for their current and intended use. Each system has its own requirements.

Development Control

The National Planning Policy Framework (NPPF) (Department for Levelling Up, Housing and Communities, 2023) sets out government's planning policies for England and how these are expected to be applied. Paragraphs 196 onwards detail the requirements for addressing potential contamination in the development control process to ensure the site is suitable for its proposed use and, after remediation (where required), ensure that the land is not capable of being determined as contaminated land.

NPPF Paragraph 196

Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

NPPF Para 197

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

WRS act as a consultee within the planning process and work closely with Planning Officers to ensure issues of potential contamination are investigated and dealt with as required. This is generally achieved by way of various conditions being applied to planning consent notices, as appropriate, to ensure the relevant issues are adequately addressed.

Involvement continues throughout a development up to the point it is demonstrated that no remedial measures are required on a site, or a final verification report is submitted and agreed to demonstrate remediation work has been successful. It is the responsibility of the developer and/or landowner to ensure the site is safe. The Council welcomes early communication on these matters so advice can be provided as to the requirements of addressing land contamination under the planning regime.

Addressing potential contamination through the development control regime is the best approach for addressing potentially contaminated sites. The high number of planning applications received per year in the district allows a much greater number of sites to be investigated than could be progressed under the Part 2A regime. The use of other mechanisms to address potential contamination is supported by the Statutory Guidance.

Building Control

Regulation 6 of the Building Regulations 2010 identifies resistance to contaminants as being a requirement to certain material changes of use.

WRS Officers would work with the Building Control Officers with regards to the requirements under the legislation and the subsequent remediation measures agreed for a site with the developer or landowner.

Building Regulations require measures to protect new buildings and the future occupants. Ground covered by any buildings and associated ground is required to be reasonably free of materials that might damage it or affect its stability. Reasonable precautions are required to avoid health and safety risks resulting from contamination.

Guidance has been issued in Approved Document C, *'Site preparation and Resistance to Contaminants and Moisture'*, (HM Government, 2013). A consolidated version of the individual Approved Documents has been published by the government, entitled *"The Building Regulations 2010 - The Merged Approved Documents - October 2024 compilation of individual approved documents*"

Environmental Permitting Regime

The Environmental Permitting (England and Wales) Regulations 2016 and subsequent amendments provides a regime for the regulation of prescribed industrial and waste management activities.

Where significant harm or pollution of controlled waters comes from a process regulated under the above regimes, a remediation notice under Part 2A of the Act cannot be served if the powers are available under the relevant Environmental Permitting regime to address the harm or pollution of controlled waters.

Environmental Damage Regulations

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 impose obligations and liabilities on certain commercial operations to prevent and remediate environmental damage caused by their activities based on the polluter pays principal.

The term “Environmental Damage” has a specific meaning under the regulations and is damage that adversely affects land, surface or groundwater, marine waters, protected species or natural habitats or a site of special scientific interest (SSSI). The Local Authority has enforcement responsibilities in relation to damage to land where this results in a “significant risk of adverse effects on human health”. In relation to damage to water and natural habitats/protected species, the Environment Agency and Natural England are the enforcement authorities respectively.

There can be some overlap of Environmental Damage and Part 2A and sites may be investigated under both regimes. In general Part 2A covers historic contamination whereas the Environmental Damage Regulations are to provide a quicker response in relation to pollution incidents.

Voluntary Remediation

Discussions with landowners or occupiers who wish to address potential contamination on their land on a voluntary basis are welcomed. This sometimes occurs where a landowner wishes to sell land, use it as equity, reduce the risk of damage to the environment, or limit any future liability.

Regional Collaboration

WRS is a member of a number of regional contaminated land groups consisting of representatives from other Local Authorities and relevant bodies. These include the West Midlands Contaminated Land Group, Gloucestershire Contaminated Land Group, and Staffordshire Contaminated Land Group. These groups are voluntarily run organisations working to provide support to local authority officers, encouraging dialogue with the wider industry and helping deliver consistency in the regulation of environmental pollution matters. WRS are also a member of the National Contaminated Land Officer Group (NCLOG) which offers a coordinated approach across the country to topical matters as they evolve. NCLOG is now being hosted and supported by the Institution for Environmental Sciences (IES). NCLOG was established in 2019 to enable the contaminated land officer voice to be heard nationally at government and industry level, and to promote consistency across the sector. NCLOG has over 200 members across the UK and maintains close links with existing regional officer groups and those working in the devolved administrations. It is a voluntary organisation and is governed by an elected Committee.

WRS have produced the Technical Guidance Note for Planning (April, 2025) which sets out the requirements for how land affected by contamination should be dealt

with as part of the planning process. The document also provides a specification as to the technical standards expected for contaminated land reports submitted in support of planning applications and discharge of condition requests. Environmental consultants and developers are directed to this document. It is hoped that this helps to improve the quality of information submitted and to raise awareness of the requirements particularly within the planning process. The document has been made available to other local authorities for information.

wrs-technical-guidance-document-for-planning-v-5-8.pdf

The Office for Environmental Protection

The Office for Environmental Protection (OEP) was legally created in November 2021, under the Environment Act 2021. Their remit is to protect and improve the environment by holding government and other public authorities to account. The OEP have powers to enforce against failures to comply with environmental law.

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Appendix A – Prioritisation Methodology

Preliminary prioritisation will continue in order to assess sites for future inspection. The sites will be scored utilsing a risk ranking scoring system within the contaminated land database. The aim is to score all potential sites of concern to establish a hierarchy system with the higher risk sites at the top of the list. The site categorisation methodology is based upon the Source-Pathway- Receptor linkage, taking into account;

- Likely presence of Contaminant and severity of harm
- Likelihood of a Pathway for contaminant cause harm
- Receptor Sensitivity

The first step is to identify former potentially contaminative land uses or activities, such as “Gas Works”, and apply the corresponding score. If a site has had mutiple different land uses it will be assigned the relevant scores for each of the major land uses. The risk assessment tool allows for up to six separate land use scores to be assigned. If a case arises where there are more than six relevant land uses for the site, the highest category scores will be included. A generic score according to the risk class is appointed depending on the use from the following rankings; Very High, High, Medium, Low, or Very Low.

The next stage is to assign a further score based on the pathway efficiency taking account of geology, soil classification, services pathways, and whether any remediation or barriers have been put in place. If no data is held a conversative approach is adopted by applying the same score as for high risk. The other values are medium or low.

A third score is applied in relation to the receptor sensitivity with the highest sensitive uses accruing a higher score. The most sensitive end uses are classed as residential with gardens, schools, and children’s nurseries. The receptor sensitivity takes account of exposure pathways that are likely to be present and the vulnerability of those receptors. A residential property with garden is likely to have more exposure pathways because of the potential for residents to interact with bare soils. Home grown produce may take up contaminants whilst growing that can then be ingested when consumed. Soils may also be ingested by young children during play, inhaled as dust, and tracked into residential properties. Children are at a higher risk from contaminants due to a number of factors including their smaller size (and therefore exposure to proportionally larger doses of toxins), closer proximity to the ground, dirt and indoor dust. When compared to an adult, children also breathe more and consume more food and water in terms of per kg of bodyweight (Hauptman, M, / Woolf, A, 2020).

A further score can be applied for other considerations where relevant. These include controlled waters sensitivity and whether there are other ecological

receptors, or protected property or buildings. These may include national nature reserves and Sites of Special Scientific Interest, ancient monuments, crops, owned or domesticated animals, and wild animals subject to shooting or fishing rights.

The scoring matrices that are to be utilised within the prioritisation process are set out below.

SCORING MATRIXES

SOURCE		CODE	RISK	SCORE
Asbestos manufacture, abrasives, and related products		ML	Very High	50
Chemical works (organic and inorganic)	Manufacture of cosmetics, bleaches, manure, fertilisers and pesticides, detergents, oil organic based pharmaceuticals, other chemical products, including glues, gelatines, recording tapes, photographic film	CH		
	Sheep dips	SD		
	Dyes, pigments	DY		
	Paint, varnishes, printing inks, mastics, sealants, and creosote	PA		
Radioactive materials processing and disposal		NA		
Gas works, coke works, coal carbonisation and similar sites. Production of gas from coal, lignite, oil, or other carbonaceous material other than waste		GA		
Refuse and waste disposal sites, including hazardous wastes, incinerators, sanitary depots, drum and tank cleaning, solvent recovery		RF		
Oil refining and bulk storage of oil and petrol & Gasometers which are not gas works		LL		
LANDFILL SITE - KNOWN TO BE ACTIVELY PRODUCING GAS		LA		
Abattoirs and animal slaughtering:		AB	High	40
Animal products processing into animal by-products e.g. soap, candles, and bone works.		AN		
Tannery, leather goods and skinnery		TY		
Engineering (heavy and general)	Manufacturing of distribution, telecoms, medical, navigation, metering, and lighting.	HE		
	Manufacture and repair including ships, aerospace, rail engines and rolling stock	HT		
	Heavy products manufacture - rolling and drawing of iron, steel, and ferroalloys - includes tube works	HM		
	Manufacturing of electrical and electronic domestic appliances.	HS		
	Manufacture of cars, lorries, buses, motorcycles, bicycles	LT		
	Manufacturing of engines, buildings and general industrial machinery, including nuts and bolts, gas fitting as, wire rope/cable	MA		

	and ordnance accessories. Including metal workshops and canneries			
Metal smelting and refining	Includes furnaces and forges, electroplating, galvanising, and anodising	FY		
	Ferro and aluminium alloys-manganese works, slag works	PL		
Civilian manufacture and storage of weapons, ammunition, explosives, and rockets including ordnance.		MG		
All military establishments including firing ranges (if not specified as civilian).		MD		
Recycling of metal waste including scrapyards and car breakers		SP		
Natural and synthetic rubber products including tyres and rubber products. Tar bitumen, linoleum, vinyl, and asphalt works		RB		
Paper, card etc products (packaging).		PD		
Pulp, paper, and cardboard manufacture		PR		
UNDERGROUND STORAGE TANKS ON SITE and above ground fuel storage tanks (except domestic)		US		
LANDFILL SITE - STRONGLY SUSPECTED TO BE PRODUCING GAS, based on available information on age and content of fill		LB		
Manufacture of clay bricks and tiles, including associated activities eg brick fields, also solitary kilns (other than lime kilns)		BK		
Extraction of alluvial sediments (sand, stone, clay, peat, marl and gravel)		PT		
Quarrying of all stone (including limestone, gypsum, chalk and slate) and ores, includes all opencast mining and slant workings - also slate/slab works, flint works, stone yards		QU		
Airports and similar (air and space transport)		AP	**Medium**	**30**
Concrete, ceramics, cement and plaster works.	Concrete, cement, lime and plaster products, also including solitary lime kilns.	CE		
	Tableware and other ceramics.	CR		
Dry-cleaning and laundries (larger scale, not usually "High Street")		LY		

Flat glass products manufacture		GL		
Photographic processing		PP		
Coal storage/depot.	Coal mining (and the manufacturing of coke and charcoal) -	CC		
	areas include associated surface activities in area and coal mine shafts.	CY		
	Areas of mining and single or groups of shafts other than coal, or not specified - including levels, adits, etc also areas associated with mineral railways.	MN		
Electricity generation and distribution, including large transfer stations, power stations (excluding nuclear power stations).		PW		
Batteries, accumulators, primary cells, electrical motors, generators, and transformers		BT		
Printing of newspaper		NW		
Printing works other than newsprint and bookbinding (usually excludes "High Street" printers)		PN		
Railway land, including yards and tracks.		RW		
(Railway tracks - up to 4 tracks wide or 30 m)		RL		
Sale of automotive fuel. Road vehicle fuelling, transport depots, road haulage and commercial vehicle fuelling, local authority yards and depots.		FU		
Repair and sale of cars and bikes, parts and motorway services.		GG		
Transport depots - road haulage corporation yards		DP		
Sewage treatment works. Sewerage, septic tanks, effluent - including all filter beds.		SW		
Textiles manufacturing - natural and manmade textile manufacture and products including hemp rope and linoleum.		TX		
Timber treatment works and manufacturing. Sawmills, planning and impregnation (ie treatment of timber), wood products, telegraph works, timber yard, eg veneer		WD		
Computers, office machinery, business/industrial electrical goods.		LE		
Insulated wire and cable for electrical/tel/purposes.		WR		
LANDFILL SITE - GAS PRODUCTION IS POSSIBLE, based on historical map evidence of infilled quarry, water body or other void		LC		
Plastic products manufacture, moulding and extrusion; building materials; fibre glass, fibre glass resins and products. Manufacturing of Tar, Bitumen and Asphalt.		PS	**Low**	**20**

Dockyards and wharves. Boatbuilding, wharf and quays, cargo/transport handling facilities - marine or inland	DK		
Brewing and malting	BW		
spirit distilling and compounding.	DL		
Major food processing includes large dairies. Exceptionally large-scale corn/flour milling	FD		
Constructional steelwork, metal structures and products and building materials (Including Building Yards and smithy's)	MP		
Cemetery, modern burial ground, and graveyard	GV		
All hospitals including sanatoriums but not lunatic asylums (also includes laboratories)	HL		
LANDFILL SITE - GAS PRODUCTION UNLIKELY, based on available information on age and content of fill	LD		
Light Industry	LI	**Very Low**	**10**
Pollution incident (historic)	PI		
Area prone to repeated flooding	FL		
Radioactive Substances Act Registrations	RS		
Allotments and agricultural areas subject to repeated sewage spreading or excessive treatment	AL		

PATHWAYS		**SCORE**
Geological risk pathway	No data held or High Risk	5
	Medium Risk	3
	Low Risk	1
Soil Classification risk pathway	No data held or High Risk (No info or soils of high leaching potential)	5
	Medium Risk (Soils of intermediate leaching potential)	3
	Low Risk (Soils of low leaching potential)	1
Services pathway risk	No data or Drainage services (including culverted rivers) or wells known	5
	Possible drainage services	3
	No drainage services on site	1
Remediation pathway risk	No knowledge	5
	Likely that some remedial scheme would have been employed	4
	Partial remedial scheme believed to be in place	3
	Remedial scheme believed to be in place and effective	1

	Full appropriate remedial scheme in place and full details held	0
Barrier pathway risk	Uncertain/No knowledge of any barrier	1
	Physical or effective management barrier in place	0

RECEPTORS	**SCORE**
Residential with Gardens	20
Schools and Children's Nurseries	20
Private Water Supply abstraction for domestic consumption	18
Residential without Gardens	16
Playing fields and Public Open Space	9
Allotments and Cemeteries	8
Leisure/Hospitals/Commercial	7
Industrial	6
Agricultural	5
Other	1
No Risk Recorded	0

OTHER CONSIDERATIONS		**SCORE**
Controlled Waters	Abstraction Point for Domestic Consumption	10
	River Water Classification A, B or C	
	Source Protection Zone 1	
	Major Aquifer (vulnerability risk = High)	
	Source Protection Zone 2	8
	Major Aquifer (vulnerability risk = Medium)	
	Minor Aquifer (vulnerability risk = High)	
	Source Protection Zone 3	6
	Major Aquifer (vulnerability risk = Low)	
	Minor Aquifer (vulnerability risk = Medium)	
	River Water Classification D, E or F	5
	Pond, Lake or other unclassified water feature	
	Minor Aquifer (vulnerability risk - Low)	4

	Abstraction Point for Commercial or Industrial use	3
	Non-Aquifer	2
Ecological Receptor, Property or Buildings	Owned or Domesticated animals	5
	Crops	
	Wild Animals subject to shooting or fishing rights	4
	National Nature Reserves & Sites of Special Scientific Interest	3
	Ancient Monuments	2
	Other Property	1

Appendix B – Ecological and Sensitive Sites

There are a variety of specially designated areas highlighting the strategic importance of the Bromsgrove District in terms of its natural assets.

The following sites have been identified:-

- Fourteen Sites of Special Scientific Interest (SSSI's)
- Twelve conservation areas
- Fourteen Scheduled Monuments
- Around 100 key wildlife sites are understood to be located within the district out of 553 recorded across Worcestershire as a whole. These are referred to as Local Wildlife Sites (LWS – formally known as Special Wildlife Sites (SWS).
- Waseley Hills Country Park is also designated as a Local Nature Reserve.

According to available information sources there are 14 Sites of Special Scientific Interest (SSSI's) within the Bromsgrove District area (Search for planning data / Magic Map Application / Site Search)	
Hewell Park Lake 1000092	Hopwood Dingle 1000127
Madeley Heath Pit 1000195	Bittell Reservoirs 1000192
Feckenham Forest 1001994	Sling Gravel Pits 1002956
Burcot Lane Cutting 1004380	Romsley Manor Farm 1006623
Hurst Farm Pasture 1007259	Little Royal Farm Pastures 1007260
Oakland Pasture 1007261	Penorchard & Spring Farm Pastures 1007262
Romsley Hill 1007263	Berry Mound Pastures 1007264

There are 12 Conservation Areas within Bromsgrove District		
Hagley	Alvechurch	Dodford
Clent	Worcester and Birmingham Canal	Holy Cross
Beoley	Belbroughton	Barnt Green
Hewell Grange	St John's	Bromsgrove Town Centre

There are 14 Scheduled Monuments (England) recorded within the Bromsgrove District area.		
Small multivallate hillfort called Wychbury Ring 450m south east of Pedmore Hall 1003280	Berry Mound Camp, Solihull 1005294	The Mount 1005389
Small multivallate hillfort called Wychbury Ring 450m south east of Pedmore Hall 1005900	Standing cross in St Leonards churchyard 1017255	Moated site at Fairfield Court 1017526
Moated site 130m north east of Moorgreen Farm 1017527	Moated site at Blackgreves Farm 1017824	The Banquetting Orchard moated site, 650m north west of Bentley village hall 1017805
Moated site at Tardebigge Farm 1017808	Moated site of Frankley Hall 1017811	Dodford Priory moated site 1018278
Moated site and fishponds at the Bishop's Palace 1018334	Churchyard cross in St Leonard's churchyard 1021172	