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Redditch Borough Council
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# REDDITCH BOROUGH COUNCIL

## *Contaminated Land Inspection Strategy September 2024*

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# *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 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 include the planning and development control processes as well as 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.

Two sites have been determined as *‘Contaminated Land’* by Redditch Borough Council since the first Contaminated Land Strategy was produced in 2001. One of these sites comprises 18 residential properties located on a former landfill site and the other a factory site that produced aluminium tubes that has since been demolished and redeveloped. Both have been extensively investigated and remediated or mitigated so that there is no longer a risk of serious harm to the site occupiers. A current total of approximately 750 sites have been identified as potential sites of contaminated land concern within the Borough largely relating to the historic land use.

RBC 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 by used where no appropriate alternative regulatory solution exists.

# *Contents*

# 1. Introduction

Redditch, 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 leaks, spills and accidents, have given rise to contamination of 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 new 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.

Redditch Borough Council first published its Contaminated Land Strategy in June 2001. This is a revised strategy which reviews and replaces the 2001 strategy; considering 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, 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 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 to be 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 on the basis of 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 Redditch Borough 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 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 later in the document in section 5.

## 2.3 Special sites

Land required to be designated as a 'special site' is defined within The Contaminated Land (England) Regulations 2006, regulation 2. Where a local authority inspects land considered to meet one of the definitions of a special site, and constitutes 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 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 Redditch Borough Council Policy

*The Review of Council Plan Priorities 2023 & 2024* sets out the council's strategic priorities and the timeframe for delivery. The core values relevant to this strategy include:

- **Housing** – promotes safe and sustainable housing growth.
- **Parks and Green Spaces** – often included as remediation schemes.
- **Economy and Regeneration** – promotes regeneration of brownfield sites following appropriate remediation.
- **Community Safety** – strategy aims to prevent exposure to unsuitable levels of contamination.

The Council Plan sets out the Council's ambitions for the area that they aim to deliver and is available via the link below.

Redditch Borough Council Review of Council Plan Priorities 2023 & 2024 (redditchbc.gov.uk)

### Adopted Borough of Redditch Local Plan No.4 (2011-2030)

On 30th January 2017, Redditch Borough Council adopted the Borough of Redditch Local Plan No. 4 (2011-2030). The Borough of Redditch Local Plan No.4 is the most important planning document at the local level, as it provides a framework approach for the growth of the Borough and it will form part of the statutory development plan, providing the basis for decisions on planning applications.

Work has begun on reviewing the Borough of Redditch Local Plan (which was Adopted in 2017) in line with the Government's requirements. The first stages of consultation are envisaged to take place towards the end of 2024.

The Local Plan makes a number of references relevant to contaminated land including the following, within *Policy 5 "Effective and Efficient Use of Land".*

*5.1 Land for development is a finite resource. Whilst it is acknowledged and accepted that some greenfield land must be used to meet development requirements, there remains a need for prudent reuse of previously developed (brownfield) land within the Borough which has the potential to contribute towards meeting Redditch's development needs. Furthermore, the greenfield land that is allocated for development should be developed efficiently to maximise its potential.*

*5.7 Development proposals on land likely to be affected by contamination should demonstrate that the site is capable of appropriate remediation without compromising development viability or the delivery of sustainable development.*

*5.10 Proposals also need to ensure that new development does not contribute to, or is put at unacceptable risk, from ground contaminants. Where sites are suspected of contamination, the Borough Council will require the submission of an appropriate risk assessment and, if necessary, a site investigation and mitigation scheme.*

A copy of this document can be accessed via the following link

Adopted Borough of Redditch Local Plan No.4 (redditchbc.gov.uk)

## 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 registers will 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.

Brownfield Land Register (redditchbc.gov.uk)

# 3. Aims and Objectives

The aim of this document is to outline how the Council will implement the contaminated land regime within the borough, 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 Contaminated land: Dealing with contamination - GOV.UK (www.gov.uk) and on the WRS website Contaminated Land | Worcestershire Regulatory Services (worcsregservices.gov.uk) .

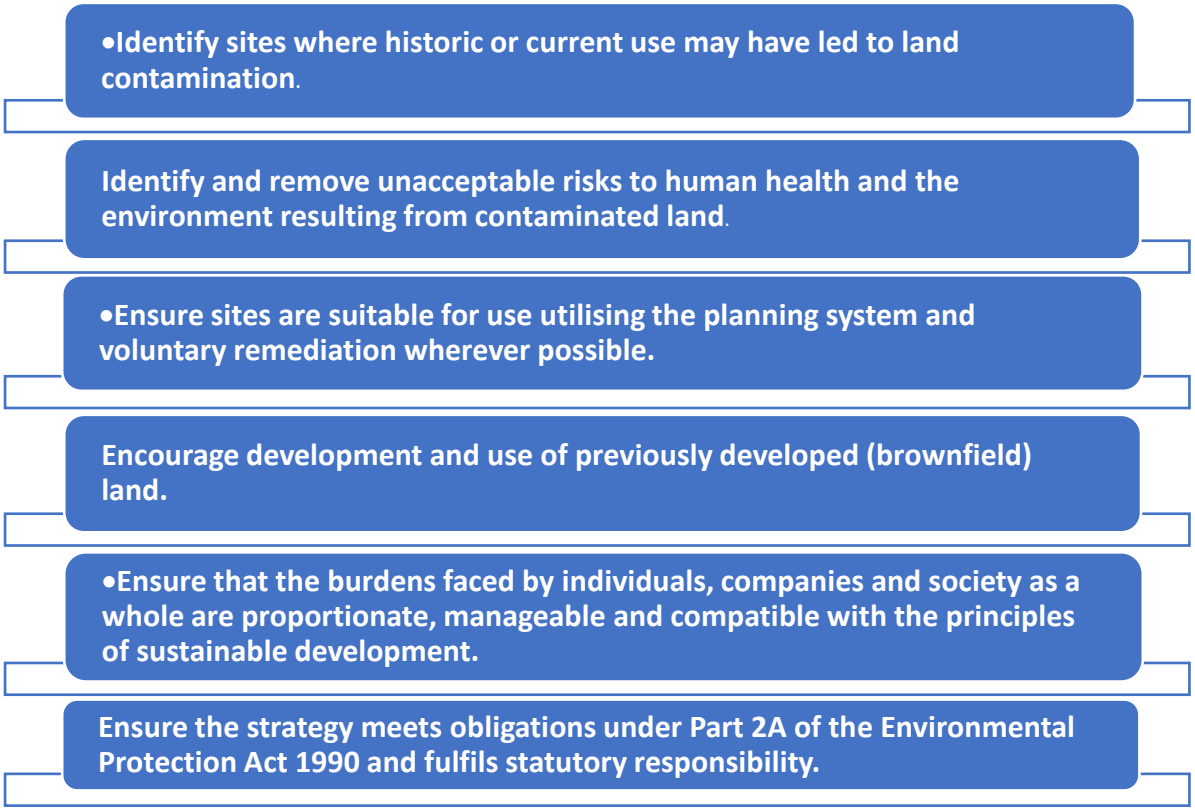
## Aims

The council's aims in dealing with contaminated land will be 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:



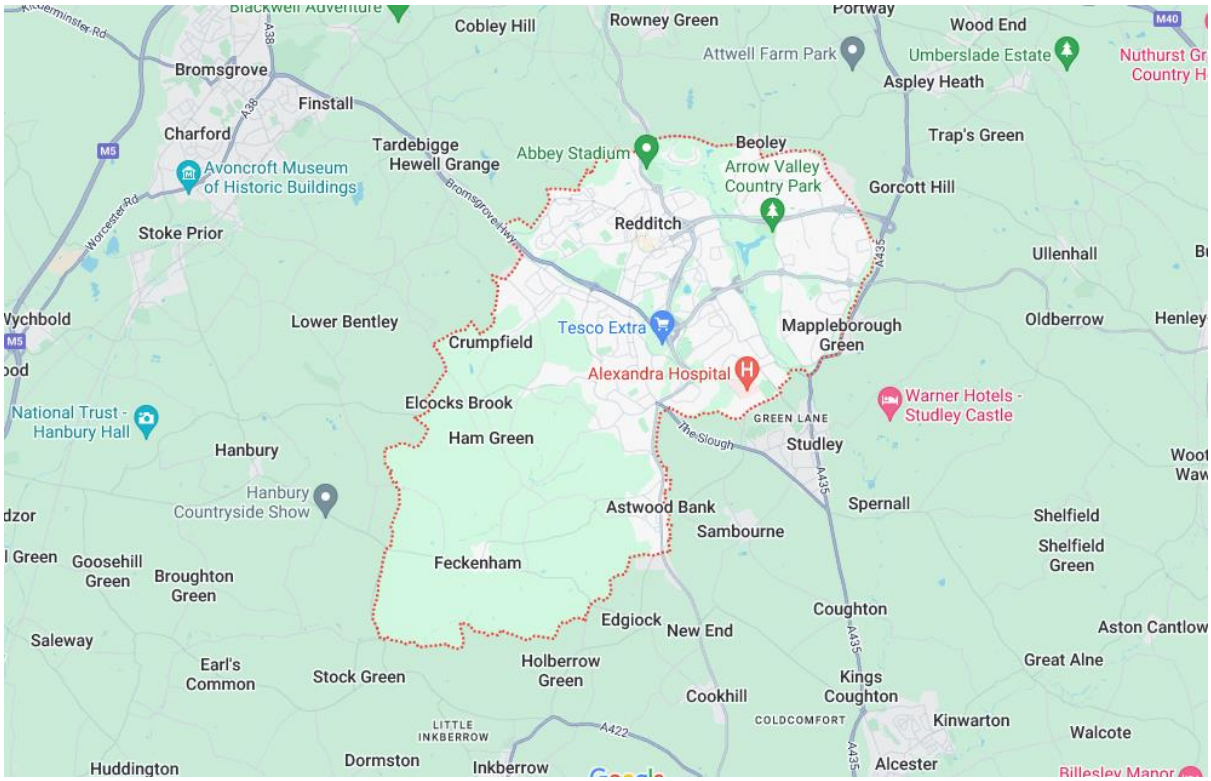

The objectives outline the 'suitable for use approach' with respect to the remediation of contaminated land and achieving sustainable development. This means that the risk is assessed in the context of a specific use with the aim of maintaining an acceptable level of risk at minimum cost, thereby, "not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

# Priorities

The council (through WRS) undertake 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.
- Consult 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 Redditch Borough




Redditch is a town located on the north-eastern border of the County of Worcestershire with a population of approximately 87,000. The town is separated from the main urban area of Birmingham by a green belt of 5 miles and there are approximately 12 miles between their centres. Redditch sits in a rolling landscape with the town located on a ridge and the lower ground around it. The area covers a large diversity of geographical locations varying from industrial land to gently rolling farmland.

The settlement appears to have grown as both an ecclesiastical centre around Bordesley Abbey, now located in the north of the town, and an informal market and settlement area around the crossroads of two major Medieval roads which met at Church Green and later became the main centre. Bordesley was founded in the early 12th century by Cistercian monks from Leicestershire after a land grant by the Earl of Worcester. The Abbey became wealthy through a network of 12 granges and by utilisation of the River Arrow for fishponds, water mills and water powered iron forges.

Historically, the main industry of the town was needle production although the factories of Redditch have a long history of metalwork and were heavily involved in production for both World Wars. Prior to 20th-century expansion, the town of Redditch was relatively small with the settlement principally focused on the area of

Church Green, Prospect Hill, Silver Street and Beoley Road. In 1850, the population of Redditch was estimated to be around 5,000 but by 1900 had exploded to approximately 18,000 people. This rapid growth has been attributed to the opportunities afforded by growing industry.

Needle making was a cottage industry but by the 18th century it had become factory-based, utilising the power of the River Arrow to scour needles at numerous mills along the watercourse and tributaries. The advent of steam power in the 19th century allowed the needle works to move from the low-lying land beside the river, to the new town developing on the hill. The needle industry of Redditch grew throughout the 19th century to provide approximately 90% of the world's needles. Other wire-based industries including fishhooks and springs also developed on the back of this industrial boom. Growing metalwork expertise in the area brought in new industries like cycle manufacture. In 1880, the Townsend Cycle Company was founded which also led to the establishment of the Eadie Manufacturing Company and the Enfield cycle company; the large works for each company forming a backbone of industrial sites in which the manufacturing of early 20th-century Redditch was carried out.

Factories such as the Neptune Works, Queens Works, Washford Mills, Abbey Mills, Unicorn Works, Forge Mills, British Mills, Standard Works and Easemore Works, among others, proliferated across the town, shaping the character of development throughout the 20th century. In 1964 Redditch was designated a New Town and underwent considerable development which changed the face of both the town and its surrounding countryside (Webley, A. 2020).

## 4.1 The Geological Setting

The geology is principally Mercia Mudstone with superficial deposits of alluvium related to the River Arrow, which cuts through the eastern half of the town.

From a review of published geological information, principally from the British Geological Survey (BGS Geology Viewer, 2024), a simplified overview of ground conditions is as follows:

### Drift Geology

The drift geology is one of glacial sand, gravels, and clays, which may have been used for aggregates and brick manufacture. Any such extraction may have locally left voids that in turn may have been infilled with potentially contaminative material both historically and in more recent times.

Sand and gravel deposits may be classed as minor aquifers of local importance and therefore may be classed as a receptor, should abstraction be present.

Sedimentary superficial deposit formed between 860 and 116 thousand years ago during the Quaternary period (BGS Geology Viewer, 2024).

### Solid Geology

The solid geology comprises Mercia Mudstone Group which are of non-aquifer status, which overlie Sherwood Sandstone at depth.

Mercia Mudstone Group is sedimentary bedrock formed between 252.2 and 201.3 million years ago during the Triassic period (BGS Geology Viewer, 2024).

## 4.2 Hydrogeology and Hydrology

### Hydrogeology

The area is largely comprised of Secondary B Aquifer with small areas classed as Secondary A and Secondary (Undifferentiated) (MAGIC website, 2024).

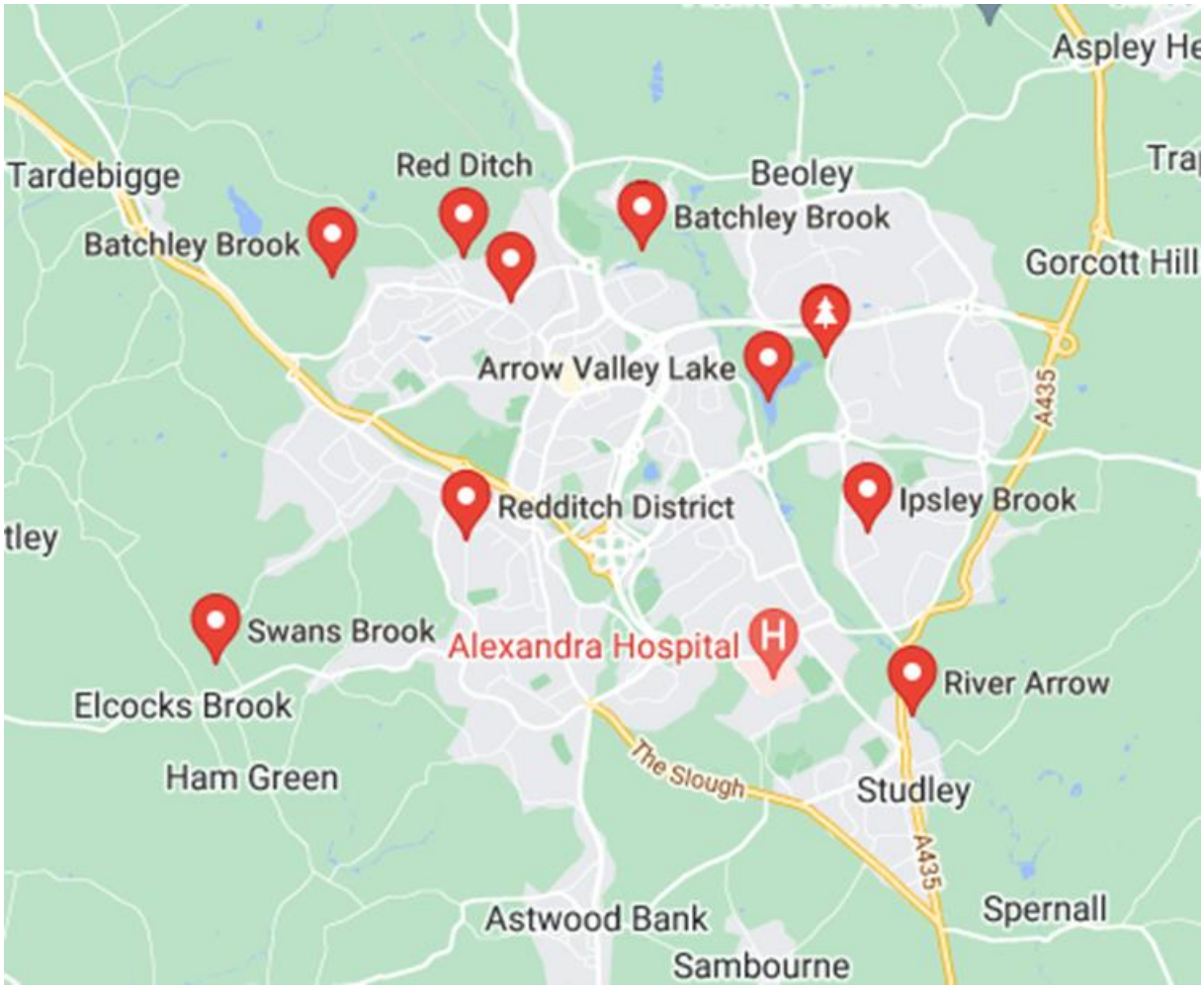
There are no identified records of private water supplies being located within the Redditch District but there are likely to be non-domestic abstractions present.

### Hydrology

The main water courses within the Redditch district area include the River Arrow which rises from an overflow at Lower Bittell Reservoir and flows south through Redditch to join the River Avon at Salford Priors in Warwickshire. For much of its length it is lined with trees and shrubs, which broaden out to form woodland in some locations, and creates an important wildlife corridor through the landscape. It is a particularly valuable feature where it flows through the centre of Redditch with the river and the attendant valley forming a green wedge through the town. The tributaries of the River Arrow include Arrow Brook, Batchley Brook, Red Ditch, Blacksoils Brook, Ipsley Brook, Church Hill Brook and Wharrington Brook (MWH Treatment, 2012, and River Arrow, Worcestershire, 2024).

Bow Brook is another significant water course within the area rising near Upper Bentley to the west of Redditch and flowing south through Feckenham. It flows for approximately 29 miles to where it meets the River Avon at Defford (Bow Brook, 2021).

Some of the water courses referred to above can be seen on the plan below.


Aspley He
Tardebigge
Red Ditch
Beoley
Batchley Brook
Batchley Brook
Gorcott Hill
Arrow Valley Lake
A435
Redditch District
Ipsley Brook
tley
Swans Brook
Alexandra Hospital
River Arrow
Elcocks Brook
Ham Green
The Slough
Studley
A435
Spernall
Astwood Bank
Sambourne

# 5. Strategic Inspection & Prioritisation

Worcestershire Regulatory Services (WRS) is the shared Environmental Health and Licensing functions of Redditch Borough 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 were over 9000 site records held relating to potential sites of contaminated land concern within the dataset. Approximately 750 of these sites are recorded within the Redditch Borough 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 to be 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 have not 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 addresses 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 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 by the Council carried out 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 the ones with the highest associated risk. The risk is considered in terms of 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, Redditch Borough Council have undertaken a number of inspections under Part 2A of the Act . As a result, some properties have been determined as 'contaminated land' requiring various remedial measures to be undertaken. The full details of these sites can be found online on the Council's Register of Contaminated Land Public register of contaminated land (worcsregservices.gov.uk). .

The 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 Redditch Borough 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, Redditch Borough Council at this time, will not pro-actively undertake Part 2A detailed inspections of Sites of Potential Concern (except where there is clear evidence that a problem exists or is likely to exist).

The Council will continue to use the favoured mechanisms detailed in the Statutory Guidance, such as the development control 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 183 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), the land is not capable of being determined as Contaminated Land.

*NPPF Paragraph 189*

*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 190

*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.

Approved Document C, *'Site preparation and resistance to contaminants and moisture'*, (HM Government, 2013) provides guidance for addressing potential contamination within the Building Control regime.

WRS Officers 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.

### *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.

### *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 are 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 which offers a coordinated approach across the country to topical matters as they evolve.

WRS have produced the *Technical Guidance Note for Planning* (2024) 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-5-6-final.pdf (worcsregservices.gov.uk)

### *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.

# References


1. Bow Brook (2021). Available at Bow Brook - Wikipedia (Accessed 28th March 2024).

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# *Appendix A – Consultees*

The following organisations are to be consulted on the draft of this document.

- Redditch Borough Council
- Environment Agency
- Natural England
- Defra
- English Heritage
- Worcestershire County Council

# *Appendix B – 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 mutiple 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 and 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 adults, children also breathe more, and consume more food and water proportionately in terms of 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 & sites of special scientific interest, ancient monuments, crops, owned or domesticated animals, and wild animals subject to shooting or fishing rights.

The scoring matrixes 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 eg 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 C – Ecological and sensitive sites*

**There are 6 Sites of Special Scientific Importance (SSSI) identified within the Borough. These are:-**

SP051692: Dagnell End Meadow - 2.16 ha area of ancient permanent pasture lying in the valley of the River Arrow. It represents one of the last surviving areas of such pasture in this area.

SP078676: Ipsley Alders Marsh - 15.37 ha area of meadow within which is a marsh receiving calcium-rich water from springs arising from the underlying Triassic Mercia Mudstones. It is currently managed as a nature reserve by Worcestershire Wildlife Trust.

SP053642: Rough Hill & Wirehill Woods - 50.8 ha area comprising two areas of contiguous ancient woodland which straddles the Borough boundary with Warwickshire. The woods have developed on a ridge of glacial sands and gravels overlying Mercia Mudstones. The varied soil conditions have given rise to six different woodland types. Much of the woodland is dominated by sessile oak with downy birch and silver birch.

SP003638: Trickses Hole - 2.91 ha area comprising two fields maintained by traditional management, one as a hay meadow and the other as pasture.

SO996612: Rookery Cottage Meadows - 5.72 ha made up of three meadows overlying medieval ridge and furrow that has been maintained by traditional hay cutting with grazing by cattle.

SP010603: Wylde Moor, Feckenham - 11.3 ha of a once extensive area of wetland known as Feckenham Moor, most of which has been drained and reclaimed for agriculture. The high water table and underlying base rich Keuper Marl and alluvium have led to the development of deep fen peat and associated marsh and fen vegetation, with drier species-rich grassland.

**Redditch Borough contains 24 Special Wildlife Sites (SWS)**

SO95/09: Bow Brooks;

SO96/24: Old Rectory Meadows;

SO96/25: Bradley Green Meadows;

SO96/26: Upper Beanhall Meadows;

SO96/27: Berrow Hill;

SP06/02: Brook House Meadow and Feckenham Bank;

SP06/05: Brandon Brook Meadow;

SP06/06: Burial Lane;

SP06/10: Shurnock Meadows;

SP06/11: Foxlydiate and Pitcheroak Woods;

SP06/13: Downsell Wood;

SP06/15: Walkwood Coppice;

SP06/17: Pitcheroak Golf Course;

SP06/18: River Arrow;

SP06/19: Southcrest Wood;

SP06/20: Oakenshaw Wood;

SP06/21: New Coppice;

SP06/22: Oakenshaw Spinney;

SP06/24: Oakenshaw Fenny Rough;

SP06/25: Lodge Pool;

SP06/26: Abbey and Forge Mill Ponds;

SP06/29: Arrow Valley Park Lake;

SP06/30: Ravensbank Drive Bridle Track; and

SP06/31: Ipsley Alders Marsh

**There are 8 Scheduled Monuments (England) in the Redditch Borough:-**

1005334 - Park Wood Camp  Ipsley

1005270 - The Forge Mill

1005304 - Bordesley Abbey

1017809 - Moated site and fishpond at Hunt End  120m south east of Chapel House Farm

1018361 - Feckenham manorial moated site

1019855 - Moated site known as Moon's Moat

1021171 - Churchyard cross in St John the Baptist's churchyard

1020711 - Moated site at Astwood Court