

Contaminated Land Strategy

2026-2031

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Strategy purpose and rationale

This strategy sets out our approach to the inspection of its borough with respect to its statutory requirements under Part 2A of the Environmental Protection Act 1990 (Part 2A) as inserted by Section 57 of the Environment Act 1995

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PART A – The Background to Dealing with Land Contamination

1.0 Introduction

This strategy sets out how Tamworth Borough Council (the Council) will approach the inspection of its borough with respect to its statutory requirements under Part 2A of the Environmental Protection Act 1990 (Part 2A) as inserted by Section 57 of the Environment Act 1995.

This document replaces the 2017 document and all subsequent revisions and sets out the priorities for 2026-2031. The Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance April 2012 (the Statutory Guidance) recommends the written strategy should be kept under period review and advises it would be good practice to aim to review the strategy at least every five years.

As the Inspection Strategy is fundamentally remaining the same technically, a broad consultation process is not considered necessary for this update of the strategy.

2.0 The Contaminated Land Regime

The Government has stated that England has a considerable legacy of historical land contamination. As a result, Part 2A of the Environmental Protection Act 1990 (Part 2A) came into force on 1 April 2000 and it provides a means of identifying and remediating land that poses a significant risk to health or the environment where there is no alternative solution.

Under Part 2A of the Environmental Protection Act 1990, Local Authorities in England are given responsibilities for regulating contaminated land. There are two main parts to the local authority's duties under Part 2A – an inspection function and an enforcement function.

Defra circular 01/2006: Contaminated Land was published in 2006 and it included how Part 2A of the Environmental Protection Act 1990 has been extended to address land contaminated by radioactivity.

On 6 April 2012, new Contaminated Land Statutory Guidance was published. In accordance with the new Statutory Guidance, this document sets out the Council's strategic approach to inspection of its district. It serves to present the council's aims,

objectives and priorities for inspection, as well as the detailed procedures it will follow to identify Contaminated Land in Tamworth.

Statutory guidance on radioactive contaminated land for local authorities was published in June 2018.

2.1 What is Contaminated Land?

In general terms, contaminated land usually means land where industrial or other human activities have resulted in the presence of substances in the ground with the potential to cause harm to human health, structures, or the environment. However, in law the term “contaminated land” means something more specific than this.

The definition of non-radioactive contaminated land from the Environmental Protection Act 1990, Part 2A is:

‘Any land which appears to the local authority in whose area it is situated to be in such a 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

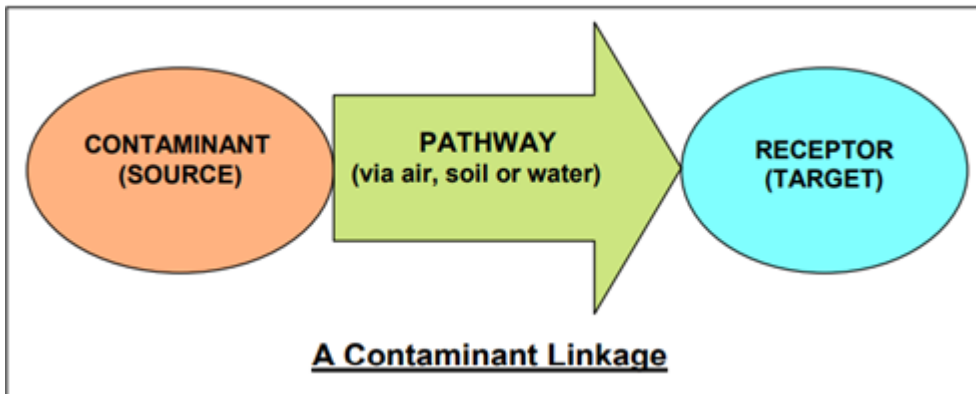
(b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused.’

For a relevant risk to exist there needs to be one or more contaminant-receptor linkages – “contaminant linkage”. The statutory guidance defines:

- A contaminant is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters.
- A receptor is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.
- A pathway is a route by which a receptor is or might be affected by a contaminant.
- A contaminant linkage is the relationship between the contaminant (or ‘source’), the pathway and the receptor.

2.2 Contaminant Linkage

For a site to meet the definition of contaminated land a pollutant linkage must be established. A pollutant linkage comprises a source, a pathway and a receptor. All three must be present for a contaminant linkage to exist.



Source of contamination must exist, on or under the ground

Pathway must be present to enable the source to reach the receptor

Receptor of a type defined in the regulations, must exist and be at risk of being harmed by contaminants

2.3 What is Radioactive Contaminated Land?

Part 2A also applies to radioactive contaminated land and this is covered by the Radioactive Contaminated Land (RCL) Statutory Guidance June 2018.

Radioactive Contaminated Land is defined as:

Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –

(a) harm is being caused; or

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

The trigger for Local Authority inspections relating to radioactivity requires 'reasonable grounds' for believing that land may be radioactively contaminated and is a more limited inspection duty than for the non-radioactive contaminated land regime. If inspections identify that the land meets the statutory definition for radioactive contaminated land, it becomes a 'Special Site' and the Environment Agency becomes the enforcing authority.

2.4 Regulation of Part 2A

Local authorities are the primary regulators under Part 2A. Their main duties are:

- to prepare and publish a strategy for inspecting their area for Contaminated Land;
- to implement the strategy;
- to determine which sites meet the definition of Contaminated Land, and whether such sites should be designated as Special sites;
- to make sure appropriate remediation of Contaminated Land takes place; and
- to maintain a public register of Part 2A regulatory action.

2.5 Special Sites

Special Sites are defined in the Contaminated Land (England) Regulations 2006. These are sites which meet the definition of Contaminated Land and fall within one of the descriptions given in the Regulations, which include:

- certain water pollution cases;
- industrial cases;
- waste acid tar lagoons;
- oil refining;
- explosives;
- certain IPPC sites;
- nuclear sites;
- land owned by the Ministry of Defence; and
- all radioactive Contaminated Land.

Regulation 2(2) of the Contaminated Land (England) (Amendment) Regulations 2012 amends the circumstances set out in regulation 3 (pollution of controlled waters) of the 2006 Regulations in which contaminated land affecting controlled waters is required to be designated as a special site.

2.6 Environment Agency

The 2012 statutory guidance states if the local authority identifies land which it considers would be likely to meet one or more of the descriptions of a special site it should consult the Environment Agency and subject to the Agency's advice and agreement, arrange for the Agency to carry out any intrusive inspection of the land on behalf of the authority.

3.0 A Broader Approach to Land Contamination

Part 2A should only be used where no appropriate alternative solution exists. The Part 2A regime is one of several ways in which land contamination can be addressed. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations and the regimes for waste, water, and environmental permitting.

3.1 Environmental Damage

The Environmental Damage (Prevention and Remediation) Regulations 2009 may be applicable if contamination incident has occurred in the very recent past. Under the regulations, environmental damage includes:

- serious damage to surface or ground water;
- contamination of land where there is a significant risk to human health; and
- serious damage to EU protected natural habitats and species or damage to Sites of Special Scientific Interest (SSSIs).

The regulations introduced new obligations on businesses, to prevent or put right any environmental damage they are responsible for.

The Regulations are a 'backstop', only applying where something has gone wrong and there is an imminent threat or actual 'environmental damage'.

3.2 Council Policy

The implementation of Part 2A does not stand in isolation from other council functions, policies and strategies. Moreover, it plays an important role in allowing the council to move

closer to meeting its aims and objectives for environmental improvement, regeneration and in particular, achieving sustainable development.

3.3 The Planning Regime

Land contamination is a material planning consideration and development or redevelopment during the planning or building control processes will continue to be the primary mechanism for ensuring remediation of contaminated sites.

3.4 National Planning Policy Framework

The National Planning Policy Framework (NPPF^(2024 para 196/197)) describes how planning policies and decisions should promote effective use of land and contribute to and enhance the natural and local environment. Part of the way this should be achieved is through an aim to give substantial weight to the value of using suitable brownfield land and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

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 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 IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

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

3.5 Tamworth Borough Local Plan 2006 – 2031

Contaminated land is included in the Local Plan.

The objective to deliver high quality developments based on sustainable and inclusive designs will be achieved by measures including reducing the impact of contaminated land.

The objective to protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough will be achieved by measures including addressing adverse impacts arising from flood risk, contaminated land and other forms of pollution.

The Local Plan explains how Tamworth still has a legacy from coal mining and other industries which may have given rise to areas of potentially contaminated land. Whilst the County Council sets out the strategic approach for mineral extraction and waste disposal, the Borough retains control over contaminated land issues. In line with national requirements and the intentions of the Council's Environmental Health department to identify and reduce the amount of contaminated land across the Borough, development proposals must identify contaminated and potentially contaminated land and secure land remediation where appropriate. Such identification may be necessary prior to determination of proposals depending on the sensitivity of the end use. In addition, strict control of the use and disposal of hazardous substances is necessary to safeguard land, premises and people.

3.6 Brownfield Land Register

The Council are legally required to, in accordance with regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017, prepare and maintain a register of previously developed land that is deemed to be suitable, as well as available and achievable, for residential development.

The Council uses its Strategic Housing Land Availability Assessment (SHLAA) to help identify and assess all the brownfield sites in the Borough. Brownfield sites with extant planning consent, that meet the relevant criteria, are also included on the register, as well as a handful of sites with expired planning permission.

The register itself is kept in two parts. Part 1 comprises all brownfield sites that the Council deems to be previously developed land, and is considered to be suitable, available and achievable for residential development. All sites must meet the following criteria:

- A minimum of 0.25 hectares or be capable of accommodating at least 5 dwellings;
- Suitable for residential development, having regard to site allocations, existing planning consent alongside any adverse impacts on the natural environment, built environment and residential amenity;
- Available by the relevant landowner(s) expressing an intention to sell or develop the

site; and

- Achievable, meaning development is likely to take place within the next 15 years.

In addition to the above criteria, the authority must also have regard to the development plan, the National Planning Policy Framework and associated Planning Practice Guidance, as well as any guidance issued by the Secretary of State.

Part 2 of a brownfield land register is a subset of Part 1. Part 2 will comprise only those sites in Part 1 that the local planning authority has decided that the land would be suitable for a grant of permission in principle for residential development. At this stage, no sites have been entered onto part 2 of the register.

The associated planning practice guidance states that authorities are required to review the Brownfield Register at least once a year, ensuring any appropriate new sites are included, and those which no longer meet the relevant criteria are removed.

3.7 Staffordshire County Council Minerals Local Plan 2015-2030

Staffordshire County Council's (SCC) Minerals Plan sets out the preferred strategy, sites and policies for the extraction of minerals in support of sustainable economic development until 2030 for sites in Staffordshire.

The document describes how as a co-deliverer of the Water Framework Directive (WFD) 2000/60/EC, Staffordshire County Council needs to ensure that its policies and strategies support the Directive's aspirations and targets.

Planning permission will not be granted for mineral development proposals which will have unacceptable adverse impacts on local communities (including adjacent land uses or occupiers) or their environment (including open spaces, sports and other recreational assets) or on the economy (including tourism), either individually or cumulatively with other existing or proposed developments through various pollution issues including contamination of land and water pollution.

The strategy covers the following about contamination of land:

When assessing proposals account will be taken of the multiple impacts of the development and the impacts of concurrent and / or consecutive working in an area. For example, the potential environmental effects on the landscape, the highway network and the water environment, which should be addressed as part of the Environmental Impact Assessment. Also, in accordance with Policy 6.2 (a), it will be important to minimise the amount of land

disturbed at any one time by phased working and restoration.

3.8 Tamworth Borough Council Corporate Plan 2025-30

Environment & Community Wellbeing are two of the four priorities of the Council Corporate Plan 2025-30 and promoting the wellbeing of residents is part of the vision of this strategy.

The Plan states the Council will adopt a placed based approach to enforcement using our powers where appropriate to ensure the protections to residents' quality of life are used. As well as our professional powers in areas such as Planning, Housing and Environmental Health we will use a problem-solving approach to cross-cutting and multi-agency issues to ensure people enjoy their homes and communities.

PART B – The Part 2A Strategy

4.0 Introduction

The following section provides an outline of the strategy for implementing Part 2A in Tamworth .

4.1 Government Aims

Part 2A provides a means of identifying and remediating land that poses a significant risk to health or the environment where there is no alternative solution.

The Government requires that a balance between precaution and over precaution be struck to ensure that any necessary Part 2A intervention is likely to achieve a net benefit.

The main objectives of the Government’s policy on contaminated land and the Part 2A regime are:

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

Part 2A takes a risk based approach to defining contaminated land where risk in the statutory guidance is defined as the combination of:

- a) The likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land.
- b) The scale and seriousness of such harm or pollution if it did occur.

In conducting assessments under the Part 2A regime the local authority should aim to focus on land which might pose an unacceptable risk.

Risks should only be considered for the current use of the land. The local authority should assume that any future use or development would be carried out in accordance with the National Planning Policy Framework and Local Plan of the time. The main element of the ‘suitable for use’ approach is to ensure that where unacceptable risks to human health or the environment are identified, remediation requirements should be set on the basis of the current use or proposed use. Risks will therefore always need to be assessed on a site-specific basis.

Under Part 2A the starting point should be that land is not contaminated land unless there is a reason to consider otherwise and that 'enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists.

The Statutory Guidance requires the Council to set out its aims, objectives and priorities with respect to the Inspection Strategy and these are described in the following sections.

4.2 Sustainable Development

It is a Government aim to ensure that burdens faced by individuals, companies and society as a whole during dealing with contaminated land are compatible with the principles of sustainable development.

Sustainable development is a wide reaching concept of environmental policy with numerous definitions. A well established definition is development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. It is an approach to development that seeks to balance environmental, social and economic factors.

The Council is not expected to produce a detailed cost-benefit or sustainability analysis whilst dealing with contaminated land. Rather it is expected to make a broad consideration of factors it considers relevant to achieving sustainable development aims.

The presence of contaminated land may present a threat to sustainable development. At the heart of National Planning Policy Framework is a presumption of sustainable development.

Adoption of sustainable development principles during contaminated land inspection should include encouragement of sustainable methods of remediation of land as appropriate.

4.3 The Council's Approach to Contaminated Land

The Environmental Health Department's Environmental Protection Team will implement the Part 2A strategy in partnership working with the Council's Planning Department where appropriate.

4.4 Method of Dealing with Contaminated Land

DEFRA (Department for Environment, Food, and Rural Affairs) previously provided a grant system to local authorities via a bidding system, to finance Part 2A investigations. The grant system could also be used by local authorities to remediate sites, where no other responsible party could be identified. Funding from DEFRA through the Contaminated Land Capital Grant scheme ceased in 2017 and there are currently no plans to replace this.

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, Tamworth Borough Council will not routinely proactively undertake Part 2A detailed inspections of Sites of Potential Concern. Instead, it will make the planning regime the primary mechanism for ensuring remediation of contaminated sites within Tamworth, and in all other cases, encouraging voluntary action as a first step. Where there is no alternative a Part 2A detailed inspection will be undertaken.

4.5 Redevelopment History and Controls

The 2025-2030 strategy reflects the current reality of the work that is being carried out in relation to contaminated land. The previous strategy has been altered to emphasise that most of the work with respect to land contamination is fulfilled through the planning regime, whereby contaminated sites may be remediated by developers and landowners.

A large number of sites within the district have been investigated and remediated through this route and will therefore not require Part 2A action. For example, contamination has arisen historically in Tamworth as a result of mining activities and other industries such as a former metal extractor site above Hedging Lane. Remediation of the former metal extractor and Amington/Tame Valley Colliery sites has already occurred as part of new development.

4.6 Remediation of Land

The majority of contaminated land remediation carried out to date has been achieved by a close working relationship between the Environmental Health and Planning Department via planning conditions associated with development.

Where remediation is required through the Part 2A process the procedures described in section 5.23 (will be followed. If required service of remediation notices will be authorised by the Head of Environmental Health and preceded by consultation with the Council's legal services. Service of such notices will be carried out in accordance with Council policy on enforcement.

4.7 Part 2A Inspection Strategy

To meet statutory obligations under Part 2A of the Environmental Protection Act 1990 Tamworth Borough Council will aim to carry out the following objectives:

- Protect human health, important ecological sites, important historic and cultural sites and the water environment;
- Ensure that Part 2A procedures are well integrated with the planning and building control process;
- Carry out Part 2A inspection work in a rational, ordered and efficient way;
- Maintain a list of sites of potential concern;
- Aid communication between bodies and individuals interested in contaminated land; and
- Have a transparent decision-making process wherever possible.

Any site presenting immediate and significant risk to key receptors will be investigated immediately under the most appropriate legislative regime.

In carrying out a Part 2A inspection the Council will prioritise inspection and action based on receptors considered to be at the greatest risk of harm from contamination, in the following order of importance:

1. Human Health.
2. Controlled Waters.
3. Ecological Systems and Archaeological Heritage (e.g. Scheduled Ancient Monuments, Listed Buildings etc.).
4. Property in the form of buildings (non-residential or occupational).
5. Property in other forms (e.g. open spaces, forestry, crops).

4.8 Tamworth Borough Council Land

Council land will not be treated separately or given priority for inspection above any other land – all sites will be prioritised for inspection on the basis of risk alone. As a responsible landowner, the council will address land contamination when required.

4.9 Local Issues

Past land uses in Tamworth are likely to be closely related to current contamination problems.

The area's history of mining activity and investigating the effect that this has had on today's ground conditions will form a major part of the Inspection Strategy. Mining affects the land in a variety of ways:

- Voids are created that can be backfilled with waste;
- Colliery spoil heaps can generate gases and pollute the water environment; and
- Underground workings provide pathways for contaminants to migrate towards receptors.

Due to the very nature of mining, many of the potential problems are hidden from view underground. Indeed even historical plans will not reveal the full underground picture. Information is difficult to come by in this field.

Due to the extent of mining, the investigation of its effects is likely to take a considerable time. The information held by the Coal Authority will be important in investigation of this land.

4.10 Specific Geographical Areas

- In Tamworth the following geographical areas have a greater potential for contamination:
- The Staffordshire Coalfield; and
- Quarrying in the Wilnecote and Dosthill areas.

The prioritisation of these areas and the review of that prioritisation will be given consideration to the features of these areas which give them greater potential for contamination.

4.11 Specific Contaminant Linkages

The following sites were considered to merit investigative priority:

- The former Amington Colliery – underwent natural attenuation monitoring and re-development for residential development.
- The former Tame Valley Alloys site – much of the area has been remediated through the planning process to a residential development.
- The former Tame Valley Colliery; and the former Brick & Tile works remediated mid 90/00s to residential development.

In practice, however, the majority of such sites have been redeveloped through the planning process. As such, considerable investigative and remediation work has already been carried out at these sites by the developers.

4.12 Enforcement Policy

Environmental Health has its own enforcement policy enshrining principles of good enforcement built on the overarching principles relate to standards, openness, helpfulness, complaints, proportionality, and consistency.

If voluntary action cannot be secured in dealing with contaminated land then there will be no hesitation by the Council in using the legal powers available to obtain access to premises and require remediation when appropriate.

4.13 Risk Communication Strategy

Land contamination can be an emotive subject. It is likely that many sites investigated will not pose a risk to receptors and therefore will not require remediation. However, other

sites will require remediation. The Council will adopt a policy of community liaison where risks affect communities. The Council will aim to communicate information in such a way that it is understandable to non-specialists.

4.14 Prioritisation of ‘Sites of Potential Concern’

The Council have taken a systematic approach to the inspection of Tamworth. In practice inspection will be a continuous process. Those sites posing the greatest risk to receptors will be given highest priority.

As no sites have ever been designated, no prioritisation exercise has been undertaken. However this can always be reconsidered as and when new information about contaminated land comes to light.

4.15 Reviewing Inspection Decisions

There are likely to be situations where the circumstances affecting a potentially contaminated site change. These circumstances might include location of new receptors near a site, fresh evidence coming to light or unplanned events affecting a particular site. Such events would trigger a review of the original inspection decision.

Triggers for Review of Inspection Decisions:

- Proposed changes in the use of surrounding land;
- Unplanned changes in the use of the land (e.g. persistent, unauthorised use of the land by children);
- Unplanned events, e.g. localised flooding/landslides; accidents/fires/spillages where consequences cannot be addressed through other relevant environmental protection legislation;
- Reports of localised health effects which appear to relate to a particular area of land;
- Verifiable reports or unusual or abnormal site conditions received from businesses, members of the public or voluntary organisations;
- Responding to information from other statutory bodies; and/or
- Responding to information from owners or occupiers of land, and other relevant interested parties.

4.16 Review of the Inspection Strategy

Inspection procedures will be reviewed and updated in light of legislative changes or revised technical guidance when considered necessary. Overall it is considered good practice to review the strategy at least every five years.

4.17 Health and Safety

The Council is committed to ensuring the health, safety and welfare of its employees. It also fully accepts its responsibility for other people who may be affected by its activities.

The Council has a formal Health and Safety Policy which covers the detail of safety arrangements and responsibilities. This Policy will apply to all activities carried out under the Contaminated Land Inspection Program when applicable.

PART C – Part 2A Procedures

5.0 Introduction

This section describes procedures used to implement Part 2A.

Part 2A requires that local authorities cause their areas to be inspected from time to time for the purpose of identifying contaminated land in accordance with the Statutory Guidance.

There are two broad types of “inspection” likely to be carried out by local authorities:

Strategic inspection, for example collecting information to make a broad assessment of land within an authority’s area and then identifying priority land for more detailed consideration; and

A detailed inspection of particular land to obtain information on ground conditions and carrying out the risk assessments which support decisions under the Part 2A regime relevant to that land.

5.1 Strategic Inspection

The section below describes actions taken to carry out a strategic inspection of land.

5.2 Prioritisation of Sites for Detailed Inspection

Guidance prepared as part of the Contaminated Land Research series (CLR6: Prioritisation and categorisation procedure for sites which may be contaminated) would be used to undertake the prioritisation process.

A prioritisation database would be produced through comparison of historic potentially contaminative land use with current land uses and consideration of potential sources, pathways and receptors. A comparative risk score would be assigned to allow prioritisation of the investigation programme.

Unless urgent, sites would undergo detailed inspection in order of prioritisation score where potentially contaminated land has to be dealt with outside of the planning regime. (However potentially contaminated land is dealt with through planning).

Sites considered to present an immediate risk of serious pollution or harm to human health, would be prioritised for inspection as and when they are brought to the council’s attention.

However Tamworth has no sites designated as contaminated.

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5.3 Development of Prioritisation Datasets

Computerised historical plans of the Borough were purchased. These cover different historical periods, generally dating back to the late 1800s. This information enables past land uses in the Borough to be assessed. This has formed a fundamental part of identifying potentially contaminated sites.

Collection, collation and assessment of contaminated land information requires significant use of the Council's Information Technology based Geographical Information System (GIS).

The Council provides this information through its land search service upon payment of the relevant fee

Many contaminated sites within the Borough were already known to the Council prior to the purchase of the historical map database. Indeed many have already been identified and remediated. This often occurs as planning applications are received and development controls put in place to rectify contamination.

Information on the location and nature of many possible receptors is already available on the Council's GIS. Such information includes residential premises, gardens, schools, parks, open space, commercial, industrial and other land uses.

Further datasets will be added to the GIS throughout the course of the implementation of Part 2A, as they are required/developed.

5.4 Public Access to Information

The Council acts in accordance with the requirements of the following statutes and regulations in making environmental information accessible to the public.

- Local Government (Access to Information) Act 1985;
- Data Protection Act 2018;
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004; and
- General Data Protection Regulation

For the majority of the above legislation, there are common exceptions to the right to access information. These generally refer to issues relating to national security, legal proceedings, breaches of statutory provision, confidentiality (commercial or otherwise),

work in the course of completion, personal information or issues which could, following disclosure, increase the likelihood of damage to the environment.

In compliance with the above and also the requirements of the Contaminated Land (England) Regulations 2006, information held on the Council Part 2A Public Register, will be accessible by the public. These requirements will also be adhered to when carrying out Part 2A duties which require disclosure of site-specific information.

5.5 Complaints

From time to time complaints or service requests may be received about potentially contaminated land.

These service requests will be dealt with in accordance with Environmental Health policy, namely:

- an initial response will be made within five working days
- complaints will be treated in confidence initially
- follow up investigations will be made as appropriate to the validity of the complaint

Where a potentially contaminated site is identified in this way, the risk of harm to receptors will be investigated as soon as possible and in a timescale that is proportionate to the likelihood of harm. It should be noted, however, that investigations into ground contamination are often time consuming due to the nature of the investigations required.

5.6 Detailed Inspection

As stated in section 4.4? Tamworth Borough Council will not routinely pro-actively undertake Part 2A detailed inspections of Sites of Potential Concern. Instead, it will make the planning regime the primary mechanism for ensuring remediation of contaminated sites within Tamworth .When detailed inspections of land are carried out, they may include any or all of the following:

- Preliminary investigation including collation and assessment of information from a variety of sources and a visual inspection
- An exploratory investigation involving limited sampling
- A main Intrusive investigation of land (for example by boreholes or trial pit excavations)

Any intrusive investigations will be carried out in accordance with established investigative procedures and Government approved technical guidance. Every effort will be made to minimise disruption to a site and the extent of the investigation will be commensurate with the risk of contamination and the seriousness of harm it is likely to cause.

5.7 Appointment of External Consultants

Due to the specialist nature of some of the investigation work required, external consultants will be appointed to assist with the Inspection Program.

External consultants will be involved inspecting and evaluating the risks posed by any Council owned sites. This will ensure impartiality.

If the Council needs to carry out remediation of sites in its ownership or of sites where an appropriate person cannot be found (orphan sites), then external consultants will carry out this work.

Only consultants meeting the appropriate definition of Competent Person as defined in Land Contamination Risk Management (LCRM) will be used.

5.8 Site Specific Liaison

In carrying out the preliminary investigations, site owners, appropriate persons and statutory bodies may be involved in the investigative process.

5.9 Owners and Occupiers

The Council will make contact with site owners and occupiers at the detailed inspection stage. The principal purposes of this first contact will be to inform them that the Council are inspecting the site for contamination problems, and to request any information that already exists (e.g. site investigation data). Where contaminated land is identified, a policy of achieving voluntary remediation will be adopted wherever possible.

The local authority should seek to avoid or minimise the impacts of long inspections on affected persons, in particular significant disruption and stress to directly affected members of the public in the case of inspections involving residential land.

5.10 Risk Assessment

Risk assessment should be carried out in a staged approach in accordance with best practice utilising current best practice guidance and standards.

As soon as it becomes clear to the Council that the land is unlikely to be contaminated land, the inspection and risk assessment will be brought to an end,

As a general rule, inspections will be conducted as quickly, and with as little disruption, as reasonably possible whilst ensuring that a sufficiently robust assessment is carried out.

The Council will ensure that the time and resource put into the risk assessment is sufficient to provide a robust basis for regulatory decisions. In some cases, there may be a need for detailed and lengthy assessments, particularly in complex cases where regulatory decisions are not straightforward.

The Statutory Guidance states that the level of risk raised by land contamination will depend on more than simply the amount of contaminants in the soil. For example, it will also depend on what form the contaminants take, where they are in the soil, the efficiency of the pathway by which receptors may be exposed, the sensitivity of receptors, the likely degree and duration of exposure, the dose-response relationship, etc. These factors will vary from case to case, sometimes very substantially. Therefore, standards typically used to compare against levels of contaminants in soil such as Generic Assessment Criteria (GACs) should not be used as direct indicators of whether a significant possibility of significant harm to human health may exist.

5.11 Risk summaries

Following a detailed assessment, the Council will produce a risk summary for any land it considers it is likely that it may be determined as contaminated land.

The Statutory Guidance provides the following recommendations for producing risk summaries:

The authority should seek to ensure that the risk summary is understandable to the layperson, including the owners of the land and members of the public who may be affected by the decision. The authority should not proceed to formal determination of land as contaminated land unless a risk summary has been prepared.

Risk summaries should as a minimum include:

(a) A summary of the authority's understanding of the risks, including a description of the contaminants involved; the identified contaminant linkage(s), or a summary of such linkages; the potential impact(s); the estimated possibility that the impact(s) may occur; and the timescale over which the risk may become manifest.

(b) A description of the authority's understanding of the uncertainties behind its assessment.

(c) A description of the risks in context, for example by setting the risk in local or national context or describing the risk from land contamination relative to other risks that receptors might be expected to be exposed to in any case. This need not involve a detailed comparison of relative risks, but the authority should aim to explain the risks in a way which is understandable and relevant to the layperson.

(d) A description of the authority's initial views on possible remediation. This need not be a detailed appraisal, but it should include a description of broadly what remediation might entail; how long it might take; likely effects of remediation works on local people and businesses; how much difference it might be expected to make to the risks posed by the land; and the authority's initial assessment of whether remediation would be likely to produce a net benefit, having regard to the broad objectives of the regime set out in Section 1. In the case of land which (if it were determined as contaminated land) would be likely to be a special site, the authority should seek the views of the Environment Agency, and take any views provided into account in producing this description.

5.12 Human health Risk Categories

The Statutory Guidance introduced four contaminated land categories for human and non-human receptors to help define contaminated land and land that doesn't meet this definition.

The Statutory Guidance categorises contaminated sites into 4 categories on the grounds of significant possibility of significant harm (SPOSH) to human health (see below). The starting assumption is that land does not pose a significant possibility of significant harm unless otherwise proven.

Category 1 sites - the Local Authority considers that there is an unacceptably high probability, supported by robust scientific based evidence that significant harm would occur if no action is taken to stop it.

Category 2 sites - the potential for the significant possibility of significant harm exists such that there is a strong case for taking precautionary action under Part 2A.

Category 3 sites - the legal test for significant possibility of significant harm is not met and may include land where the risks are not low, but regulatory intervention is not warranted. Other parties could take action to reduce risks outside of the Part 2A regime.

Category 4 sites - there is no risk or a low risk of a significant possibility of significant harm. This includes land where no relevant contaminant linkage has been established; land where there are only normal contaminant levels typical of that area; land where contaminant levels do not exceed relevant generic assessment criteria (GAC's); and land where estimated levels of exposure to contaminants in soil is proportionally very low when compared to other environmental sources.

5.13 Non-human Receptors

In considering non-human receptors, the Council will only regard certain receptors described as being relevant for the purposes of Part 2A.

5.14 Ecological Receptors

Relevant Receptors include any ecological system, or living organism forming part of such a system, within a location which is:

- a site of special scientific interest (under section 28 of the Wildlife and Countryside Act 1981)
- a national nature reserve (under s.35 of the 1981 Act)
- a marine nature reserve (under s.36 of the 1981 Act)
- an area of special protection for birds (under s.3 of the 1981 Act)
- a “European site” within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010
- any habitat or site afforded policy protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or
- any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949.

5.15 Pollution of Controlled Waters

For this purpose, controlled waters has the same meaning as in Part 3 of the Water Resources Act 1991, except that “ground waters” does not include water contained in underground strata but above the saturation zone. The focus is on pollution which:

- (i) may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems;
- (ii) which may result in damage to material property; or
- (iii) which may impair or interfere with amenities and other legitimate uses of the environment.

5.16 Deciding that Land is not Contaminated Land

The Council will issue a written statement to state that land has not been determined to be contaminated land (rather than coming to no formal conclusion) to minimise unwarranted blight. The statement should make clear that on the basis of its assessment, the authority has concluded that the land does not meet the definition of contaminated land under Part 2A.

5.17 Determination of Contaminated Land

The local authority has the sole responsibility for determining whether any land appears to be contaminated land. However, in making such decisions the authority may rely on information or advice provided by another body such as the Environment Agency, or a suitably qualified experienced practitioner appointed for that purpose.

If the Council considers there is an urgent need to determine particular land, it will make the determination in a timescale it considers appropriate to the urgency of the situation.

5.18 Informing Interested Parties

The Statutory Guidance describes the following steps to be taken once land has been determined to be contaminated land.

Before making a determination, the Council will inform the owners and occupiers of the land and any other person who appears to the authority to be liable to pay for remediation of its intention to determine the land (to the extent that the authority is aware of these parties at the time) unless the authority considers there is an overriding reason for not doing so. The authority should also consider:

(a) Whether to give such persons time to make representations (for example to seek clarification of the grounds for determination, or to propose a solution that might avoid the need for formal determination) taking into account: the broad aims of regime; the urgency of the situation; any need to avoid unwarranted delay; and any other factor the authority considers to be appropriate.

(b) Whether to inform other interested parties as it considers necessary, for example owners and occupiers of neighbouring land.

If the local authority determines land as contaminated land, it shall give notice of that fact to (a) the Environment Agency; (b) the owner of the land; (c) any person who appears to the authority to be in occupation of the whole or any part of the land; and (d) each person who appears to the authority to be an appropriate person; in accordance with section 78B(3) of Part 2A. In respect of point (d) this Guidance recognises that in some cases the authority may not have identified the appropriate person(s) at the time the determination is made, in which case the requirement to give notice to such persons would not apply.

5.19 Postponing Determination

The Statutory Guidance describes situations where the Council may postpone determination of contaminated land.

The Council may postpone determination of contaminated land or remediation of the land under certain circumstances. For example, if the land owner or some other person undertakes to deal with the problem without determination, and the authority is satisfied that the remediation will happen to an appropriate standard and timescale. If the authority chooses to do this, any agreement it enters into will not affect its ability to determine the land in future (e.g. if the person fails to carry out the remediation as agreed). During a postponement the status of the land will be kept under review and it will be ensured that the postponement does not create conditions under which significant risks could go unaddressed in future.

5.20 Record of the Determination of Contaminated Land

The Council will prepare a written record of any determination that land is contaminated land. The record should be made publicly available by through the Council website.

The record of determination will identify the location, boundaries and area of the land in question, making appropriate reference to Ordnance Survey grid references and/or Global Positioning co-ordinates.

The record should explain why the determination has been made, including:

(a) The risk summary required, and where not already covered in the risk summary:

- (i) a relevant conceptual model comprising text, plans, cross sections, photographs and tables as necessary in the interests of making the description understandable to the layperson; and
- (ii) a summary of the relevant assessment of this evidence.

(b) A summary of why the authority considers that the requirements of relevant sections of this guidance have been satisfied.

5.21 Reconsideration, Revocation and Variation of Determinations

The Council will consider whether to retain, vary or revoke the determination if information is received that significantly alters the basis for the original decision.

Determination of contaminated land will be reconsidered if remediation action has been taken which, in the view of the Council, stops the land being contaminated land. In such a case a statement will be issued by the Council.

If the Council varies or revokes a determination or issues a statement it should record its reasons for doing so alongside the initial record of determination in a way that ensures the changed status of the land is made clear. The authority will inform interested parties of the decisions and the reasons for it, including the owner of the land; any person who appears to the authority to be in occupation of the whole or any part of the land; any person who was previously identified by the authority to be an appropriate person; and the Environment Agency.

5.22 Powers of Entry

The Council will consult the landowner before inspecting the land unless there is a particular reason why this is not possible, for example because it has not been possible to identify or locate the landowner. Where the owner refuses access, or the landowner cannot be found, the authority should consider using statutory powers of entry.

If the Council intends to carry out an inspection using statutory powers of entry under Section 108 of the Environment Act 1995 it will first be satisfied that there is a reasonable possibility that a significant contaminant linkage may exist on the land. The authority will not use statutory powers of entry to undertake intrusive investigations, including the taking of sub-surface samples, if:

- (a) it has already been provided with appropriate, detailed information on the condition of the land (e.g. by the Environment Agency or some other person such as the owner of the land) which provides sufficient information for the authority to decide whether or not the land is contaminated land; or
- (b) a relevant person (e.g. the owner of the land, or a person who may be liable for the contamination) offers to provide such information within a reasonable and specified time, and then provides such information within that time.

5.23 Remediation of Contaminated Land

Once land has been determined as contaminated land, the Council will consider how it should be remediated and, where appropriate, will issue a remediation notice to require

such remediation. The enforcing authority for the purposes of remediation may be the Council which determined the land, or the Environment Agency, which takes on responsibility once land has been determined if the land is deemed to be a “special site”.

The content of a remediation notice will consist of:

1. Who the Council has served a notice on;
2. Where the contaminated land the notice refers to is;
3. Why the land is contaminated land, what the contamination is and where it came from (if not from the land in question);
4. What the contaminated land is currently used for;
5. Details of what remediation each appropriate person has to do and when this has to be done by; and
6. The date of the notice.

5.24 Cost Recovery

Where voluntary remediation is not achieved, the Council will seek to recover all costs by identifying the appropriate liable persons as set out in the statutory guidance.

When liable persons cannot be found, where they are exempt from liability, or where an orphan linkage is identified, then the enforcing authority (e.g. the Council or the Environment Agency) shall bear the cost of remediation. The Council will, in all cases, follow the statutory guidance and ensure that any actions required are reasonable.

5.25 Public Register

A public register will be maintained by Tamworth Borough Council of the remediation of contaminated land (defined under Part 2A) and it will be made open for public inspection. Administration of the register will be the responsibility of the Environmental Protection Team within the Environmental Health Department.

The Public Register contains details of:

- remediation notices;
- appeals against remediation notices;
- remediation declarations;

- remediation statements;
- appeals against charging notices;
- designation of special sites;
- notification of claimed remediation;
- convictions for offences (under Section 78M of the Environmental Protection Act 1990);
- guidance issued (under Section 78V(1) of the Environmental Protection Act 1990);
and
- other matters prescribed by regulations.

Appendix 1 - Characteristics of Tamworth

1.0 Introduction

This section gives general background information about the Tamworth area. The particular characteristics of the area will influence the approach taken to inspection for contaminated land.

The characteristics and history of the area will be considered together with the vulnerability of receptors in order to decide upon inspection priorities.

1.1 Geographical Location

The Borough of Tamworth is situated in the south-eastern corner of Staffordshire Coalfield at the confluence of the rivers Tame and Anker. It is situated between Lichfield , Burton upon Trent It is approximately 15 miles north-east of Birmingham.

The area is predominantly urban within a rural setting. The A5 passes within the Borough with the M42 skirting the bottom east of the borough.

1.2 Description and History

Tamworth covers an area of 31 square kilometers.

The Borough has a population of 78,600 as measured in the 2021 census. The overall population distribution is 2549 persons per square kilometer.

Tamworth lies on the south east fringe of the Staffordshire coalfield. Clay extraction continues in Wilnecote with the clay being used to manufacture bricks.

Size and Boundary Changes

Prior to 1889 the Town occupied approximately 0.3 square miles (or 0.8 square kilometers) and it now covers an area of approximately 12 square miles (or 31 square kilometers). This territorial increase for the borough has occurred as a result of three major boundary alterations (in 1889, 1932 and 1965). Each boundary alteration was linked with alterations in the county boundaries between Warwickshire and Staffordshire

Up to the 1st April 1889 Tamworth lay astride the Warwickshire/ Staffordshire boundary. The historic centre of Tamworth and the rest of the borough north of the River Anker and the

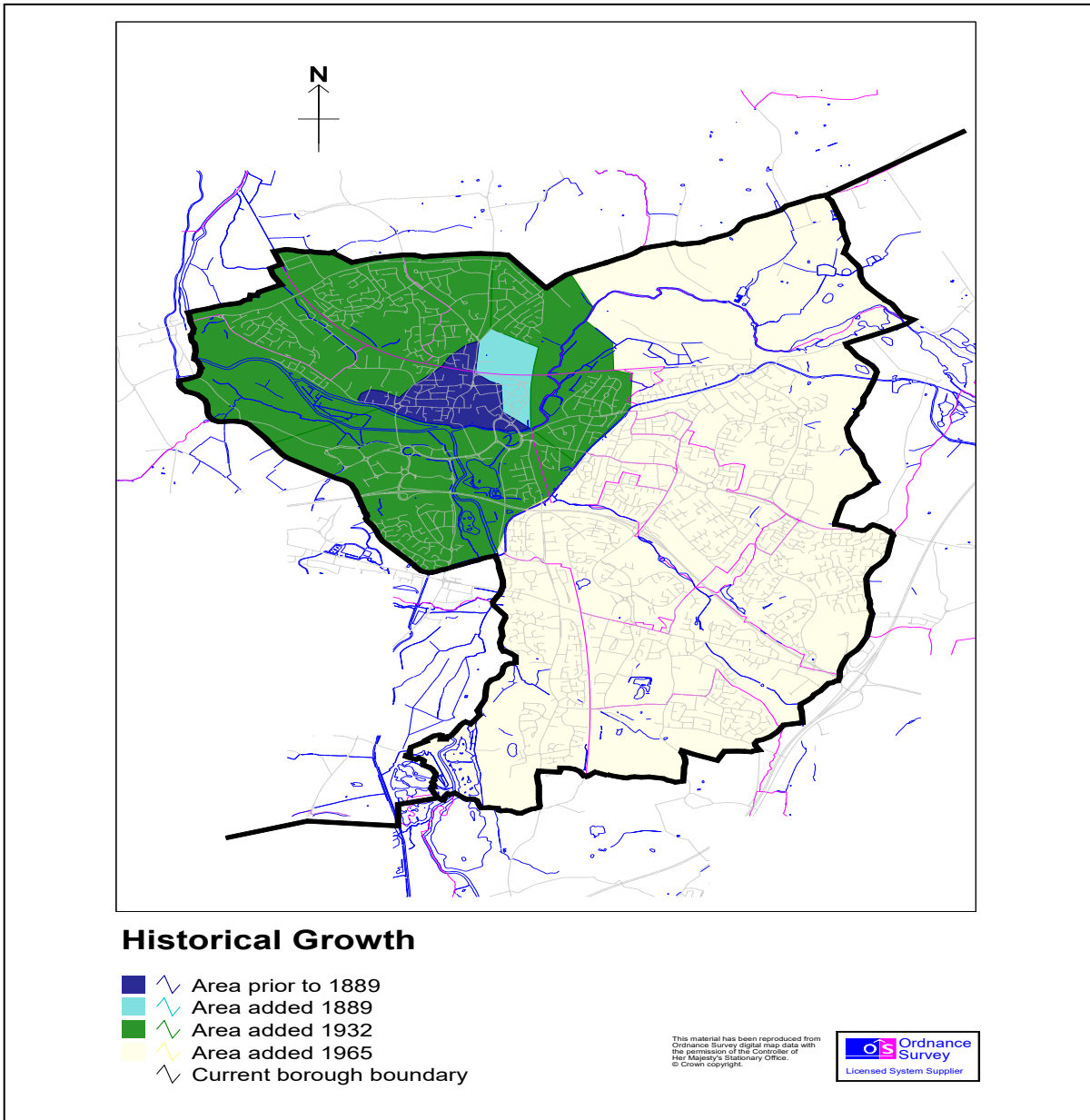
west of the River Tame lies in the historic county of Staffordshire. The part of the borough south of the Anker and east of the Tame belongs to the historic county of Warwickshire. In 1889 Tamworth became situated wholly in Staffordshire to simplify county administration. Tamworth has remained in Staffordshire ever since. These historical boundary changes are illustrated in Figure 1.

It is important that these historic changes are acknowledged at the information collection stage because existing records on former land use may be catalogued as connected with Warwickshire.

1.3 Council Ownership of Land

The council owns various pieces of land throughout the Borough, from sports and recreation grounds, car parks, allotments, small pieces of land on housing and industrial estates to larger plots of land that could be suitable for development.

Fig 1 Map showing boundary changes in Tamworth



1.4 Current Land Use Characteristics

Since the closure of the coal mines and clay/terrocotta/tile works there has been a significant increase in employment land, particularly within the logistics and distribution sectors, while manufacturing has seen a decline. Large brownfield sites, such as the Tamworth Industrial Estate, the former British Alcan site, and Tame Valley Industrial Park, have been repurposed for development, primarily for B8 (storage and distribution) uses.

Tamworth hosts a number of national and international businesses and various logistics providers. The town is also home to several other established industrial parks and estates, such as Mercian Park and the Mercia Business Park, Lichfield and Tame Valley Industrial Estates.

Major roads of national and regional significance pass through Tamworth, including the M42, M6, A5, and A38, all of which are part of the Strategic Road Network. Rail also plays an important role in the Borough with the West Coast mainline and the Cross-Country line.

The Borough has a special and important natural environment shaped by its landscape and mining legacy. It has four major river corridors – the Tame and Anker - and holds an important area of inter-connected wetlands in the subregion along the Tame Valley which covers an area of over 100Km² of the Staffordshire/Warwickshire border. Cumulatively the area forms a migratory bird route of value, particularly to wetland species. The Borough also has areas of heathland, woodland and grasslands associated with post-industrial habitats, which are otherwise scarce within the county. The natural environment provides many vital ecosystem services to the Borough, such as natural flood defence, carbon sequestration and the maintenance of biodiversity.

Tamworth now encompasses the ancient town of Tamworth and the outlying village centres of Amington, Glascote, Belgrave, Wilnecote and Dosthill. Since the early 1970's the old village centres have become linked into one urban mass by infilling with housing and industrial developments. Tamworth is now largely urban in character. The small area that hasn't been developed is either currently used as farm land, for recreation or is subject to shooting rights.

It has a number of natural and historic assets. Tamworth has 137 listed buildings some of which a number are Scheduled Monuments.

The Scheduled Ancient Monuments within the Borough are:

- The Norman motte and sandstone bailey Castle on the site of fortifications built in AD913;
- The Gate House near the Castle;
- Saint Editha's Church; and
- The remains of an ancient wall.

Tamworth has 7 designated Local Nature Reserves Broad Meadow, Dosthill Park, Kettle Brook, Tameside, Hodge Lane, Warwickshire Moor and Town Wall.

As well as many wildlife and geological sites of varying designations. The Borough has a number of unique biodiversity habitats and species including a population of naturally occurring snakes head fritillary, plants which only exist in one other location in the county.

1.5 Protected Locations

The Borough has one Site of Special Scientific Interest (SSSI) Alvecote pools, and the 7 designation local nature reserves mentioned above in 1.4 with Hodge Lane being protected. Tamworth also has 20 County Sites of Biological Importance (SBI's) which are unprotected.

In addition to these sites that have received statutory designations, Tamworth has 20 County Sites of Biological Importance (SBI's). Although these SBIs are not specifically included on the "Eco-receptor" list it is recognised, that they are of considerable value because:

- they represent some of the last remaining natural habitat in the County,
- they support many more species than other areas,
- they enable migration of species from one area to another; and
- they provide many people with opportunity to experience nature.

Consequently, their protection will be considered during intrusive investigations and in the

design of remediation works.

1.6 Key Water Resource Protection Issues

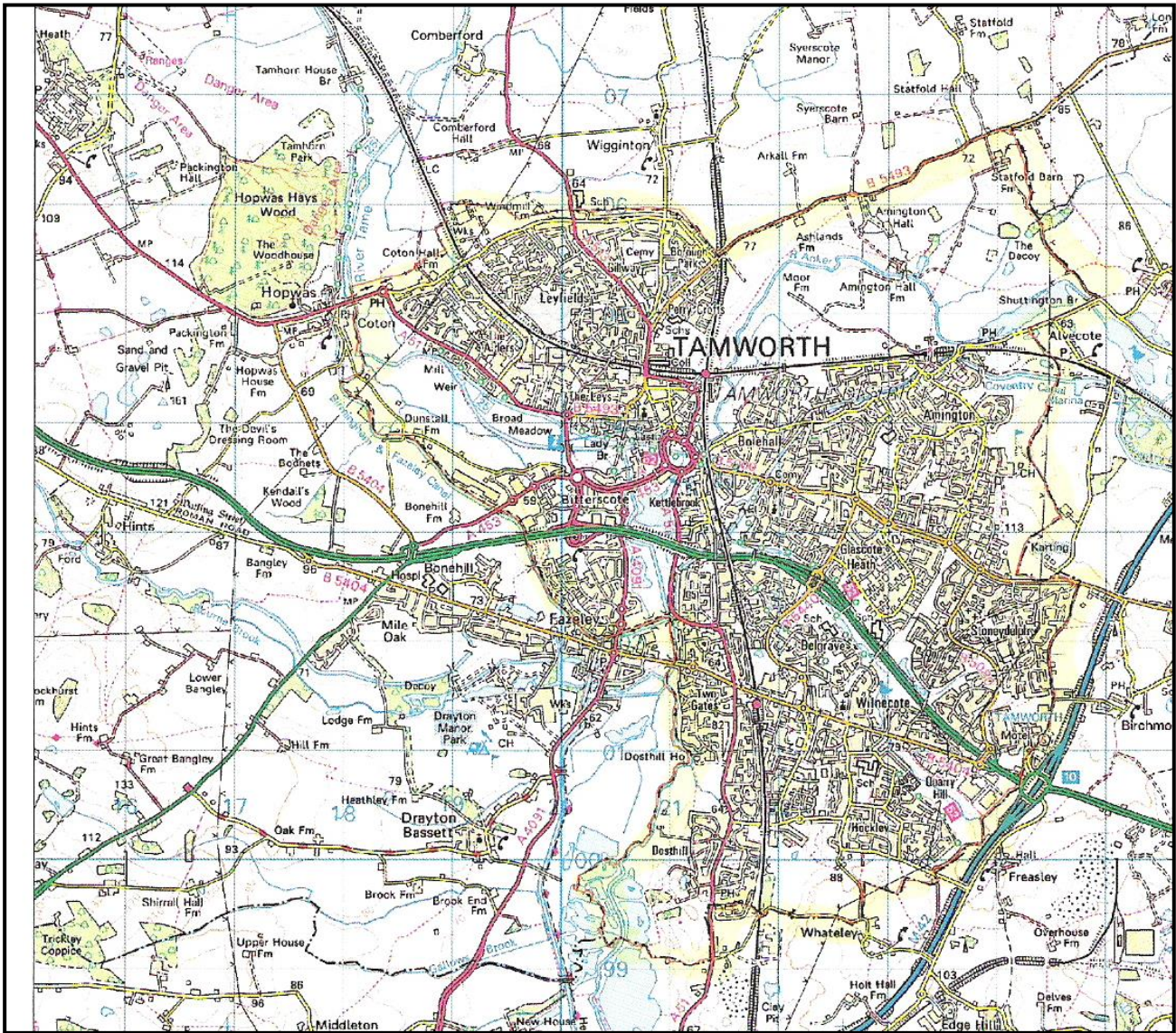
The surface waters within the borough boundary include two rivers, namely the Rivers Tame and Anker. There are also several brooks. The town is intersected by the Coventry Canal and part of the town's western boundary follows the course of the Birmingham and Fazeley Canal. Tamworth also has several small lakes and pools including Borrowpit Lake, Alvecote Pools and there are several pools at Dosthill

Since the town is situated at the confluence of two rivers, large parts of the borough around these rivers are prone to flooding. Fortunately, the majority of this area is outside of the built-up area.

Groundwater is important because it maintains the flow in many rivers and in some cases it can be used for drinking water. The groundwater within the Tamworth is not however, currently used for drinking water. Nonetheless, all groundwaters are controlled waters and as such are given protection under Part II A.

There are no private drinking water supplies within the Borough. South Staffordshire Water PLC supplies all of the town's drinking water. However, water is abstracted at 9 points within the Borough from the River Tame, River Anker and from Kettlebrook, for public service use (e.g. for park irrigation and for mobile gully emptiers) and for general agricultural uses (spray irrigation).

Figure 2 - The Borough of Tamworth



Sterling Court
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Stevenage
Herts SG1 2JY
UK

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There are no Zone 1 or 2 Source Protection Zones within the Borough. However, an area just outside the borough boundary, to the north-east of the town, which includes the village of Hopwas, has been designated as a Zone III Source Protection Zone.

1.7 Current and Historic Industry

As can be seen in the following section the northern limit of the Warwickshire coalfield runs through the Borough and coal mining was once a major industry in the area. As late as the 1960s there were operational coal mines with the Amington & Tame Valley Collieries closing in the 1960s.

1.8 Geological and Hydrogeological Characteristics

As illustrated by Figure 2, the solid geology of Tamworth consists of rock layers (strata) of different ages:

Triassic strata

The Triassic strata consists of Mercia Mudstone and Sherwood Sandstone. Mercia mudstone is an unconsolidated sedimentary rock. It is regarded as a minor aquifer for water resources purposes but a non-aquifer for groundwater protection purposes. Sherwood Sandstones Aquifers (major aquifer) can be very permeable and therefore have the potential to act as pathways. In addition, they are receptors in their own right.

Carboniferous strata

The Carboniferous strata comprise Etruria Marl clay, sandstones, grey shales and coal seams.

Shale, also known as mudstone, is a dark fine-grained sedimentary rock formed by compaction of mud, clay or silt. In contrast to sandstone, it impedes the flow of water and can therefore act as a barrier to the movement of contamination through the ground.

Shallow coal seams associated with the shale extend from the south of the borough to the north-east of the Borough. Nodules and bands of ironstone often occur within the coal measures sequence. These seams form the north-western part of the fault-bounded Warwickshire Coalfield. The productive coal measures are about 260 meters thick, however, underground coal extraction has now ceased in Tamworth.

Cambrian and igneous strata

Dosthill is home to some of the oldest rock in Staffordshire – Cambrian Stockingford Shales (mudstones). The Stockingford Shale rock formation is isolated among newer rock. Igneous Diorite sills have intruded into these beds of Stockingford Shale, forming the Dosthill “Granite” at a later date.

Some rock formations (listed in the Schedule to The Contaminated Land (England) Regulations 2000) are given special protection under the contaminated land regime. If they become contaminated by certain contaminants the source land would be designated as a “special site”. None of the formations of rock known to exist within the Borough are listed in the schedule.

With the exception of the Major Aquifer mentioned above, the rest of Tamworth is a mixture of Non-Aquifer and Minor Aquifer where the overlying soils have a high leaching potential.

1.9 “Normal” Presence of Contaminants

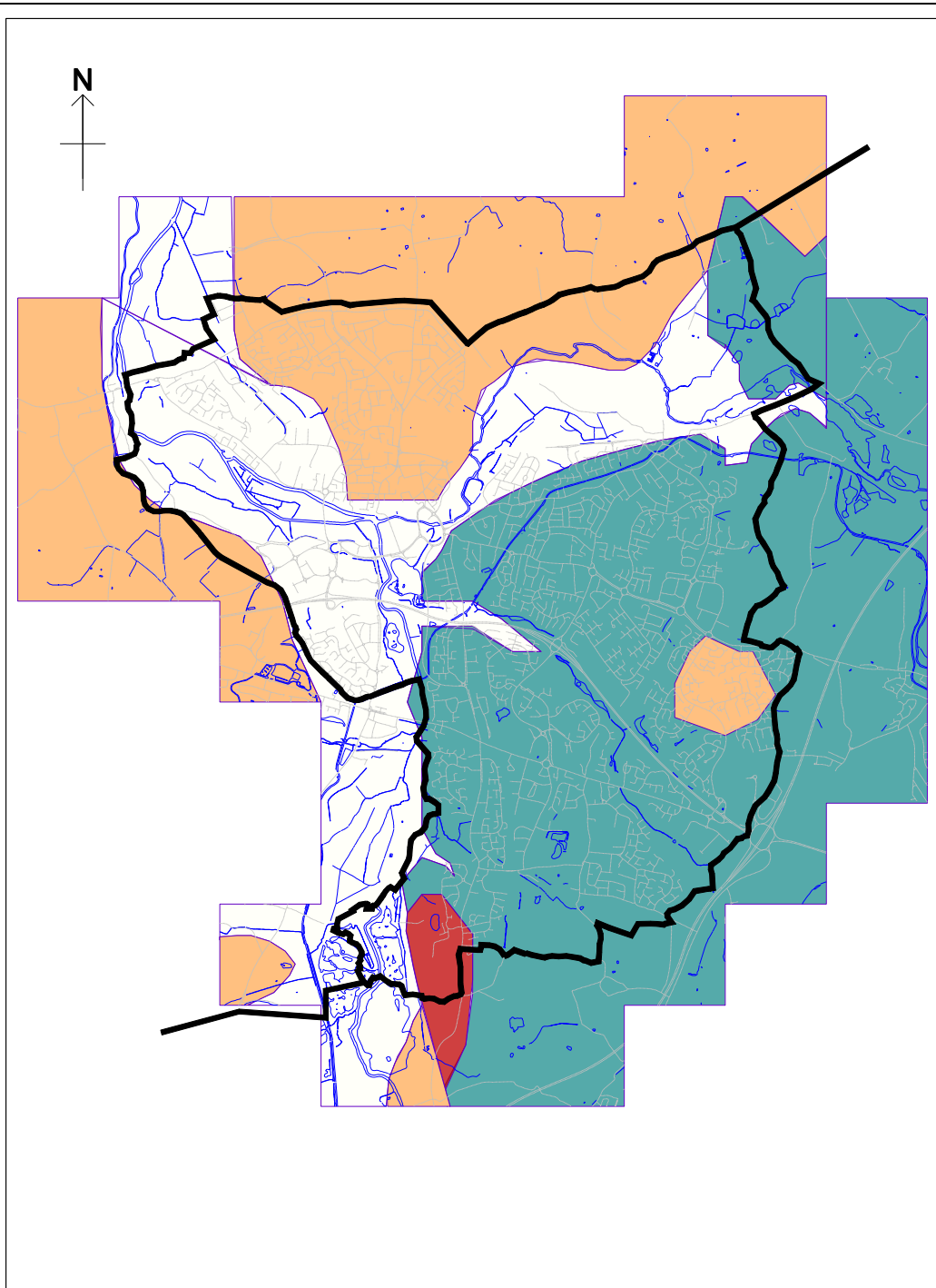
The Part 2A regime was introduced to help identify and deal with land which poses unacceptable levels of risk. It is not intended to apply to land with levels of contaminants in soil that are commonplace and widespread throughout England or parts of it, and for which in the very large majority of cases there is no reason to consider that there is an unacceptable risk.

Normal levels of contaminants in soil may result from:

- a) The natural presence of contaminants at levels that might be considered typical in certain areas and do not pose an unacceptable risk (for example due to the underlying geology).
- b) The presence of contaminants caused by low level diffuse pollution and common human activity other than specific industrial processes.

As has been outlined in the above paragraphs the presence of coal features heavily within the Borough so due consideration will be given to normal levels of contamination during any Part 2A risk assessment.

Figure 3 - A plan to show the Geology of Tamworth



Rock Types (Geological Period)

- Recent
- Triassic
- Carboniferous
- Cambrian and Igneous

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Appendix 2 – Glossary of Terms

Abbreviation	Description
Contaminant	A substance relevant to the Part 2A regime which is in, on or under the land and which has the potential to cause significant harm or to cause significant pollution of controlled waters for non-radioactive contamination (or harm for radioactive contamination). Has the same meaning as 'pollutant' and 'substance'. A contaminant forms part of a contaminant linkage
Contamination Linkage	The relationship between a contaminant, a pathway and a receptor
Contaminated Land	Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that – for non-radioactive contamination - (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. for radioactive contamination – (a) harm is being caused; or (b) there is a significant possibility of such harm being caused
Controlled Waters	Defined by reference to Part 3 (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters, and ground waters. For this purpose, controlled waters has the same meaning as in Part 3 of the Water Resources Act 1991, except that “ground waters” does not include water contained in underground strata but above the saturation zone
Current Use	<p>(a) The use which is being made of the land currently.</p> <p>(b) Reasonably likely future uses of the land that would not require a new or amended grant of planning permission.</p> <p>(c) Any temporary use to which the land is put, or is likely to be put, from time to time within the bounds of current planning permission.</p> <p>(d) Likely informal use of the land, for example children playing on the land, whether authorised by the owners or occupiers, or not.</p> <p>(e) In the case of agricultural land, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land.</p>
GIS	Geographical Information System
Groundwater	Any water contained in underground strata, wells & boreholes
Harm	Harm to the health of living organisms or other interference with the ecological systems of which they form part and harm to property.
Pathway	A route by which a receptor is or might be affected by a contaminant.
Pollution of Controlled waters	The entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter
Possibility of Significant Harm	A measure of the probability, or frequency, of the occurrence of circumstances which would lead to significant harm being caused
Receptor	Something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters. The

Abbreviation	Description
	various types of receptors are explained in the Contaminated Land Statutory Guidance and Radioactive Contaminated Land Statutory Guidance.
Risk	The combination of: (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and (b) the scale and seriousness of harm or pollution if it did occur
Significant Harm	Any harm which is determined to be significant in accordance with the Contaminated Land Statutory Guidance
Significant Contaminant Linkage	A contaminant linkage which forms the basis for a determination that a piece of land is Contaminated Land
Significant Pollution of Controlled Waters	<p>The following types of pollution should be considered to constitute significant pollution of controlled waters:</p> <p>a) Pollution equivalent to “environmental damage” to surface water or groundwater as defined by The Environmental Damage (Prevention and Remediation) Regulations 2009, but Glossary 62 Contaminated Land: An Inspection Strategy for Leeds which cannot be dealt with under those Regulations.</p> <p>b) Inputs resulting in deterioration of the quality of water abstracted, or intended to be used in the future, for human consumption such that additional treatment would be required to enable that use.</p> <p>c) A breach of a statutory surface water Environmental Quality Standard, either directly or via a groundwater pathway.</p> <p>d) Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2(3) of the Groundwater Daughter Directive (2006/118/EC)</p>
Significant Possibility of Harm or Significant Harm	A possibility of significant harm or harm being caused which is determined to be significant in accordance with the Contaminated Land Statutory Guidance and Radioactive Contaminated Land Statutory Guidance, respectively
Special Site	<p>A site defined as such in the Contaminated Land Regulations (England) 2000. These are sites which meet the definition of Contaminated Land and fall within one of the descriptions given in the Regulations, which include:</p> <p style="text-align: center;">certain water pollution cases</p> <p style="text-align: center;">industrial cases:</p> <ul style="list-style-type: none"> - waste acid tar lagoons - oil refining - explosives - certain IPC sites - nuclear sites <p style="text-align: center;">Land owned by the Ministry of Defence.</p> <p style="text-align: center;">All radioactive Contaminated Land</p>
Substance	Has the same meaning as ‘pollutant’ and ‘contaminant’. For non-radioactive contamination, any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour. For radioactive contamination, covers only substances containing radionuclides which have resulted from the after-effects of a radiological emergency or have been processed as part of a past practice or past work activity
Sustainable Development	A wide reaching concept of environmental policy with numerous definitions. Most commonly supported definition is development that meets the needs of

Abbreviation	Description
	the present generation without compromising the ability of future generations to meet their own needs
Unacceptable Risk	a risk of such a nature that it would give grounds for land to be considered Contaminated Land under Part 2A

Appendix 3 – Contact Details

All enquiries should be addressed to:

Environmental Protection

Tamworth
Borough Council
Marmion Street
Tamworth
Staffordshire
B79 7BZ
Tel: 01827 709445

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