

REPORT AUDIT TRAIL**CONSULTATION**

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor Saghir Alam	Cabinet Member for Finance and Community Safety	21/07/25	06/08/25	Content to sign off the report
<i>Andrew Bramidge</i>	Strategic Director for Regeneration and Environment	Click here to enter a date.	Click here to enter a date.	
<i>Jon Baggaley, Chloe Parker</i> Finance	Finance and Customer Services	10/06/25	26/06/25	Section 6
<i>Michelle Scales, Legal Services</i>	Legal Services	10/06/25	16/06/25	Section 7
<i>Helen Rowe, Human Resources</i>	Assistant Chief Executive's Office	10/06/25	11/06/25	Section 8
<i>Karen Middlebrook, Procurement</i>	Finance and Customer Services	10/06/25	Click here to enter a date.	Provided for information: there are no procurement implications
<i>equality@rotherham.gov.uk, Equalities</i>	Assistant Chief Executive's Office	10/06/25	18/06/25	Appendix 3
<i>climate@rotherham.gov.uk</i>	Assistant Chief Executive's Office	10/06/25	13/06/25	Appendix 4 Tracking reference CIA 489

REPORT APPROVAL TRACKING			
Equalities Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be included as appendices	Initial Screening completed and included with report	YES (delete as appropriate)	10/06/2025
	Full Assessment completed and included with report	NO (delete as appropriate)	Insert date agreed
Carbon Impact Assessments Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback prior to your report being sent to your Strategic Director for approval.	Carbon Impact Assessment completed and included with report.	YES (delete as appropriate)	10/06/25
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents.	Environment Act 1995 Environmental Protection Act 1990 Part 2A Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (DEFRA, April 2012) Rotherham Metropolitan Borough Council: Statutory Contaminated Land Inspection Strategy (2nd July 2001) – Version 1.0 Rotherham Metropolitan Borough Council: Statutory Contaminated Land Inspection Strategy (2010-2013) – Version 2.0 Rotherham Metropolitan Borough Council: Statutory Contaminated Land Inspection Strategy (2024-2029) – Version 3.0 Council Meeting, 15 th January 2025, Motion - Proactive action at the Maltby Colliery site.pdf National Planning Policy Framework (NPPF), December 2024		
Appendices If appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles. List any appendices relevant to the decision being taken first with the	Appendix 1 <i>Statutory Contaminated Land Inspection Strategy 2025 – 2030</i> Appendix 2 <i>Statutory Contaminated Land Inspection Strategy 2025 – 2030 Amendments following peer review</i> Appendix 3 <i>Equalities Screening Assessment</i>		

<p>Equality Analysis documents coming next and the Carbon Impact Assessment being listed as the last Appendix for all reports.</p>	<p>Appendix 4 <i>Carbon Impact Assessment</i></p>	
<p>Cabinet Member Approval You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off</p>	<p>YES/NO (delete as appropriate)</p>	<p>Click here to enter a date.</p>
<p>Report Authorised by Strategic Director</p>	<p>YES/NO (delete as appropriate)</p>	<p>Click here to enter a date.</p>
<p>Report Authorised for publication by Chief Executive</p>	<p>YES/NO (delete as appropriate)</p>	<p>Click here to enter a date.</p>

Select report type
Name of Committee

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 18 August 2025

Report Title

Contaminated Land Inspection Strategy 2025 - 2030

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Assistant Approving Submission of the Report

Sam Barstow, Assistant Director, Community Safety & Street Scene

Report Author(s)

Bridget Corcoran, Principal Officer Environmental Protection

Bridget.corcoran@rotherham.gov.uk

Lewis Coates, Service Manager, Regulation and Enforcement

Lewis.coates@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The report details the Council's revised Contaminated Land Inspection Strategy and the approach taken to tackle contaminated land sites within the Borough in order to protect human and environmental health.

A review of the 2024 – 2029 Strategy was requested following a Council Motion agreed at Council on 15th January 2025. Subsequently, a peer review was undertaken and whilst no material changes have been made to the Strategy, a number of minor amendments have been made. In addition, updated guidance has also been incorporated.

Recommendations

1. That the contents of the Contaminated land Inspection Strategy are noted

List of Appendices Included

Appendix 1 *Statutory Contaminated Land Inspection Strategy 2025 – 2030*

Appendix 2 *Statutory Contaminated Land Inspection Strategy 2025 – 2030
Amendments following peer review*
Appendix 3 *Equalities Screening Assessment*
Appendix 4 *Carbon Impact Assessment*

Background Papers

Environment Act 1995
Environmental Protection Act 1990 Part 2A
Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (DEFRA, April 2012)
Rotherham Metropolitan Borough Council: Statutory Contaminated Land Inspection Strategy (2nd July 2001) – Version 1.0
Rotherham Metropolitan Borough Council: Statutory Contaminated Land Inspection Strategy (2010-2013) – Version 2.0
Rotherham Metropolitan Borough Council: Statutory Contaminated Land Inspection Strategy (2024-2029) – Version 3.0
Council Meeting, 15th January 2025, [Motion - Proactive action at the Maltby Colliery site.pdf](#)
National Planning Policy Framework (NPPF), December 2024

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
No

Exempt from the Press and Public
No

Contaminated Land Inspection Strategy Review 2025 - 2030

Contaminated Land Inspection Strategy 2025 - 2030

1. Background

- 1.1 Rotherham has a considerable legacy of historical land contamination involving a very wide range of substances. On all land there are background levels of substances, including substances that are naturally present as a result of our varied and complex geology and substances resulting from diffuse human pollution. On some land there are greater concentrations of contaminants, often associated with industrial use and waste disposal. In a minority of cases there may be sufficient risk to health or the environment for such land to be considered contaminated land.
- 1.2 The Council has a statutory duty to identify and inspect its land for contamination, together with having in place a written strategy for inspecting their area.
- 1.3 The Council first adopted its Contaminated Land Inspection Strategy on the 2nd July 2001. This document is the fourth revision of the Contaminated Land Inspection Strategy and covers the period September 2025 to September 2030.
- 1.4 Contaminated Land Strategies are to be reviewed at least every five years and this document will therefore be reviewed in 2030 or sooner if required by changes to the inspection strategy itself or changes in legislation.

2. Key Issues

- 2.1 At the Council meeting of 15th January 2025, a Motion in respect of pro-active action at the Maltby Colliery site, amongst other things, called for:

Review/update the Council's Land Contamination Strategy:

- Conduct a comprehensive review of the Council's current land contamination strategy, to ensure that it is up to date with the latest environmental legislation and guidance.
- Ensure that the strategy incorporates best practices for managing legacy contamination and preventing future pollution risks to residential, agricultural, and recreational areas.
- Engage with external environmental experts to ensure that the strategy is up-to-date and aligns with the latest regulatory and environmental standards.

- 2.2 The Council's Contaminated Land Inspection Strategy was previously reviewed in 2024 with an Officer Decision published in August 2024. Following the Council Motion, the Strategy was reviewed by contaminated

- land experts at Sheffield, Barnsley, Doncaster, Bradford and North Lincolnshire Councils.
- 2.3 The peer reviews were undertaken between February and May 2025. Whilst the reviews did not necessitate any material changes to the Strategy, there were a number of minor amendments made. In addition, concurrent updates to Guidance were incorporated, along with a number of typographical amendments. The matters amended can be seen in blue and struck out text in Appendix 2.
- 2.4 The fully amended Contaminated Land Inspection Strategy 2025 – 2030 is attached at Appendix 1. Within the Strategy the Council uses all available information from a range of sources to identify likely sites of contamination, employing a risk-based approach in order to identify contaminated land. Sites that are potentially contaminated are recorded and listed.
- 2.5 A list of 'Sites of Potential Concern' (SPCs) has been compiled, and an inspection programme started in 2006. Approximately 1765 SPCs have been identified within the Rotherham Borough Area that need to be investigated. A considerable number of these sites have been investigated and dealt with through the planning regime primarily for the redevelopment of former industrial land, and where necessary remediation/mitigation works have been undertaken.
- 2.6 Government funding for the investigations of SPCs under Part 2A legislation was withdrawn in 2013. This funding was available to Local Authorities for the investigation and remediation of sites where the original polluter could not be found. The withdrawal of government funding has subsequently restricted Rotherham Council and other Councils nationally, from being able to investigate SPCs. As a consequence, this Council has been, and will continue to, concentrate on addressing sites where contamination may exist through the Planning Regime.
- 2.7 Whereas the Council has powers within the Environmental Protection Act 1990 to serve a Remediation Notice on the owners of land that is contaminated, the Council does not have the funds to carry out such works if the works are defaulted or the polluter is not known. Consequently, the Council utilises the planning process to ensure that where sites are subject to development, appropriate remediation takes place as part of the conditions placed on the developments.
- 2.8 The Council also has a duty to publish a public register of any land designated as statutorily contaminated land. No land to date has been designated as statutorily contaminated within the Rotherham Borough Area therefore there are no entries on the register.
- 2.9 This contaminated land strategy will ensure that the Council meets its obligations within Part 2A of the Environmental Protection Act 1990 to protect human health, property and the wider environment. It will also drive the remediation of contaminated sites and encourage the re-use of brownfield land in line with the sustainability policies of the Council.

3. Options considered and recommended proposal

- 3.1 The Contaminated Land Inspection Strategy is a statutory obligation and there is no authority to consider any other option. The Contaminated Land Inspection Strategy 2025 – 2030 is attached at Appendix 1.

4. Consultation on proposal

- 4.1 Consultation is not necessary, however a copy of the reviewed strategy will be provided to the Environment Agency for information.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The provisions within the Contaminated Land Inspection Strategy will come into effect on 1st September 2025
- 5.2 The Officers responsible for implementing the strategy are Bridget Corcoran, Principal Officer Environmental Protection and Lewis Coates Service Manager Regulation and Enforcement

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 There are no anticipated financial implications associated with this revised strategy. Delivery of the statutory obligations are contained within approved revenue budgets and there is no indication that Central Government funding will again be available to support land remediation as referenced in 2.6. The Council utilises the planning process to ensure remediation is undertaken as part of the approved development works.
- 6.2 There are no direct procurement implications arising from the recommendations detailed in this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 Section 57 of the Environment Act 1995 created Part 2A of the Environmental Protection Act 1990 which established a legal framework for dealing with contaminated land in England, including associated Regulations.
- 7.2 The Council has a statutory duty under Part 2A section 78B of the Environmental Protection Act 1990 to identify and inspect its land for contamination.
- 7.3 Section 78E of Part 2A of the Environmental Protection Act 1990 provides powers to the Council to serve Remediation Notices on land determined to be contaminated. Where those Notices are not complied with, or the polluter

is not known, then the Council can undertake the remediation in default of the Notice in accordance with section 78N.

7.4

In addition, Part 2A section 78R places an obligation on the Council to have in place a register of all land that has been determined as being contaminated within the meaning of the Environmental Protection Act 1990.

7.5

The statutory guidance, *Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance* (DEFRA, April 2012), states that Enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists.

7.6

The statutory guidance, *Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance* (DEFRA, April 2012), also states that there are two broad types of 'inspection'; strategic inspections and detailed inspections. Local Authorities should take a strategic approach for carrying out its inspection duties under Part 2A and in doing so they should adopt a written strategy for inspecting their area. The written strategy must be kept under review to ensure it remains up to date, good practice is to review at least every 5 years.

7.7

Confirming the implementation of the reviewed Contaminated Land Inspection Strategy September 2025 – September 2030, ensures compliance with the Council's statutory obligations in accordance with the legislation and statutory guidance and thus reduces the risk of any legal challenge.

8. Human Resources Advice and Implications

8.1

There are no direct human resource implications arising from the recommendations within this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1

No implications are anticipated

10. Equalities and Human Rights Advice and Implications

10.1

There are no anticipated implications. A screening assessment is attached at Appendix 3

11. Implications for CO2 Emissions and Climate Change

11.1

There are no anticipated implications. A screening assessment is attached at Appendix 4

12. Implications for Partners

12.1. No implications are anticipated

13. Risks and Mitigation

13.1 The Council would be failing its statutory obligations if it did not have a Contaminated Land Strategy in place

13.2 Failure to undertake statutory obligations relating to contaminated land can present significant risk to human and environmental health

14. Accountable Officers

Bridget Corcoran, Principal Officer environmental Protection
Lewis Coates, Service Manager Regulation and Enforcement

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Phil Horsfield	Click here to enter a date.

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This report is published on the Council's [website](#).