

Agenda



HYNDBURN

The place to be
an excellent council

Cabinet

Wednesday, 24 June 2026 at 5.00 pm,
QER, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Munsif Dad BEM JP (in the Chair)

Councillors Vanessa Alexander, Jodi Clements, Paul Cox, Melissa Fisher, Clare Pritchard and Kate Walsh

S U P P L E M E N T A L A G E N D A N o . 2

PART B: PORTFOLIO ITEMS

The following matters to be taken in Part B, following Item 11.

Leader of the Council (Councillor Munsif Dad BEM JP)

12. **Appointment of Cabinet Committees and Cabinet Groups 2026/27** (Pages 55 - 66)

Report attached.

13. **Growth Lancashire Limited** (Pages 67 - 70)

Report attached.

14. **Brookside Restoration Initiative** (Pages 71 - 78)

Report attached.



15. Exclusion of the Public

Recommended

That, in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during the following items, when it is likely, in view of the nature of the proceedings that there will otherwise be disclosure of exempt information within the Paragraphs of Schedule 12A of the Local Government Act 1972 specified at the items.

PART D: EXEMPT ITEMS

Portfolio Holder for Transformation and Town Centres (Councillor Clare Pritchard)

16. Accrington Market - Operations (Pages 79 - 94)

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval has been received from Councillor Stewart Eaves, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 24th June 2026, in private, on the grounds that the decision is urgent and cannot reasonably be deferred.

Exempt information by virtue of Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Report attached.

Agenda Item 12.

REPORT TO:	Cabinet		
DATE:	24 June 2026		
PORTFOLIO:	Councillor Munsif Dad BEM JP – Leader of the Council		
REPORT AUTHOR:	Julian Joinson, Member Services Manager		
TITLE OF REPORT:	Appointment of Cabinet Committees and Cabinet Groups 2026/27		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	N/A

1. **Purpose of Report**

- 1.1 To confirm the establishment of Cabinet Committees and Cabinet Groups for the 2026/27 Municipal Year and to appoint members to the Committees and Groups.

2. **Recommendations**

- 2.1 That Cabinet agrees to the establishment of the Cabinet Committees and Cabinet Groups, as set out in paragraph 3.8, and with the terms of reference, as set out in Appendix 1 to this report;
- 2.2 That the membership of the Cabinet Committees and Cabinet Groups, as set out in paragraph 3.8, or as notified at the meeting, be approved.
- 2.3 In the event that any nominations to the bodies agreed at (1) above are not available in time for the Cabinet meeting, to delegate authority to the Chief Executive to approve any subsequent political group nominations received, following consultation with the leader of the political group concerned.

3. **Reasons for Recommendations and Background**

- 3.1 In June 2015, Cabinet established the Cabinet Committee (Scrap Metal Dealers Act 2013). The Cabinet Committee determines whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations. Meetings take place only as and when required, but this body is needed to enable compliance with statutory requirements.

- 3.2 In December 2017, Cabinet established the Cabinet Committee (Street Naming). The Cabinet Committee meets from time to time and discharges the Council's functions in respect of the naming and renaming of streets pursuant to Sections 17 and 18 Public Health Act 1925.
- 3.3 In June 2012, Cabinet established the Cabinet Waste and Recycling Group. The body acts in an advisory capacity to Cabinet and does not have any delegated or decision-making powers. This Group meets infrequently, but provides oversight of certain aspects of the Council's Waste Services.
- 3.4 On 21st September 2022, Cabinet established the Net Zero Working Group. The Working Group's remit is to support the work of Cabinet in addressing climate change, but it does not have any delegated or decision-making powers. The Group is currently active, but meets infrequently. It is proposed to amend the name of the group to the Sustainability Working Group, to more closely reflect the wider aims of environmental sustainability and to align this body with a named area of responsibility set out in the Leader of the Council's portfolio. Save for the change of name, the terms of reference of the Working Group would remain unchanged.
- 3.5 On 18th September 2025, Cabinet established the Cabinet Action Fund Working Group. The group's remit is to evaluate applications for funding from the Cabinet Action Fund and to make recommendations to the Leader of the Council and Executive Director (Resources) for the payment of any grant. The delegated authority to make any payment rests with the Executive Director (Resources), following the aforementioned consultations.
- 3.6 For 2026/27, it is also proposed that a review of the terms of reference of the Economic Policy Forum take place to ensure that this is closely aligning to the business area of responsibility within the Leader of the Council's portfolio. This body is not currently a formally constituted Cabinet group. Discussions will be held on this proposal and a further report may be provided at a later date.
- 3.7 It is proposed that the bodies set out in Table 1 (at Paragraph 3.8 below) continue into 2026/27, with the membership as shown in column 2 thereof. The terms of reference for those bodies are included in the report at Appendix 1. Some minor amendments are suggested to the terms of reference of the Cabinet Committee (Street Naming) and the Cabinet Waste and Recycling Group to take into account the existence of two Main Opposition groups (and these changes are highlighted in the appendix).
- 3.8 The formal Committees must only comprise councillors who are Cabinet Members, whereas Working Groups may comprise both Cabinet and non-executive councillors.

Table 1

Committees	
Cabinet Committee (Scrap Metal Dealers Act 2013)	Councillor TBC (Chair) Councillors Vanessa Alexander and Melissa Fisher (+ 1 Labour vacancy)

Cabinet Committee (Street Naming)	Councillor TBC (Chair) Councillors Melissa Fisher and Clare Pritchard (+ 1 Labour vacancy) (+1 Conservative and +1 Reform UK vacancy - both attending as observers)
Working Groups	
Cabinet Waste and Recycling Group	Councillor TBC (Chair) Councillors Munsif Dad (+ 2 Labour vacancies) (+1 Conservative and +1 Reform UK vacancy)
Sustainability Working Group (formerly Net Zero)	Councillor TBC (Chair) Councillors Steve Button and Ethan Rawcliffe (+1 Labour vacancy)
Cabinet Action Fund Working Group	Councillors Vanessa Alexander and Melissa Fisher (+1 Labour vacancy)

4. **Alternative Options considered and Reasons for Rejection**

- 4.1 None were considered, although the Cabinet can decide to create new or disestablish existing committees or working groups, as it sees fit. It may also decide not to make appointments to any of the approved panels and groups for the time being.

5. **Consultations**

- 5.1 Consultations have taken place with relevant members to determine membership of these bodies.

6. **Implications**

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	None, other than those discussed in section 3 above.
Assessment of risk	None.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	None identified.

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

- 7.1 Reports to Cabinet 14th June 2015, 6th December 2017, 21st September 2022 and 18th September 2025.

CABINET COMMITTEE (SCRAP METAL DEALERS ACT 2013)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3)

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To determine whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013 where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations in accordance with paragraphs (7) and (8) of Schedule 1 of that Act
- To discharge the Council's functions under paragraph 8 Schedule 1 of the Scrap Metal Dealers Act 2013.

CABINET COMMITTEE (STREET NAMING)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3) and a councillor nominated by each of the Leaders of the two main opposition group may attend as observers

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To discharge the Council's functions in respect of the naming and renaming of streets pursuant to sections 17 and 18 Public Health Act 1925

CABINET WASTE AND RECYCLING GROUP

Membership

Four **Five** Councillors -
Three from the controlling administration;
One from **each of** the main Opposition Groups;

Head of Environmental Services

The chair shall have discretion to invite other officers or Members as required.

Terms of Reference

1. To review current recycling streams and examine opportunities to mix materials and recycle additional waste.
2. To review the types and numbers of recycling containers and opportunities to make the service more attractive to residents
3. To review collection methods and the replacement of collection vehicles
4. To report findings to Cabinet with any recommendations and costed options for improving the service and increasing recycling rates

SUSTAINABILITY ~~NET-ZERO~~ WORKING GROUP

REPORTS TO: Leader and Cabinet

MEMBERSHIP: 3 councillors from the controlling administration

MAIN TERMS OF REFERENCE

- To provide advice and support to the Cabinet in addressing climate change and promoting a green agenda.

DETAILED TERMS OF REFERENCE:

- To consider strategies and policies to address climate change
- To be a consultation mechanism for the Council's initiatives to address climate change and contribute to environmental improvements
- To monitor the progress of climate change and environmental improvement projects and make recommendations for possible new environmental initiatives
- To report to Cabinet on the above and any recommendations arising

CABINET ACTION FUND WORKING GROUP

REPORTS TO: Leader and Executive Director (Resources)

MEMBERSHIP: 3 councillors

MAIN TERMS OF REFERENCE

- To evaluate applications for funding from the Cabinet Action Fund and make recommendations.

DETAILED TERMS OF REFERENCE:

- To receive bids for support under the Cabinet Action Fund throughout the financial year.
- To assess any bids against the aim of supporting voluntary and not for profit organisations to provide voluntary or community activities in the Borough, which deliver a community benefit to particular groups or the community as a whole.
- To make recommendations for the award of funding to the Leader and Executive Director (Resources) for approval and payment.
- To provide regular updates to Cabinet on the level of grants awarded and the community benefits and achievements that have been generated.

SUSTAINABILITY WORKING GROUP

REPORTS TO: Leader and Cabinet

MEMBERSHIP: ? councillors (All Labour or cross party?)

MAIN TERMS OF REFERENCE

- To.....

DETAILED TERMS OF REFERENCE:

- X
- Y
- Z

BUSINESS WORKING GROUP

REPORTS TO: Leader and Cabinet

MEMBERSHIP: ? councillors (All Labour or cross party?)

MAIN TERMS OF REFERENCE

- To.....

DETAILED TERMS OF REFERENCE:

- X
- Y
- Z

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Agenda Item 13.

REPORT TO:	Cabinet		
DATE:	24 June 2026		
PORTFOLIO:	Councillor Munsif Dad BEM JP - Leader of the Council		
REPORT AUTHOR:	Mark Hoyle, Head of Regeneration and Housing		
TITLE OF REPORT:	Growth Lancashire Limited		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 The report seeks Cabinet's agreement to the winding-up of Growth Lancashire Limited and to the transfer of its services to Blackburn with Darwen Council.

2. **Recommendations**

I recommend that Cabinet:

- 2.1 Agrees to the winding up of Growth Lancashire Limited, further to the decision of Growth Lancashire Limited's board of directors at its meeting on the 18th of March 2026.
- 2.2 Agrees in principle to the company's functions and services being transferred to Blackburn with Darwen Council
- 2.3 Notes that Councillor Munsif Dad BEM JP will resign as a director of Growth Lancashire Limited in the event of the Cabinet agreeing to the company being wound up.

3. **Reasons for Recommendations and Background**

- 3.1 Growth Lancashire Limited (GLL) is a company established jointly by Blackburn with Darwen, Burnley, Hyndburn, Pendle, Rossendale Councils and Lancashire County Council. Blackburn with Darwen Council has been accountable body for GLL's external funding for 21 years.

- 3.2 The Board comprises of local authority and private sector directors, operating under Articles of Association that define governance, ownership and operational arrangements. The Council Leader is the Council's nominated representative on GLL's board of directors.
- 3.3 GLL provides a range of contracted business support and specialist planning services to partners and customers. The Council's from across Lancashire financially contribute on a subscription basis and / or purchase GL services. Hyndburn's recent annual contribution has been £15,000. GLL is the only pan-Lancashire body that is financially supported and / or delivers paid for services in all Lancashire local authority areas.
- 3.4 In agreeing Lancashire's devolution arrangements with Government, it was always intended to integrate GLL within the Lancashire Combined County Authority (LCCA), once established. With the development of the LCCA and with the prospect of Local Government Reorganisation (LGR), it is now considered the right time to reset and adapt the current arrangements for the provision of GLL's services. To this end, on 18th March 2026, the board of GLL agreed to wind-up the company and transfer the staff and financial reserves to Blackburn with Darwen Council as the accountable body. The financial reserves will then be split between Blackburn with Darwen Council and the LCCA, at a later date.
- 3.5 This report, therefore, seeks Cabinet's formal agreement to the winding-up of the company. Subject to all five founding members confirming their agreement to wind-up GLL, Blackburn with Darwen Council will manage its administrative closure.
- 3.6 Subject to the winding up of the company, Blackburn with Darwen Council will take temporary responsibility for GLL's 7 business support staff, while the transfer arrangements to the LCCA are finalised. The 5-specialist planning related staff will be transferred to Blackburn with Darwen Council in anticipation of LGR changes. The company reserves, which currently stand at £378,000, (some of which are currently being used to cover operating costs) will provide for all staff related costs and risks.

4. Alternative Options considered and Reasons for Rejection

- 4.1 None have been proposed. This report follows a decision by the board of GLL to wind-up the company. This decision was made given Lancashire's devolution agreement with Government, which included the transfer of GLL's business support services to the LCCA, and the imminent prospect of LGR.

5. Consultations

- 5.1 The decision to wind-up GLL was made at it's Board on the 18th of March 2026. The Leader of Hyndburn Borough Council, as a director of GLL, has been consulted on this proposal.

6. **Implications**

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>There are no financial implications to Hyndburn Borough Council arising from this report.</p>
<p>Legal and human rights implications</p>	<p>GLL is a company limited by guarantee, established 21 years ago as a vehicle for local councils across Lancashire (initially across East Lancashire) to work together. The company secretary is Lancashire County Council, with Blackburn with Darwen Council acting as the accountable body for funding and financial purposes. This means all of GLL's staff are currently employed by Blackburn with Darwen Council.</p> <p>Once the winding up of GLL is formally approved by all founder members, Blackburn with Darwen Council, will perform the administration of closure of the company.</p> <p>A legal process must be followed to wind up the company and this will be led by Blackburn with Darwen Council. This will be a members voluntary liquidation as GLL is a solvent company.</p> <p>In the event of a winding up it is usual for the assets of the company to be distributed amongst its members (in this instance this would be the various member councils). It is proposed that this is not the case here as BwD will assume responsibility for GLL's employees, including ongoing staffing costs.</p>
<p>Assessment of risk</p>	<p>None arising from this report.</p> <p>The main risks rest with Blackburn with Darwen Council as the employing body for GLL's staff. The company's reserves will be transferred to that Council continue to meet ongoing staff costs.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy</i></p>	<p>None arising from this report.</p>

<i>decisions and should be attached as an appendix to the report.</i>	
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**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 None

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Agenda Item 14.

REPORT TO:	Cabinet		
DATE:	24 th June 2026		
PORTFOLIO:	Councillor Munsif Dad BEM JP Leader of the Council		
REPORT AUTHOR:	Anne Hourican, Senior Env Initiatives Officer		
TITLE OF REPORT:	Brookside Restoration Initiative		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No		
KEY DECISION:	No	If yes, date of publication:	

1. Purposes of Report

- 1.1 To provide an update on progress of the Brookside Restoration Initiative for land in Council ownership at Stanhill, Oswaldtwistle.
- 1.2 To seek budget provision as part of a funding package for site enhancements, assessments and specialist advice.
- 1.3 To fulfil the Council's responsibilities under Part 2A of the Environmental Protection Act 1990, both as a regulator and a responsible landowner.

2. Recommendations

- 2.1 Cabinet is requested to approve the following :-
 - a) Budget provision of £150,000 to add to external capital grants already secured for a package of site enhancements accompanied by specialist assessments that are required to understand the implications of industrial legacy at the Brookside site.
 - b) The waiving of the Council's Contract Procedure Rules in respect of the appointment of RSK Environment Ltd, to carry out further specialist assessments at the Brookside site for the reasons given in paragraph 3.11.

3. Reasons for Recommendations and Background

- 3.1 Budget provision is required to support momentum of the Brookside Restoration Initiative, which is one of the Council's most significant environmental enhancement projects. Accessibility enhancements, including for mobility access, were identified as the top priority in the extensive community engagement and survey activities.

Background

3.2 The site was purchased by the Council in 2022 specifically to bring forward enhancement proposals. This followed many years of lack of maintenance and decline in the site condition while it was in private ownership. The Initiative is being progressed in tandem with external organisations and the local community. It has already generated significant momentum, external funding of some £500,000 has already been secured and there will be potential for ongoing external investment to implement the Brookside masterplan and delivery programme phased over 10 years.

Summary of initial site assessment findings

- 3.3 The industrial legacy of the site spans at least 3 centuries, from the 1700's industrial revolution onwards. This is significant heritage value but it also presents some challenges which are being proactively addressed through the enhancement programme.
- 3.4 As one of the many research studies for the initiative, a specialist consultancy, RSK Environment Ltd (RSK), was commissioned by the Council to carry out initial soil and water sampling, analysis, and preliminary risk assessments. Regrettably, though perhaps not surprisingly given the history of the site, this has identified evidence of potential contaminants in some locations. These are mostly located in the central and southern areas of historical industrial uses and one of the central mill lodges. And there are a number of historical mining assets within the site.
- 3.5 Focused safety measures, with fencing and signage to guide public access safely through the central areas, have been implemented by the Council. Visitors are asked to follow all on-site signage.
- 3.6 Other areas of the site will remain open for walking and informal recreation. Preliminary investigations found no evidence of site-wide contamination, with most locations showing no visible signs or odours and vegetation limiting exposure in many areas; although it is recognised that the sampling and testing completed to date has been limited and this is to be addressed in further site assessments.
- 3.7 The pro-active enhancement programme now requires further detailed assessments to better understand the extent of the contaminants, understand any implications for health and water quality, provide further guidance for public usage, and to inform the design and specification of site enhancements and any additional remediation options that may be required.

Proposals for the next stage of site assessments

- 3.8 Stage 1 – this comprises the following land based assessments primarily related to potential health risks:
- further shallow soil sampling to delineate the magnitude and extent of contaminants
 - desk based coal mining risk assessment and Mine Remediation Authority
 - additional assessments in the central area in response to magnetometer findings
- Stage 1 will also involve communications assistance for public information purposes and ongoing project management and liaison with the Council, Environment Agency and other stakeholders.

- 3.9 Stage 2 – this comprises the following water assessments primarily relating to potential controlled waters risks, together with liaison with the Environment Agency:
- three further rounds of water sampling
 - drainage survey, focussing on interactions between the lodges, outfalls and brook
- 3.10 Stage 3 – this comprises the construction stage
- review of detailed design proposals
 - assistance with H&S measures for infrastructure works
 - response and guidance on any observations encountered during construction
- 3.11 It is proposed that the Council waives its Contract Procedure Rules to appoint RSK Environment Ltd to carry out the Stage 1 assessments referred to above. These are required urgently as the land based assessments will provide the Council with further information about potential public health risks at the site and it is considered sensible to avoid a further, potentially lengthy procurement process given that RSK are already very familiar with the site, the Stage 1 assessments follow on from work already carried out by RSK and RSK were previously appointed following a very thorough procurement exercise. The assessment proposals and costs have been independently reviewed by the Council's Environmental Health team. The further appointment of RSK is therefore considered by officers to provide best value to the Council.

Duties of the Council

- 3.12 The following advice has been received from RSK :-

“We consider that as the landowner and with the information collected to date, the Council has a duty under Part 2A Environmental Protection Act 1990 (Contaminated Land Regulations) to assess the risks to, and protect, current site users. Based on the findings to date, further assessment would still be necessary, regardless of future development proposals”.

- 3.13 The following advice has been received from the Council's Environmental Health Team:
- a) Part 2A of the Environmental Protection Act 1990 (as amended) requires the Council to inspect land in its area of control from time to time for the purposes of identifying contaminated land. In this regard, the Council is required to apply its resources to those areas most likely to be contaminated, and it should deal with the highest risk sites first.
 - b) The Council requires additional assessments in order to determine whether or not the Brookside site presents a significant risk of significant harm, or whether or not there is a significant possibility of that harm occurring to sensitive end receptors and/or to controlled waters and water environment i.e. the Council should determine whether parts of the site are or are not contaminated land for the purpose of the Environmental Protection Act 1990.
 - c) The investigations carried out by the Council should also provide information on remediation options.

- 3.14 Following the results of a magnetometer survey in the central area, the Environmental Health Team have also advised that the magnetometer survey may indicate the presence of buried containers, the initial soil sampling has also confirmed a visible tar-like substance in one of the sample locations in the central area of the site and that here is now enough information to say that deterring public access is necessary in some central areas of the site.

Following this advice, focussed and appropriate safety measures have been implemented on site and a risk management approach has been progressed.

Precautionary measures

- 3.15 Various precautionary measures have been actioned and include :-
- enhanced hygiene measures including a dedicated hygiene station for volunteer activities
 - prioritising activities and projects into appropriate areas of the site
 - avoidance of works involving soil disturbance in some areas, pending further assessments
 - focussed access restrictions in the central area of the site accompanied by signage to guide public usage, including guidance for dog walkers.
 - project management and rephasing the next proposed physical improvements to identify elements for early progress and to accommodate the timescales required for further assessments
 - continuing to seek advice from RSK, the Environment Agency, the Council's Environmental Health Team and other specialists.

Communication and stakeholder engagement

- 3.16 A communication and stakeholder engagement plan has been prepared to provide careful communication of the initial findings, explain why further investigations are being undertaken pro-actively, support understanding, and ensure that communication is proportionate, transparent and responsive to public concern.

Initial communications will be further informed and updated as the assessments progress.

Communications channels will include site signage, Council website, FAQs information, social media, updates and briefings to a range of stakeholders.

- 3.17 The communications approach adopts industry best practice guidance.
- 3.18 The multi-agency approach includes expert advice from Lancashire County Council's Public Health Team, UK Health Security Agency (UKHSA), Animal and Plant Health Agency (APHA) and a communications specialist working alongside RSK.
- 3.19 The Councils communications team are also making connections with colleagues in other Councils and agencies to help with developing effective public information.

Site enhancement and possible remediation options

- 3.20 Design measures and remediation options will be informed by the further assessments. The approach would generally be targeted at breaking potential exposure pathways through installation of cover materials (e.g. boardwalks or surfaced paths etc), integrating design features such as boundaries or dense planting to deter access in certain areas, ground treatments if required near mining assets, and robust risk assessment of activities.
- 3.21 The main opportunity to improve site conditions and address remediation measures is by integrating these measures into site enhancements. Any need to remove materials from the site and/or for physical remediation is not known at this stage and will be informed by the further assessments.

Other requests for external financial support towards assessments

DEFRA – Land Remediation Pathfinder Scheme (LRPS) – EoI submitted

- 3.22 A new Land Remediation Pathfinder Scheme (LRPS) was launched on 8th April and an expression of interest was submitted by the Council on 7th May. Clearly this will be highly competitive, but if selected, it may assist with further specialist inputs and later remediation options if required.

Environment Agency (EA)

- 3.22 Formal consultation with the Environment Agency (EA) has been submitted in relation to their regulatory responsibilities for controlled waters. In addition, several requests have been made for EA financial support to assist with the ongoing assessments.
- 3.23 For information, there may be potential for EA funding to assist with later delivery of stream restoration and wetland proposals which are part of the overall masterplan. EA colleagues have put forward a proposal which may enable funding in 2027/8 onwards. At that stage, the costs of related assessment works could be integrated into the delivery budget and project management arrangements.

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External investments in site enhancements and proposed community activities

3.24 Three external capital grants have already been secured for access enhancements and a range of improvements in 2026/27

- Pride in Place £200,000
- FCC Communities Foundation £100,000
- Lancashire Environmental Fund £30,000

3.25 A bid to the National Lottery Heritage Fund is intended to be prepared by the Prospects Foundation in respect of the next stage of the initiative. This will bid for some £250,000 over 2 or 3 years, to support heritage related actions, community activities and engagement and the related staff capacity. It is likely that additional match funding in the region of £50,000 will be required from the Council or other sources to support this bid.

3.26 A Countryside Stewardship pre-application submitted by the Council's Planning Team in respect of the site. This is normally now a closed funding stream, but our entry was invited as the Council has an approved Woodland Management Plan.

4. Alternative Options considered and Reasons for Rejection

4.1 Option 1 - would be to do nothing. This is not recommended as it would halt progress with the Brookside initiative, fail to use £330,000 of capital funding currently secured, miss out on other opportunities for external investment and fail to fulfil the statutory duties of the Council both as regulator and as a responsible landowner. It would also fail to be pro-active in improving site conditions through positive design measures.

4.2 Option 2 - would be to delay assessments and site enhancements. This option is not recommended for the same reasons as above.

5. Consultations

5.1 The Council's Environmental Health (EH) team are closely involved with this work, in tandem with the Planning Service who are the project lead on the overall initiative. The Council's EH team specialist adviser deals with the technical responses and advice on site safety measures. This input will be needed ongoing.

5.2 The Environment Agency, has been briefed throughout the assessment processes to date and detailed consultations are underway on the initial findings and ongoing assessments, particularly in relation to controlled waters.

5.3 Liaison with LCC Public Health and UK Health Security Agency is underway together with discussions with other agencies who may be able to offer advisory inputs ongoing.

5.4 On the Brookside Restoration Initiative overall, extensive and interactive engagement activities have shown an extremely high level of public support for the initiative and there is extensive active involvement in a wide range of activities.

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The Council's Financial Services Team has advised that a budget of £150,000 could be resourced. Please cross-refer to the Financial Out-turn report on this agenda.</p> <p>It is expected that the assessments will provide recommendations for design and remediation measures that can be integrated into ongoing improvements on the site. However, it should be noted that the need for further assessments may be identified, with further budget implications.</p> <p>Requests for financial contributions have been submitted to DEFRA and Environment Agency.</p> <p>Capital grants totalling £330k have been secured with short delivery deadlines of March 2027. The assessments are an essential pre-requisite to using these grants and enabling site improvements to progress.</p> <p>There is potential for external investment totalling some £5million for the Brookside Restoration Initiative, phased over some 5 – 10 years.</p>
<p>Legal and human rights implications</p>	<p>The Council's Environmental Health Team and the specialist consultants have advised that the Council has a duty under Part 2A Environmental Protection Act 1990 (Contaminated Land Regulations) to assess the risks to, and protect, current site users. The proposed assessments are required to determine whether or not any parts of the site are contaminated land for the purpose of the 1990 Act and further reports will be brought to Cabinet if this is found to be the case.</p> <p>The cost of the further assessments to be procured from RSK at Stage 1 are £138k which is below the public procurement threshold in the Procurement Act 2023. As the full above threshold procurement procedures do not apply. Cabinet is able to waive the Council's Contracts Procedure Rules if satisfied that this is justified and reasonable in all the circumstances. The justification for waiver in this instance is set out in section 3 of this report.</p> <p>Notwithstanding the above, the Council remains</p>

	<p>subject to the procurement objectives and transparency requirements set out in the Procurement Act 2023 and must ensure that the proposed approach is proportionate and represents value for money. This has been duly considered and there is a clear justification for RSK's appointment. Furthermore, a detailed deed of engagement will be entered into between the Council and RSK and the Council will publish a contract details notice in line with transparency requirements once the contract has been awarded.</p>
<p>Assessment of risk</p>	<p>Based on the initial findings (with limited data available), the external consultants have completed Human Health Risk Assessments and Controlled Water Risk Assessments.</p> <p>Focused measures to limit public access in the central area of the site and provide advisory signage have been implemented.</p> <p>If the proposed works are not undertaken there is also a risk that the Council could be found to be in breach of its statutory duties under the Environmental Protection Act 1990 and the associated statutory guidance.</p>
<p>Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>There are no equality issues arising from this report.</p>

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 Cabinet report June 2022 relating to site acquisition and delegated authorities

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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