

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 rephrasing 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.