



Mersey Gateway Executive Board

**Thursday, 19 March 2009 3.00 p.m.
Marketing Suite, Municipal Building**

A handwritten signature in black ink, appearing to read 'David W R', is positioned above a rectangular stamp.

Chief Executive

BOARD MEMBERSHIP

Councillor Tony McDermott (Chairman)	Labour
Councillor Rob Polhill	Labour
Councillor Mike Wharton	Labour

*Please contact Lynn Derbyshire on 0151 471 7389 or e-mail
lynn.derbyshire@halton.gov.uk for further information.
The next meeting of the Board is on Monday, 15 June 2009*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
(D) TO ESTABLISH AN ENVIRONMENT TRUST FOR THE LONG TERM NATURE CONSERVATION PLAN FOR THE MERSEY GATEWAY PROJECT AND THE UPPER MERSEY ESTUARY	1 - 4

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Mersey Gateway Executive Board

DATE: 19 March 2009

REPORTING OFFICER: Strategic Director, Environment

SUBJECT: To establish an environment trust for the long term nature conservation plan for the Mersey Gateway project and the Upper Mersey Estuary.

1.0 PURPOSE OF THE REPORT

1.1 This report proposes the establishment of a Mersey Gateway environmental trust under the Charities Act 2006 as an efficient vehicle for the procurement process to deliver the long term mitigation nature conservation plan required under the terms of the planning agreement. The report also considers how the Trust can integrate the delivery of the Mersey Gateway with other council strategic objectives towards to the long-term management, maintenance and promotion of the estuary.

2.0 RECOMMENDATION: That

(1) the setting up of a Mersey Gateway environmental trust is established, as the long-term vehicle for the nature conservation mitigation plan to deliver lasting benefits associated with the Mersey Gateway and related environmental initiatives;

(2) Halton Borough Council establish the environmental trust prior to the appointment of the Concessionaire; and

(3) Councillor representation on the Board of Trustees is sought

3.0 SUPPORTING INFORMATION

3.1 An ecological management plan for the Mersey Gateway is required before the construction phase when a contract will be in place with the private sector (the Concessionaire) to deliver the long-term mitigation covering the length of the contract. The plan proposes specific saltmarsh management for nature conservation purposes, including grassland management by livestock grazing and cutting, pool and creek management and annual maintenance work. The management is needed to increase overall diversity of botanical and invertebrate species. These in turn will provide feeding, breeding and roosting areas for a variety of wading birds, waterfowl and ground nesting birds. The plan is being progressed to achieve the approval of the statutory

agencies Natural England and the Environment Agency to allow outstanding objections to be removed prior to Public Inquiry.

- 3.2 Although the costing of such a specialised management plan will be a fixed cost item included in the procurement process, its delivery over the entire 25–30 year length of the contract has been recognised as a potential difficult area for the Concessionaire to implement. An alternative approach is for the costs of the mitigation plan delivery to be handed over by the Concessionaire to a dedicated Trust set up to manage and deliver the mitigation plan.
- 3.3 The use of Trust, set up under the guidelines of the Charities Act 2006, can offer a number of advantages:
- (i) the Mersey Gateway project is increasingly seen as the catalyst for the environmental improvements and initiatives associated with the Upper Mersey Estuary. This is shown through the recent appointment of the Nature Conservation Officer to the Mersey Gateway project;
 - (ii) the Trust could also attract other funding, such as through planning Section 106 Agreements and the new Community Investment Funds (CIF), a type of trust fund for charities and funds that are not available to local authorities;
 - (iii) it allows continued Halton Borough Council support through the appointment of appropriate Trustees, including Councillors, in the trust's administration;
 - (iv) it can make the most of established contacts with local environmental community groups and statutory agencies that have a stake in the long-term vision for the area; and
 - (v) it can tie in with the Cabinet Office of the Third Sector in recognising the increasingly important role the third sector plays in both society and the economy, including the design and delivery of public services.
- 3.4 The Mersey Gateway is increasingly seen as a catalyst to other improvement initiatives in the Borough, especially making the most of the estuary. In particular, the proposed saltmarsh management for nature reserve purposes once the New Bridge is built is seen as part of the long-term vision for an Upper Mersey Estuary park on a regional or sub-regional scale
- 3.5 The scope of an Environmental Trust will be set out in its Objects which clearly set out what the organisation is set up to do. It is anticipated that provision is made for the trust to hold land and employ staff.

4.0 POLICY IMPLICATIONS

- 4.1 The project is a key priority for the Council, which will deliver benefits locally and across the wider region.
- 4.2 In particular, within the Corporate Plan, 2006-2011, the value of enhanced local nature reserves is recognised under Halton's Urban Renewal Area of Focus 12. Examples of future planned activity include "Creating local nature reserves and wild spaces that support the Council's efforts to deliver urban renewal and a better quality of life in Halton."
- 4.3 A trust will also progress Halton's commitment to landscape-scale improvements to the Mersey Estuary. Exploratory work with the Mersey Forest, Warrington Borough Council, Mersey Waterfront and other partners to establish an Upper Mersey Forest Park could benefit from the same reasons as above.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no additional financial implications for the Mersey Gateway project, as the long-term mitigation plan has to be costed out and delivered as part of the procurement process.
- 5.2 There is minimal financial cost to Halton Borough Council in establishing a trust beforehand, requiring officer time from within the Mersey Gateway project team through the Nature Conservation Officer, and from Legal Services.
- 5.3 The longer term costs of the trust will be subject to the details contained within its governing document. Once established, the trust will have its own board of Trustees and Directors and provisions to deal with the keeping of charity's accounts and the control of the charity's bank account.

6.0 RISK ANALYSIS

- 6.1 The setting up of a Trust brings with it a range of possible risks:
 - (i) Financial prudence needs to be guaranteed,
 - (ii) There needs to be appropriate Trustees,
 - (iii) Holding land brings with it certain liabilities
 - (iv) The administrative structure is at a distance from HBC
 - (v) In time, the Trust will probably need to employ staff, have office space etc, although HBC could become the employing authority
 - (vi) A clash of interests with other, existing Trusts.
- 6.2 A reduction of these risks can be identified through the following ways:

- (i) HBC to supply the financial services
- (ii) The appointment of Trustees to be in line with the Charity Commission publication "The Essential Trustee"
- (iii) Landholding assessments are carried out by HBC Property and Legal Services
- (iv) HBC could become an employing authority for future staff
- (v) Existing Trusts are consulted at an early stage

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1	Document	Place of Inspection	Contact Officer
	Natural Assets Strategy	Picow Farm Road	Paul Oldfield
	Files maintained by the Mersey Gateway Project Team	Priority Sites, Widnes	Paul Oldfield