

**REPORT TO:** Environment and Urban Renewal Policy and Performance Board

**DATE:** 15<sup>th</sup> September 2010

**REPORTING OFFICER:** Strategic Director, Environment and Economy

**SUBJECT:** Mersey Gateway Environmental Trust

**WARDS:** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

1.1 At a previous meeting, (URB item 36, November 25<sup>th</sup> 2009) the Board received a report on a number of biodiversity initiatives, including the establishment of the Mersey Gateway Environmental Trust, as part of the mitigation scheme for the Mersey Gateway. This meeting resolved that a letter be sent to the Strategic Director, Environment on behalf of the Board requesting further information and the justification for the establishment of a charitable trust in relation to the Mersey Gateway Nature Reserve. This letter was subsequently written and responded to. This report provides a further update on progress in the establishment of the Trust and the reasons for its establishment.

## **2.0 RECOMMENDATION: That**

**(1) The Board notes the progress on establishing the Mersey Gateway Environmental Trust.**

## **3.0 BACKGROUND**

### **Establishment of a Charitable Trust**

3.1 The Mersey Gateway Environmental Trust is the long-term vehicle for the nature conservation mitigation plan to deliver lasting benefits associated with the Mersey Gateway and related environmental initiatives.

3.2 The Mersey Gateway, through the private sector (the Concessionaire), will be required to produce long term mitigation to nature reserve standard for a minimum of 28 hectares of saltmarsh on the Upper Mersey Estuary (UME). The delivery of the mitigation plan over the entire 25–30 year length of the contract has been recognised as a potentially difficult area for the Concessionaire to implement. The establishment of a Trust to carry out this function on behalf of the Concessionaire is seen an efficient and expedient method to achieve this.

- 3.3 A comparative exercise was carried out to see if there are advantages of approaching an existing trust to carry out the Mersey Gateway functions, rather than establish a new Trust. The advantages of using an existing trust include no need to go through the registration procedure with the Charity Commission and Companies House or to set up new systems such as a trust office, financial management, insurance documentation for land, buildings and public liability. There could be shared savings on overheads and stationary, equipment such as computer servers and back-up facilities: this would be attractive to the Concessionaire as every cost item will be scrutinised during the tender process. There would be no need to attract new directors as they would already be in place and appointed by the established trust. Finally, there is considerable expertise in running environmental charities in Cheshire and Merseyside, including Cheshire Wildlife Trust, Groundwork Trust, Cheshire Landscape Trust and the Healthy Waterways Trust (part of the Mersey Basin Campaign).
- 3.4 However, there are specific advantages to the Mersey Gateway in forming a new Trust. The Trust will be dedicated to the task in hand i.e. delivering benefits to the Upper Mersey Estuary, and will not become part of an existing Trust's objectives and strategies. It allows for a new director structure to be set up, with hand picked locally based Trustees and who are nominated by the two local councils. The most important consideration has been that a new trust can give the Concessionaire a sense of security – it is not inheriting any unwanted baggage that could be associated with an existing Trust. Finally, a number of existing charities in the region that were looked at are going through a modernising process themselves, so the examples of economies of scale are not so advantageous.
- 3.5 As the long term funding of the Trust is seen as coming from the Concessionaire once the bridge is in operation, a great deal of weight was given to this factor. The intention is to have the Trust set up and in place by the time the tendering period commences, to allow it to shadow the environmental mitigation progress of the Bridge and to become integrated into the Bridge delivery process.

### **Scope and role of the Trust**

- 3.6 The scope and role of the Trust is set out in its Objectives, which are:
- (a) To promote saltmarsh management for nature conservation purposes, including grassland management by livestock grazing and cutting, pool and creek management and annual maintenance work
  - (b) To assist in the implementation of the Mersey Gateway Biodiversity Management Plan

- (c) To manage land as a Local Nature Reserve
- (d) To monitor fish movements
- (e) To advance the education of the public in the biodiversity of the Upper Mersey Estuary
- (f) To promote, organise and encourage study and research for the advancement of knowledge of biodiversity in the Upper Mersey Estuary.
- (g) To become a grant making body to other charitable organisations

3.7 It is envisaged the Trust will develop its vision in line with the Mersey Gateway environmental mitigation scheme. The Trust is not considering in its remit the current functions carried out by the Borough Council such as the grass cutting at Spike Island and the running of Wigg Island Visitor Centre. The relationship with the council's existing functions in the estuary area is seen as complementary. For example, by being able to fund raise, the Trust can give an opportunity back to the Council at both Wigg Island and Spike Island as and when the detail of the COPE\* is produced and the detailed impact is known.

\* Construction and Operation Code of Practice for Environmental Management

3.8 The vision will bring something new to the estuary; there is scope to be involved in new ways of addressing issues such as climate change and managed coastal retreat through an ecosystem services approach to the long term management of the estuary.

3.9 To do this requires a boundary based on the ecological functioning of the Upper Mersey Estuary and related ecological areas. The boundary of the Trust's area has a natural termination at the eastern end by the tidal extent of the water system at Howley Weir in Warrington. There are strong ecological connections with the disused St. Helens canal, Manchester Ship canal and land at Oxmoor and Halton Moss through biological recording and survey work, for instance Lapwings rest on the mudflats in the estuary and also breed on Oxmoor Local Nature Reserve. Related ecological areas can also be some way away from the estuary, for instance, bird breeding areas are often different from their wintering quarters or migratory routes. A map of the Trust area is in Appendix 1.

### **Progress so far**

3.10 The first Directors meeting took place on 21<sup>st</sup> June 2010, with a second meeting on 28<sup>th</sup> July 2010. It was agreed that the focus of the Trust will

be on action and developing practical projects while the Mersey Gateway progresses to the tender stage. Initially there are 6 nominated Directors covering a wide range of skills. The nominated Director for Halton Borough Council is Councillor Rob Polhill and Councillor Mike Biggin has been nominated by Warrington. The two parish council representatives are Peter Edmonds (Moore Parish Council) and Yousuf Shaikh (Walton Parish Council). The two local resident directorships have been accepted by Professor David Norman and Liz Newton: David is well known to Halton as a recent director of Daresbury Laboratories and as chair of Cheshire Wildlife Trust, while Liz is the regional director of Natural England and lives in Walton. Both Peter Edmonds and Professor Norman are members of the Halton Natural Environment Roundtable.

3.11 Registration with Companies House and the Charity Commission is progressing and should be completed in early October.

3.12 To take forward the practical actions, the Trust will be administered by the biodiversity officer from the Mersey Gateway team. Officer time is available for company secretary duties for the development of the Trust; to identify and secure grant aid relevant to biodiversity objectives; and to develop and monitor science based research projects in conjunction with academic institutions.

#### **4.0 POLICY IMPLICATIONS**

4.1 As with many of the biodiversity initiatives undertaken in Halton, the establishment of a charitable trust is in the forefront of current options to protect and enhance our local environment. The recent White Paper on the environment, "An invitation to shape the Nature of England" gives two examples where the establishment of the Trust fits into current thinking. Firstly, within the framework of the coalition government, local authorities have a key role in protecting and enhancing the natural environment, "where individuals and communities are more able to take on responsibility to improve their environment". It is expected that the Trust can operate where local authorities are not able e.g. in securing grant aid, providing advocacy role and attracting third sector and business support. It could 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 Upper Mersey Estuary.

4.2 The white paper also recognises that some issues will require partnership working between neighbouring local authorities, because nature and its services do not align themselves neatly into administrative boundaries. The Trust is a good example of a joint local authority initiative.

#### **5.0 OTHER IMPLICATIONS**

- 5.1 Section 41 of the Natural Environment and Rural Communities Act places greater responsibility upon public sector bodies to consider biodiversity in the work they do.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

- 6.1 **Children and Young People in Halton.** There will be opportunities under the new Artery of Life project to contribute to Key Objective E: To ensure that all children and young people in Halton have positive futures after school by embracing life-long learning, employment opportunities and enjoying a positive standard of living.
- 6.2 **Employment, Learning and Skills in Halton.** There will be an indirect contribution to Key Objective B: To develop a culture where learning is valued and to raise skill levels throughout the adult population and in the local workforce.
- 6.3 **A Healthy Halton.** There will be opportunities for biodiversity activities to contribute to Key Objective C: To promote a healthy living environment and lifestyles to protect the health of the public, sustain individual good health and well-being, and help prevent and efficiently manage illness.
- 6.4 **A Safer Halton.** There will be opportunities to contribute to Key Objective C: To create and sustain better neighbourhoods that are well designed, well built, well maintained, safe and valued by the people who live in them, reflecting the priorities of residents. For instance, The Artery of Life project will be targeted towards certain postcode areas, as demanded by the application guidelines.
- 6.5 **Halton's Urban Renewal.** There will be opportunities to contribute to Key Objective E: To enhance, promote and celebrate the quality of the built and natural environment in Halton. Objective E also addresses tackling the legacy of contamination and dereliction to further improve the Borough's image. In particular, in 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." The Mersey Gateway nature reserve and the Artery of Life project will be a main delivery mechanism for this Area of Focus.

## **7.0 RISK ANALYSIS**

- 7.1 If the decision to proceed with the Mersey Gateway is not given by central government, the long term funding for the Trust will not be available. The Trust does have the ability to fund raise but a decision will be needed by the directors on continuing with the organisation.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 Biodiversity initiatives provide an opportunity to improve accessibility to services, education and employment for all.

## **9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Files maintained by the Mersey Gateway Project Team	Turnstone Business Park, Widnes	Paul Oldfield
An invitation to shape the Nature of England – government white paper. Discussion document. Defra July 2010.	Turnstone Business Park, Widnes	Turnstone Business Park, Widnes

**APPENDIX 1**

**LOCATION OF TRUST AREA**

