

MERSEY GATEWAY EXECUTIVE BOARD

At a meeting of the Mersey Gateway Executive Board on Thursday, 19 March 2009 in the Marketing Suite, Municipal Building

Present: Councillors Polhill (Chairman) and Wharton

Apologies for Absence: None

Absence declared on Council business: Councillor Tony McDermott Councillor

Officers present: B. Dodd, D. Parr, M. Reaney, D. Tregaea, S. Nicholson, P. Oldfield and M. Simpson

Also in attendance: Cllrs Hodgkinson and Redhead

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

Action

MGEB17 PREPARATIONS FOR THE MERSEY GATEWAY PUBLIC INQUIRY

The Board considered a report of the Strategic Director – Environment which advised Members of the progress made in preparing for the Public Inquiry which was due to commence on the 19 May 2009.

It was reported that on 20 February 2009 the Department for Transport (DfT) wrote to the Mersey Gateway Project Team advising that arrangements for the Public Inquiry had been made. The proposals were outlined as follows:

- 1) The Public Inquiry would commence on 19 May 2009 at Stobart Stadium;
- 2) The appointed Inspector was Mr Alan T Gray, MRICS Dip TP MRTPII; and
- 3) To assist the Inspector to develop a timetable for the Inquiry, a Pre-Inquiry meeting would take place on 24 March 2009 at the Brindley Arts Theatre, Runcorn.

The Board was informed that the Council had been instructed by the DfT to administer certain rules for Inquiries

providing public notices in local newspapers and posting notices on site. Inquiry notices would be published for planning applications relating to MG which have been called in and would be dealt with at the same Inquiry.

It was noted that the Inquiry was expected to be completed within 40 days, which would result in completion by late July. Members were advised that although it was not possible to guarantee that the Inquiry would be completed within this period, it was expected that the current level of objections and representations could be dealt with, within the time allowed.

It was advised that the announcement of the Inquiry arrangements included a Statement of Matters that provided the Inspector with terms of reference, and which was appended to the report for the Boards consideration.

RESOLVED: That the progress made be noted.

MGEB18 MEMORANDUM OF UNDERSTANDING WITH WARRINGTON BOROUGH COUNCIL

The Board received a report of the Strategic Director, Environment which advised Members of progress made by Council officers in discussions with Warrington Borough Council (WBC) with regard to their statutory representation made in response to the published applications and orders for the Mersey Gateway.

It was reported that a draft Memorandum of Understanding (MoU) had been agreed with WBC officers, that would provide the basis of a partnership that would address their concerns over the risk that traffic would divert to routes through Warrington to avoid paying tolls in Halton.

The Board was advised that WBC had reaffirmed their support for Mersey Gateway but this support was conditional on measures being agreed to mitigate the adverse effects of traffic diverting to river crossings in Warrington in order to avoid tolls in Halton. Last summer, WBC instigated discussions with the Mersey Gateway Project Team to explore how their concern over the diversion could be addressed.

It was noted that although the two Councils had a different view over the significance of the risk that traffic would divert to Warrington, the Mersey Gateway Project Team recognised that this was a substantive concern of

WBC, and therefore proposed that it should be addressed by establishing a partnering agreement through a MoU agreement between the two Councils. The MoU was attached to the report for Members' consideration and had been agreed by officials at each Council and WBC Executives had met to consider the approval of this MoU on 9th march 2009. In addition, set out in the report was an extract from a report on Mersey Gateway to be considered by the WBC Executive.

The Board discussed the outcome if tolls were higher than the Mersey Tunnels and it was noted that if WBC could demonstrate that there was an increase in traffic through Warrington, which was directly attributable to Mersey Gateway, then mitigation measures could be investigated in the form of some funding provided by Halton Borough Council. However, it was noted that after five years this would cease. The Board was advised that traffic models had suggested that the maximum diversions would increase in a 4% figure which was equivalent to the increase of current traffic on a rainy day.

Having discussed the recommendation the Board agreed to remove the word "minor" from the wording so that it read as follows.

RESOLVED: That the Mersey Gateway Executive Board approve the MoU with Warrington Borough Council that would establish partnering arrangements and obligations to apply in the delivery of the Mersey Gateway project and during its operation, subject to any amendments being delegated to the Chief Executive, in consultation with the Leader.

Strategic Director
- Environment

MGEB19MEMORANDUM OF UNDERSTANDING WITH HIGHWAYS AGENCY

The Board received a report of the Strategic Director, Environment which advised Members of progress made by the Mersey Gateway Project Team in discussions with the Highways Agency with regard to identifying a common interest in the promotion and operation of Mersey Gateway in the context of the Strategic Road Network.

It was reported that a draft Memorandum of Understanding (MoU) had been agreed with Highways Agency officials in Manchester that would provide the basis of a partnership designed to capture the benefits that the New Crossing offered to the operation of the Strategic Road Network.

It was reported that the Highways Agency had submitted a holding objection to the planning application that covered the proposed improvements to Junction 12 which required minor alterations to the motorway link road connecting with the roundabout on the south side of the junction. These minor alterations were the only works required for the project which lay outside the boundary of Halton Borough Council as Highway Authority. As such, the Council was required to complete certain procedures to permit the proposed alterations to trunk roads and the Highways Agency had advised that they would withdraw their objections once the procedures had been completed to their satisfaction. It was noted that work was in hand to achieve this to enable the objection to be withdrawn before the Inquiry commenced on 19 May 2009.

It was further advised that this holding objection contrasted with the substantive expressions of support for Mersey Gateway by Highways Agency officials. It was noted to capture the basis of this support and to provide a partnership with the Highways Agency designed to further both the objectives of Mersey Gateway and the future management of the Strategic Road Network, a draft MoU had been prepared by the Mersey Gateway Project Team and was appended to the report for Members' consideration. It was further advised that the proposed partnering arrangements would reinforce the effectiveness of Mersey Gateway in providing much improved connectivity to the Liverpool City Region. The clear support for Mersey Gateway by the Highways Agency would support the Council in presenting its case to the forthcoming Public Inquiry.

After discussing the recommendation the Board agreed to remove the word "minor" from the recommendation.

RESOLVED: That the Mersey Gateway Executive Board approve the MoU with the Highways Agency that would establish partnering arrangements and obligations to apply in the delivery of the Mersey Gateway project and during its operation, subject to any amendments being delegated to the Chief Executive, consultation with the Leader.

Strategic Director
- Environment

MGEB20TO ESTABLISH AN ENVIRONMENT TRUST FOR THE
LONG TERM NATURE CONSERVATION PLAN FOR THE
MERSEY GATEWAY PROJECT AND THE UPPER

MERSEY ESTUARY

The Board received a report of the Strategic Director, Environment which proposed 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 considered how the Trust could integrate the delivery of the Mersey Gateway with other Council strategic objectives towards the long term management, maintenance and promotion of the estuary.

The Board was advised that an ecological management plan for the Mersey Gateway was required before the construction phase when a contract would be in place with the private sector (the Concessionaire) to deliver the long-term mitigation covering the length of the contract. It was noted that the plan proposed specific salt marsh management for the nature conservation purposes, including grassland management by livestock grazing and cutting, pool and creek management and annual maintenance work. The Board were informed that management was needed to increase overall diversity of botanical and invertebrate species. These in turn would provide feeding, breeding and roosting areas for a variety of wading birds, waterfowl and ground nesting birds. The plan was being progressed to achieve the approval of the statutory agencies Natural England and the Environment Agency to allow objections to be removed prior to Public Inquiry.

In addition, the report set out the use of Trust set up set up under the guidelines of the Charities Act 2006, and detailed a number of advantages for Members' consideration.

RESOLVED: That

- 1) the setting up of a Mersey Gateway Environmental Trust be 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 be

sought.

MINUTES ISSUED: 8 April 2009

CALL IN: 17 April 2009

Any matter decided by the Executive Board may be called in no later than 17th April 2009.

Meeting ended at 3.24 p.m.