

**REPORT TO:** Mersey Gateway Executive Board

**DATE:** 18<sup>th</sup> November 2010

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

**SUBJECT:** Mersey Gateway Environment Trust

**WARDS:** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

1.1 At a recent Environment & Urban Renewal PPB meeting, (item 6b, 15<sup>th</sup> September 2010) the Board requested the Mersey Gateway Executive Board to consider increasing the Councillor membership on the Mersey Gateway Environment Trust to three. This report explores the possible implications of that request.

## **2.0 RECOMMENDATION: That**

- (1) Executive Board consider the request to increase Councillor membership of the Mersey Gateway Environment Trust; and**
- (2) an annual report on progress on the establishment and activities of the Trust is presented to the Environment and Urban Renewal Policy and Performance Board.**

## **3.0 SUPPORTING INFORMATION**

3.1 The Mersey Gateway Environment Trust ( the 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 Trust is now registered with Companies House with a governing document called the Memorandum and Articles of Association which describe the formation of the Trust and how it will conduct its business. Registration with the Charities Commission is completed.

3.3 Article 25A of the Memorandum addresses the specific issue of Councillor membership, whereby Halton Borough Council (“Halton”) and Warrington Borough Council (“Warrington”) together with a Parish Council from Halton (to be nominated by Halton) and a Parish Council from Warrington (to be nominated by Warrington) shall all be entitled to appoint one Director and each such Director is referred to herein as a “Nominated Director” and each such local authority is referred to herein as a “Nominating Authority”. In the first instance, therefore, the original group of 6 directors includes 4 nominated people.

- 3.4 There were three main considerations for this decision. Firstly, a charity is an arms' length arrangement. If either Council increased representation it would fall foul of the spending controls that would come into force under section 69 of the Local Government and Housing Act 1989. Under the adopted model, the setting up of the Trust has no consequences on the Council's finances.
- 3.5 Secondly, the prime obligation on Directors is to act in the interests of the charity and not as representatives of their respective organisations. As previously reported, the proposed structure allows Halton Borough Council to have a degree of influence and support, but without direct control.
- 3.6 There could be increased representation if the whole trustee body increased in size so that the degree of influence of any one nominated authority remained at less than 20%. However, this would be grossly inefficient as a decision-making body and is not likely to be well received by the Mersey Gateway concessionaire.
- 3.7 In the light of the request from the Environment and Urban Renewal PPB, the Board is asked to consider membership of the Trust.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 The prime reason for establishing the Trust is to deliver the Mersey Gateway environmental mitigation scheme. At the same time, it provides an opportunity to develop the success of the Mersey Gateway as the catalyst for long term and sub regional innovative environmental improvements across the whole of the borough. 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.
- 4.2 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.

- 4.3 In September 2010, a report entitled Making Space for Nature was published, providing a review of England's wildlife and ecological network. This report includes 24 recommendations, of which 6 are relevant to the new Trust. These are listed in Appendix 1.

## **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 indirect but long term opportunities for the Trust to contribute to Key Objective A: To ensure that all children and young people in Halton enjoy a healthy lifestyle that helps them to achieve physical and emotional well-being.

### **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 indirect and long term 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.

### **6.5 Halton's Urban Renewal**

There will be opportunities to contribute to Key Objective C To support and sustain thriving neighbourhoods and open spaces that meet people's expectations and add to their enjoyment of life. In particular, in Area of Focus 12: Providing opportunities for recreation and fostering conservation by developing attractive and accessible parks and open spaces. The Mersey Gateway nature reserve 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	Paul Oldfield
Making Space for Nature. A review of England's Wildlife Sites and Ecological Network September 2010	Turnstone Business Park, Widnes	Paul Oldfield

## **APPENDIX 1 RECOMMENDATIONS FROM THE MAKING SPACE FOR NATURE REPORT WHICH ARE RELEVANT TO THE MERSEY GATEWAY ENVIRONMENTAL TRUST**

The Mersey Gateway can contribute to the following recommendations in the Lawton report:

**Recommendation 3. Ecological Restoration Zones (ERZs) need to be established that operate over large, discrete areas within which significant enhancements of ecological networks are achieved, by enhancing existing wildlife sites, improving ecological connections and restoring ecological processes. We further recommend:**

- ERZs should be proposed and implemented by consortia of local authorities, local communities and landowners, the private sector and voluntary conservation organisations, supported by national agencies.
- To start and support this process, and recognising current financial constraints, we also recommend resources be provided, which can be accessed through a competition, to implement 12 ERZs in the next three years.

Mersey Gateway contribution: to act as the catalyst for the management of Upper Mersey Estuary as an ERZ.

**Recommendation 4. Public bodies and statutory undertakers planning the management of water resources should:**

- make space for water and wildlife along rivers and around wetlands;
- restore natural processes in river catchments, including in ways that support climate change adaptation and mitigation; and
- accelerate the programme to reduce nutrient overload, particularly from diffuse pollution.

Mersey Gateway contribution: scope to integrate Upper Mersey Estuary management with other water resources e.g. Inshore Fisheries & Conservation Authorities (IFCA), Water Framework Directive (WFD), Shoreline management plans and SUDS requirements

**Recommendation 5. Authorities responsible for measures to reduce the risks from coastal erosion and flooding should do so in ways that enhance ecological networks where possible. This can be achieved by taking full account of the natural dynamism and functioning of the coast, thereby allowing wildlife and habitats to move and evolve.**

Mersey Gateway contribution: adoption of an ecosystem services approach to saltmarsh management.

**Recommendation 7. Responsible authorities should take greater steps to reconnect people to nature by enhancing ecological networks within urban environments, including wildlife-friendly management of green spaces, and by embedding biodiversity considerations in the need to adapt to climate change.**

Mersey Gateway contribution: to be part of the borough-wide delivery of the Artery of Life vision and its long term continuation after the current funding has ended.

**Recommendation 17. The government should promote economic approaches that will favour conservation management by stimulating the creation of new markets and payment for ecosystem services, to ensure that the values of a wider range of ecosystem services are taken into account in decisions that affect the management and use of the natural environment.**

Mersey Gateway contribution: potentially we could develop the current research element in collaboration with the University of Salford. This could be an extension to looking at the non-economic, ecosystem services of UME saltmarsh .

**Recommendation 21. Public bodies and other authorities responsible for canals, railways, roads, cycle ways and other linear features in the landscape, should ensure that they better achieve their potential to be wildlife corridors, thereby enhancing the connectivity of ecological networks, and improving opportunities for people to enjoy wildlife.**

Mersey Gateway contribution: delivery of the proposed environmental mitigation scheme.