

REPORT TO: Executive Board

DATE: 13th March 2025

REPORTING OFFICER: Operational Director – Legal & Democratic Services

PORTFOLIO: Environment and Urban Renewal

SUBJECT: Mersey Gateway

WARD(S) Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to recommend that Halton Borough Council enters into a new provision of services contract with Mersey Gateway Environmental Trust.
- 1.2 Mersey Gateway Environmental Trust (the Trust) was set up as the long-term vehicle for the environment mitigation plan to deliver lasting benefits associated with the Project and related environmental initiatives.
- 1.3 On 19 November 2015, Mersey Gateway Crossings Board Ltd (the Board) appointed the Trust to carry out and take responsibility for the environmental services and related obligations in respect of the Project (the "2015 MGET Contract").
- 1.4 The 2015 MGET Contract provided a legal basis for the Trust to promote saltmarsh management for nature conservation purposes, to monitor fish movements and to promote, organise and encourage study and research for the advancement of knowledge of biodiversity in the Upper Mersey Estuary for a five year period post construction of the Mersey Gateway.
- 1.5 The Trust, the Board and Halton Borough Council (HBC) are proposed to enter into the second phase of the Environmental Services Contract to maintain the environmental monitoring, and environmental improvement of the Mersey estuary through the implementation of the Trust's charitable objectives that were agreed in the Project Agreement.
- 1.6 The proposed contract aims to continue the provision of the environmental services including the operation of the Trust, the post-construction monitoring and implement learnt improvements from the 2015 MGET Contract.

2.0 **RECOMMENDATION: That the Board**

- 1) **Gives authority for the Council to enter into a new contract for the provision of services by Mersey Gateway Environment Trust; and**
- 2) **Authorises the Operational Director (Legal & Democratic Services) to take all necessary steps to bring the contract into effect by 1st April 2025**

3.0 **SUPPORTING INFORMATION**

3.1 The proposed agreement will reflect the following changes:

- A change to the parties of the agreement recognising that three parties are part of the agreement: the Trust, the Board and the Council. Their roles are clearly defined and presented in the contract document.
- Reflect the changes made to the 2015 MGET Contract via the deeds of novation. Such as, recognition that the Trust will directly employ their own staff.
- The use of annual forecasts, reports, review points and Key Performance Indicators to monitor performance are detailed in the proposed agreement.
- The service schedules in the contract are divided into four categories to reflect the four main areas of work and anticipated expenditure under the Contract.
- The service schedules have been updated to reflect the changes to areas of operation and anticipated costs.

3.2 Scheme Title (1) details business specific expenditures whilst Scheme Titles (2-4) focuses on location specific expenditures. The habitat and species focus of the Trust sits within the wider ambition to provide spaces for nature recovery and are discussed within the nature recovery sector, including Natural England (including Local Nature Recovery Strategies), Environment Agency, MEAS, Catchment partnerships and others.

3.3 **Scheme Title 1 Business Operation**

Scheme Title 1 Business Operation provides details of employment of staff, general operational overheads and costs of the Living Laboratory as a means to support the environmental monitoring. The 2015 MGET Contract set out two employees for the Trust, one Chief Executive and one administration position. The proposed contract

proposes the Trust will employ three members of staff, based on two full-time senior salaries.

Living Laboratory project covers research, feasibility and testing of approaches to ensure best practice and adaptive management to further innovation and research within the Mersey estuary.

There is a contingency in place of 10% to mitigate to any changes of costs and unforeseen expenditure during the contract period.

3.4 **Scheme Title 2 Environmental Monitoring**

This Scheme Title is long-term, continuous and aims to provide saltmarsh monitoring with the intention to provide evidence on enhancements of services contract works. Monitoring categories discussed with contract parties, statutory bodies and assessed against baseline collected pre-construction of Mersey Gateway.

Changes have been made to the grazing schedule that was previously envisaged. No grazing is envisaged for the saltmarsh for the foreseeable future. However, saltmarsh as a Section41 habitat of the Wildlife and Countryside Act 1981, is a recognised habitat for protection and conservation and remains a priority habitat to the Trust. Vegetation monitoring and inclusion of invertebrate monitoring will replace the grazing suitability assessment.

3.5 **Scheme Title 3 Wigg Island**

Scheme title 3 covers additional work at Wigg Island (LNR) to be carried out under the Mersey Gateway Project agreement. Several adjustments were made to reflect changes to the priorities in nature conservation, including the addition of open mosaic habitats and aquatic vegetation to enhance the existing habitats.

The focus in Scheme Title 3 will be switched to habitats which can provide maximum impact over the time of the contract. Some habitats will be paired and other new habitats introduced.

Habitat management: Woodland –Woodland and shrub will be paired as they remain an important habitat type for the Trust and the post-Mersey Gateway habitat management and creation. However, the potential to manage and create woodland and shrub is expected to be limited in scope.

Habitat management: grassland, there is scope to include more than grassland in this category to support the existing pockets of open mosaic habitat within Wigg Island and to ensure that these are included in the habitat management. This complements any grassland management, as the management approaches for both

habitat types would attempt to provide a high species diversity and support existing areas on Wigg Island.

Habitat management: Shrub the previous shrub category has been absorbed into Woodland. A new category for saltmarsh management has been created to provide opportunity to improve the saltmarshes in the estuary without grazing (which is not feasible due to a number of reasons: landowner permissions, animal welfare, infrastructure). There is, however, great scope to manually improve the saltmarshes. The Trust will work with the Natural England Species Recovery Grant to improve bird nesting potential on the marshes.

Habitat management: open water; aquatic habitats. Only the name has been updated, as it was unclear what the 'open water' included. Aquatic habitats include all water, e.g. river Mersey or Latchford canal.

Habitat creation: Hedgerow – Changed to aquatic habitats as there is more need and scope to create aquatic habitats within the site to provide biodiversity gain and diversity. The scope for hedgerows is expected to be limited on site. Potential increases in the requirement if hedgerow work is expected to come out of the woodland and shrub habitat creation category.

3.6 **Scheme Title 4 Saltmarsh**

Scheme title 4 covers additional work on the saltmarshes at Wigg Island and Widnes Warth. Saltmarshes are a valuable and rare habitat in Halton. They play a major role in the importance for nature recovery. The Trust focuses to improve the ecosystem services and habitat functionality of these spaces and provide habitat enhancements for species and habitats. The Trust are working with the statutory bodies and funding bodies to scale this up and provide best value for money.

The identified habitat enhancement include saltmarsh mowing, reed management and creek management.

3.7 **Key Performance Indicators**

Key Performance Indicators have been introduced to the proposed contract to monitor and assess performance. The indicators are (1) Budget Expenditure – Spending within budgeting limit, (2) Annual Report & Annual Forecast Submission – Submitting annual report & annual forecast within the given time period and (3) Scheme Title Tasks - Completion of scheme title tasks.

An overall PASS or FAIL grade will be awarded to each performance indicator.

4.0 POLICY IMPLICATIONS

4.1 None.

5.0 FINANCIAL IMPLICATIONS

5.1 The financial costs associated with services being delivered by Mersey Gateway Environmental Trust will be funded by the Mersey Gateway Project, and so there will be no financial implications for the Council.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence

None

6.2 Building a Strong, Sustainable Local Economy

None

6.3 Supporting Children, Young People and Families

None

6.4 Tackling Inequality and Helping Those Who Are Most In Need

None

6.5 Working Towards a Greener Future

None

6.6 Valuing and Appreciating Halton and Our Community

None

7.0 RISK ANALYSIS

7.1 Failure to enter into a new contract with the Trust will expose the Council to the risk of failing to comply with the mitigation obligations that were imposed on the project as a result of the Public Inquiry.

7.2 The role of the Board is to monitor the performance of the Trust throughout the new contract period, ensuring they meet their financial and service delivery obligations and therefore mitigating any risk to the Council.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 Other than the matters identified in the report there are no implications for equality and diversity.

9.0 **CLIMATE CHANGE IMPLICATIONS**

9.1 None

10.0 **REASON FOR DECISION**

10.1 To allow the Council continue to meet its environmental mitigation obligations in respect of the Mersey Gateway Project.

11.0 **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

11.1 None, as the Council agreed to the formation and continuing support of the Mersey Gateway Environmental Trust.

12.0 **IMPLEMENTATION DATE**

12.1 It is intended that the new contract will come into effect from the 1st April 2025.

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

13.1 None under the meaning of the Act.