

TRAFFORD COUNCIL

Report to: Council
Date: 13th January 2022
Report for: Decision
Report of: Executive Member for Housing and Regeneration

Report Title

Rixton and Warburton Toll Bridge – Transport and Works Act Order

Summary

The Manchester Ship Canal Company (MSCC) have submitted an application for an Order under section 3 of the Transport and Works Act 1992. This order proposes new procedures for the operation of the Bridge, including new tolls, concessions, byelaws and collection arrangements.

A Trafford Council response to the Order has been prepared which raises a number of objections to the proposed changes, particularly around the increased toll charge and lack of provision for local resident discounts.

The response must be submitted by 18 January 2022.

Recommendation(s)

It is recommended that Council:

- (i) Submits an Objection to the Rixton and Warburton Toll Bridge – Transport and Works Act Order as set out in Appendix 1
- (ii) Delegates to the Corporate Director of Place authority to prepare detailed submissions and take any other necessary steps to pursue and progress the objection to the order, including negotiations with the Manchester Ship Canal Company. Any further concessions shall be agreed in consultation with the Executive Member for Housing and Regeneration

Contact person for access to background papers and further information:

Name: Adrian Fisher
Extension: adrian.fisher@trafford.gov.uk

Background Papers:

The Warburton and Rixton Toll Bridge TWAO application documents are available on this website:

<https://www.warburtonollbridge.co.uk/twao-application/>

Background Information

Relationship to Corporate Priorities	The successful operation of the bridge supports a number of Trafford Council's corporate priorities, including 'Supporting people out of poverty' and 'Addressing our Climate Crisis'. The bridge provides an important link across the Manchester Ship Canal enabling residents to access opportunities outside of GM in Warrington borough. The bridge also provides a sustainable transport link across the Canal, which is suitable for active travel modes and buses.
Relationship to GM Policy or Strategy Framework	The bridge provides an important strategic transport link between Trafford / GM and Warrington borough and it is one of the few crossings of the Manchester Ship Canal. The successful operation of the bridge therefore supports the GM Strategy.
Financial	The main implication at this stage is officer time and internal resources, but if the matter is pursued to public inquiry costs will be incurred by the appointment of Counsel. There is no existing budgetary provision for such a cost.
Legal Implications	The Council is a statutory objector to a TWAO if it makes objections to the application as the scheme falls within the local authority area -its objection can then be heard by public inquiry or hearing. The authority of a full meeting of the Council is necessary if an objection is to be made. The Secretary of State must decide, within 28 days of the end of the objection period, whether to hold a public inquiry or a hearing, or whether to carry out 'exchanges of written representations' between everyone involved.
Equality/Diversity Implications	Increases in the toll will have an impact on Partington, a community with higher than average levels of deprivation.
Sustainability Implications	The successful operation of the bridge will support sustainable travel modes and provides an important crossing point to Warrington borough.
Carbon Reduction	The bridge provides an important sustainable transport connection between Trafford / GM and Warrington borough. The bridge is currently free

	to use by buses as well as active travel modes and it will be important this continues in order to support and encourage more journeys by sustainable transport modes.
Staffing/E-Government/Asset Management Implications	Staff resources will be required primarily from the Strategic Planning, Highways and Legal Teams. Further external support may also be required for the formal parliamentary process and in preparing evidence to support Trafford Council's case.
Risk Management Implications	n/a
Health and Safety Implications	n/a

1.0 Background

- 1.1 The Rixton and Warburton Toll Bridge is a privately owned statutory tolled undertaking which incorporates a public highway road length. The high-level cantilever bridge crosses the Manchester Ship Canal on the B5159 road, connecting the A57 with the A6144, and was commissioned under the Rixton and Warburton Bridge Act 1863. The current bridge dating from 1890 replaced the original stone bridge which spanned the River Mersey prior to its later diversion into the Manchester Ship Canal. The bridge and the un-adopted approach roads are privately maintained by the Manchester Ship Canal Company (MSCC).
- 1.2 The Rixton and Warburton Bridge provides an important local highway and active travel access across the Manchester Ship Canal, connecting Trafford / GM and Warrington.
- 1.3 The maximum toll that can be charged in respect of the Bridge has remained at two shillings and six pence - 12.5 pence - (one way) since 1890 and no application to raise the toll has been made to date. Tolls have been collected manually (with concessions for frequent use) sometimes leading to queues at busy times, most especially when motorways are shut. MSCC has for some time been looking to modernise the bridge and raise the toll in line with inflation.
- 1.4 Following informal consultation and engagement, the MSCC have now submitted an application for an Order under section 3 of the Transport and Works Act 1992. This order proposes new procedures for the operation of the Bridge, including new tolls, byelaws and collection arrangements. Comments on the Application have to be lodged with the Secretary of State by 18 January 2022.
- 1.5 In the light of ongoing concerns about the order a draft Trafford Council response has been prepared and this raises a number of objections to the application (see Appendix 1).

1.6 Trafford Council is also in regular contact with Warrington Borough Council regarding the application and any opportunities to work together will be explored.

2.0 Previous consultations

2.1 A non-statutory consultation on the Transport and Works Act Order (TWAO) was held in August 2021 which Trafford Council responded to (see Appendix 2). Some of the points raised have been addressed in the submitted TWAO, however there are still outstanding issues and these have been covered in the Trafford Council submission (see Section 3 and Appendix 1).

2.2 A consultation was also held in Summer 2021 on the 'Sustainable Investment Plan' for the bridge. This Plan sets out proposals for the long term future of the bridge and notes that the bridge, approach roads and toll collection system have deteriorated and are in need of refurbishment.

2.3 The Sustainable Investment Plan includes proposals to improve the toll collection system by introducing technology to enable free-flow tolling, which would allow for the removal of any toll collection booth. This should help address the congestion which is caused by the collection of the toll during busy periods and also help to mitigate impacts on Warburton Village in relation to congestion and air quality.

2.4 The Plan also considers the requirements for future bridge upgrades and the improvement and ongoing maintenance of the approach roads.

2.5 The Trafford Council response to the consultation is at Appendix 3. The Sustainable Investment Plan and the Consultation Feedback Report can also be viewed on the Warburton Toll Bridge website ([Warburton Toll Bridge Sustainable Investment Plan](#)).

3.0 Warburton and Rixton Toll Bridge Transport and Works Act Order

3.1 The MSCC's proposed changes to the operation of the Warburton Toll Bridge can be summarised as follows:

- Revise the tolls which the MSCC may charge for the use of the bridge and supersede the toll levels set out in the 1863 Act
- Provision for MSCC to make new byelaws in relation to the good management and use of the bridge
- Provision for MSCC to transfer the Rixton and Warburton Bridge Undertaking to the Rixton and Warburton Bridge Company Limited, should MSCC so resolve.

3.2 A summary of the key points in Trafford Council's objection is set out in Table 1.

Table 1: Summary of the Trafford Council objection

	Key Issues
Offences and power to make byelaws	<p>Proposed change to enable MSCC to make and enforce byelaws. This would enable them greater control over the use and operation of the bridge and approach road(s). They could regulate matters such as stoppages / obstructions, repairs and passage of dangerous goods etc. This ability is questioned, as the use of Traffic Orders is considered to be the way the use of the road and bridge should be regulated.</p> <p>It would also enable the charging and collection of specified liabilities for unpaid tolls (set at £30 when paid in full with 14 days, rising to £60 when paid between 14-28 days and £100.00 when paid after 28 days). A separate additional objection has been raised regarding the excessive level of unpaid toll charges proposed.</p>
Closing the Rixton and Warburton Bridge	<p>The draft Order sets out periods of notice for closure (except in the case of emergency) to the Council and general public. It is recommended that these timescales are increased to 21 days.</p> <p>An additional clause is also considered necessary to ensure the swift reopening of the bridge in the event of any closure. This reflects the strategic importance of the bridge in the local road network.</p>
Tolls	<p>An objection is raised to the clause in the draft Order that would allow for a profit to be taken from the tolls charged. It is considered that toll charges should be used for the continued safe operation and maintenance of the bridge and approach roads only.</p>
Level of Toll – proposed amount	<p>The draft Order proposes to increase the toll charged from 12(.5) pence to £1.00 per crossing. This is a significant eight fold increase on the official toll and is objected to. When current rates of VAT are factored in the Toll will be £1.20 – effectively a tenfold increase</p> <p>Concerns are also raised over the omission of a fixed daily capped charge (currently 25 pence). It is considered that the Order should clearly cover this issue.</p>
Level of Toll – Indexation	<p>The draft Order allows for the ability to increase tolls charged annually, at a rate 1% lower than the consumer price index. An objection has been raised to this proposal (and any other indexation related increase). Increasing the toll on this basis, without a cap, will lead to significant increases.</p>

	Key Issues
Level of Toll – Local Concessions	<p>The draft Order does not make any provision for toll charge discounts for local residents. Trafford residents, particularly those within Warburton and Partington Parishes, use the bridge on a daily basis, as it is the primary crossing point across the Manchester Ship Canal in the wider area.</p> <p>Reflecting this, MSCC’s <i>Rixton & Warburton Toll Bridge Sustainable Investment Plan (July 2021)</i> stated that a local customer discount set at around 50% for the residents of postcodes WA3 6 and WA13 9 could be considered, although this has not been included in the draft Order.</p> <p>The Council objects to the omission of this from the draft Order and requests that it clearly sets out a concession (of at least 50% for all toll charges) for local Trafford residents within postcodes WA13 9 (Warburton Parish) and M31 4 (Partington Parish).</p>
Concession for Road Network Issues	<p>Given the strategic nature of the bridge on the local highway network, it is requested that the Order, includes provision for removing toll charges during periods of heavy congestion and / or road closures affecting the local highway network within the Parish areas of Warburton, Partington and Carrington.</p>

4.0 Next Steps

- 4.1 The Trafford Council response to the TWAO must be submitted by 18 January 2022.
- 4.2 As a ‘statutory objector’ the Council may require to have its objections heard at a public inquiry or before a person appointed by the Secretary of State.
- 4.3 If a public inquiry is required, then this would follow a similar format to a Planning Inquiry. The Council will need to provide a written Statement of Case in advance and also appear at the Inquiry. As a ‘statutory objector’ the Council would be entitled to give evidence and to cross-examine other people during a public inquiry.

Appendix 1: Draft Trafford Council response to Rixton and Warburton Bridge TWAO
– December 2021

Appendix 2: Trafford Council response to the non-statutory consultation on the Rixton and Warburton Bridge TWAO – October 2021



Sent by email to:
warburtontollbridge@peelports.com

Richard Roe
Corporate Director of Place
Trafford Council
Trafford Town Hall, Talbot Road
Stretford, Manchester, M32 0TH

www.trafford.gov.uk

Date: October2021

Dear Sir / Madam,

Trafford Council welcomes the consultation on the Transport and Works Proposed Rixton and Warburton Bridge Order prepared on behalf of The Manchester Ship Canal Company Limited (MSCC). Trafford Council's comments on the draft Order are set out in the following pages.

In response to your letter (dated 7 October 2021) Adrian Fisher, Director of Growth and Regulatory Services is the correct contact, and the contact details you have are correct. In light of the Coronavirus situation we are also willing to accept electronic service of the application documents.

Finally, the Council looks forward to continued engagement with MSCC in progressing improvements to the Rixton and Warburton Bridge.

Yours Sincerely

Richard Roe

Corporate Director of Place
Trafford Council

Trafford Council Response

The Rixton and Warburton Bridge provides an important local highway and active travel access across the Manchester Ship Canal, connecting Trafford / GM and Warrington. As drafted, the proposed wording of the draft Rixton and Warburton Bridge Order raises a number of concerns. Trafford Council considers that the following elements of the draft Order should be amended accordingly.

Rixton and Warburton Bridge Plan

The red line boundary shown on Map MSC21/019D appears to overlap with the adopted highway – please see attached plan showing the adopted highway extent. Trafford Council would therefore welcome discussion on this to ensure the plan is drawn correctly.

3. Offences and power to make byelaws

The use of Traffic Orders is the way the use of the road and bridge should be regulated. It is therefore questioned why power should be bestowed to MSCC for them to make byelaws for the regulation of the use of the road.

4. Closing the Rixton and Warburton Bridge

Clause 4 provides MSCC the ability to close all or any part of the Bridge whenever it considers necessary to do so, subject to no less than 7 days' notice (except in an emergency). Trafford Council consider the wording of Clause 4. (1) to be too loosely defined and the notice period in Clause 4. (2) too short. It is therefore requested that any closure of the Bridge should be related to an emergency or necessary maintenance works only, with a notice of closure being given no less than 14 days.

8. Tolls

Clause 8. (7) states that the tolls or charges charged may be applied in connection with safe efficient and economic management, operation and maintenance of the Bridge. Clauses 8. (7)(a to e) allow for suitable provision for the collected charges to cover costs, expenses and obligations for the maintenance and operation of the Bridge. Clause 8. (7)(f) however, also allows for 'providing a return on investment in the Undertaking'. Trafford Council considers the wording of Clause 8. (7)(f) to be ambiguous and allows for a level of profit to be taken from the toll beyond

maintenance and operation. It is therefore requested that Clause 8. (7)(f) is deleted or at least capped at an agreed percentage against maintenance and operation costs.

Schedule 1 Level of Tolls

Sc1, Part 1, paragraph 1 sets a maximum toll that MSCC may demand of £1.00. This is a significant increase on the current charge of 12 pence per single journey, and 25 pence for an all-day pass. The proposed £1.00 charge also does not specify whether it would include pedestrians and/or cyclists; nor does it specify whether the charge would be capped if a person crossed multiple times per day (as is currently in place). Trafford Council therefore does not support the proposed increased toll charge. Any increase should be more proportionate to the existing charge, set out exemptions for pedestrians and cyclists and set a maximum daily charge proportionate to the existing daily charge.

Sc1, Part, paragraphs 2 to 5 allows for MSCC to make an adjustment in April of any year limited to the increase in the consumer price index minus one per cent (excluding any amount changes to VAT). The Office for National Statistics latest data indicates that the consumer price index rose by 2.9% in the 12 months to September 2021. Trafford Council does not support toll rises in relation to price index rises, as the cumulative impact over a number of years could have a significant impact. If any price review mechanism is introduced, it should be periodic with a recommended time period of once every 10 years.

Trafford Council also request that concessions are made available to local residents within Warburton and Partington Parish. Residents of these areas use the bridge on a frequent basis and should therefore benefit from a discounted toll. MSCC's *Rixton & Warburton Toll Bridge Sustainable Investment Plan* (July 2021) stated that a local customer discount set at around 50% for the residents of postcodes WA3 6 and WA13 9 could be considered. The draft Order fails to include reference to these postcodes or Warburton and Partington Parish, nor does it set out any other geographic concessions.

Schedule 2 Register of Vehicles Exempt from Tolls

Sc2, Part 1, paragraphs 1 and 2 states that a number of vehicles will be exempt from the toll (for example emergency services). The identified list however, does not include

vehicles used for public transport. It is therefore requested that such vehicles are added as vehicles eligible to be entered upon the exemptions register. Whilst not classified as vehicles, the Order should also make clear that pedestrians and cyclists are exempt from any toll.

Appendix 3: Trafford Council response to the Sustainable Investment Plan consultation, August 2021



Sent by email to:
warburtonollbridge@peelports.com

Richard Roe
Corporate Director of Place
Trafford Council
Trafford Town Hall, Talbot Road
Stretford, Manchester, M32 0TH

www.trafford.gov.uk

Date: 18 August 2021

Dear Sir / Madam,

Trafford Council welcomes the current consultation on the Warburton Toll Bridge and the ambition to identify a sustainable future for it. The bridge provides an important local highway and active travel access across the Manchester Ship Canal, connecting Trafford / GM and Warrington.

The current design of the bridge, approach roads and toll barriers have a negative impact on the local Warburton community. The toll barriers cause congestion and delays in the area, as well as poor air quality, particularly in relation to HGVs. Any design improvements to the bridge will need to consider these points, as well as other Trafford / GM policies and priorities such as the Transport Strategy 2040, sustainable and active travel improvements, along with development proposals in the wider area, including the proposed Places for Everyone allocation at New Carrington.

Whilst Trafford Council is supportive of improvements to the bridge, this must take local interests into account, particularly in relation to toll charges. The Council supports the proposal for a geographic concession for residents in the local area. The 'Warburton Toll Bridge – Sustainable Investment Plan' states that a local discount will be considered for residents of a defined local geographical area that covers postcodes WA3 6 and WA13 9. Trafford Council considers that the 'local area' in Trafford should include Warburton and Partington Parish Areas. Residents of these areas use the bridge on a relatively frequent basis and should therefore benefit from a discounted toll. In addition, options for a frequent users pass for regular users of the crossing

should also be made available. Trafford Council would welcome further discussion on this.

A number of vehicles are currently exempt from the toll, such as emergency services, buses, pedestrians and cyclists and the continued exemption of these users is supported. The role of the bridge as a sustainable transport corridor should be considered as part of any future design / maintenance improvements to the bridge.

Trafford Council looks forward to continued engagement with Peel Ports in progressing the proposed improvements to the Warburton Toll Bridge.

Yours sincerely

Richard Roe

Corporate Director of Place
Trafford Council