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For the attention of Grant Shapps
Secretary of State for Transport
Department of Transport
c/o Transport Infrastructure Planning Unit
5th Floor, Great Minister House
33 Horseferry Road
London SW1P 4DR

Date: XX January 2022

Sent by email to:
transportinfrastructure@dft.gov.uk

Dear Sir,

Transport and Works Act 1992
The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
Proposed Rixton and Warburton Bridge Order

In response to the notice served on Trafford Council (the Council) for and on behalf of The Manchester Ship Canal Company Limited (MSCC), the Council wishes to make its objections known to the submitted proposals within the application for the Proposed Rixton and Warburton Bridge Order.

The Rixton and Warburton Toll Bridge (the Bridge) provides a vital local highway across the Manchester Ship Canal, connecting local communities within Trafford, Greater Manchester and Warrington. The Bridge is the primary vehicular means of crossing the Manchester Ship Canal in the surrounding wider area, and its safe and continued operation is therefore crucial to the nearby communities of Warburton, Partington and Carrington Parishes within Trafford.

The Bridge is privately owned, and was commissioned under the Rixton & Warburton Bridge Act 1863 (the Act), with the current bridge dating from 1890. To date no previous application to raise the toll has been made, with the maximum toll charge (one way) remaining at two shillings and six pence - 12.5 pence. Tolls are collected manually (with concessions for frequent use) which can lead to queues at busy times, especially when motorways are shut.

The Council acknowledges that the cost of collection and the minimal toll means that the Bridge operates at a loss. The Council does not however, consider the proposals as drafted within the Proposed Rixton and Warburton Bridge Order (the draft Order) to be acceptable in a number of respects. A full schedule of the Council's objections is attached to this letter (see Appendix 1). In summary, the Council considers that the following elements of the draft Order should be amended accordingly.

Toll increase

The draft Order proposes to increase the toll (per crossing) from 12.5 pence to £1.20 inclusive of VAT. This is a significant (ten fold) increase on local users of the crossing, most of whom have no reasonable alternative means of crossing the Manchester Ship Canal; with the nearest alternative crossing being via a significant detour (approximately 4.4 miles) to gain access to Junction 20 of the M6.

Currently, the Act, limits users of the Bridge being charged no more than twice the Toll per day. A 25 pence all-day Toll is therefore currently available. The Council is disappointed to note that the draft Order does not include any provision to continue this long-standing arrangement. A maximum daily charge set at no more than two Toll crossings should be clearly set out within any future Order.

Lack of concessions

Whilst it is acknowledged that the Bridge is currently operating at a loss, the proposed Toll increase would have a wide reaching impact on some of Trafford's most deprived and geographically isolated communities. Partington is one of the Council's Priority Regeneration Areas, as the area has relatively high levels of unemployment with some parts ranked among the top 10% of the most deprived communities in England.

A key issue facing Partington is the need to reduce its long-standing physical isolation through improved transport links. The Bridge provides local access for communities in both Partington and Warburton with links to employment opportunities to the north of the Ship Canal in Irlam and also access to Irlam Train Station.

If a more appropriate increase in the Toll is proposed, this should include at least a 50% discount for local communities who rely on and frequently use the crossing. 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 WA13 9 i.e. Warburton within Trafford (and WA3 6 with Warrington) could be considered. The Council is disappointed to see that no mention of this, or any other local discount is set out within the draft Order. The Council cannot support any increase in the Toll without a significant discount being made available to residents within Warburton and Partington Parishes i.e. postcodes WA13 9 and M31 4. Appendix 2 to this letter provides a map of the relevant postcode areas.

Future Toll increases

The draft Order includes a provision for the proposed increased Toll to also be adjusted annually, in line with the Consumer Price Index (CPI) minus 1 percent. This is not common practice for small local bridge tolls, and the cumulative impact of such indexing over, even a short, number of years could have a significant increase on charges.

On 15 December 2021, The Office for National Statistics released its latest CPI figure. For the 12 months to November 2021 the figure rose by 5.1% (up from 4.2% in October). Under the proposed indexation of annual Toll charges (i.e. CPI minus 1 percent) the higher proposed Toll of £1.00 could be increased by a further 4 pence. Whilst this does not seem high, it represents an additional 30% increase on the current Toll of 12 pence. All such increases would be subject to VAT at current rates, adding to the price paid by the public.

In MSCC's response to the Council's previous consultation comments (submitted in October 2021), MSCC stated that '*a strategy of non-indexation of tolls... is only sustainable in high traffic growth*'. The Council dispute this claim. The primary function of the Bridge has, and remains to be the provision of a key local crossing over the Manchester Ship Canal. The route for many of its users is not optional, due to a lack of reasonable alternatives. The Council therefore strongly objects to any form of indexation, and questions the rationale behind such a proposal.

Offences and Byelaws

The Council questions the ability for MSCC to be bestowed power to make byelaws. One such proposed byelaw the Council is particularly concerned with, is the ability to charge and collect unpaid toll charges. The draft Order sets out an increasing scale of proposed charges (within Schedule 4 Byelaws, Part 6 Tolls and Charges). Subject to when the fine is paid, charges increase from £30 to £60 and then to £100. The Council considers the latter two increases to be an excessive penalty for failure to pay a proposed £1.00 Toll.

Financing Arrangements

A number of the proposals within the draft Order raise concerns regarding the financial impacts on users of the Bridge. Clause 8. Tolls of Part 4 - Tolling, Concession and Financing Arrangements sets out loosely defined terminology for the ability to 'provide a return of investment'. The Council maintains that the vast majority, if not all, of the tolls and charges collected should be for the continued and safe maintenance and operation of the Bridge. If an element of profit is to be deemed acceptable, the Council requests that a percentage cap is included within the Order.

Closures and Network Issues

Given the importance of the Bridge on the local highway network, the Council requests that in the event of any closure of the Bridge that the Order requires reopening without unnecessary delay. The Council also requests that an additional provision is set out which waives all toll charges during periods of heavy congestion or road closures affecting the local highway network.

Yours Sincerely

Richard Roe

Corporate Director of Place

Trafford Council

Appendix 1: Rixton and Warburton Bridge Draft Transport and Works Order
(November 2021) - Trafford Council Schedule of Objections

Rixton and Warburton Bridge Draft Transport and Works Order (November 2021)
- Trafford Council Schedule of Objections

Contents	Comment / Objection
Part 2 - Operational	
3. Offences and power to make byelaws	The ability for MSCC to be bestowed power to make byelaws for the regulation of the use of the road is questioned. The use of Traffic Orders is the way the use of the road and bridge should be regulated.
4. Closing the Rixton and Warburton Bridge	<p>4. (2)(b) It is considered that not less than 21 days' notice should be given by advertisement in at least one local newspaper. It is also requested that the Parish Councils of Warburton, Partington and Carrington are given not less than 21 days' notice of any closure.</p> <p>The Toll Bridge is the only available vehicular means of crossing the Manchester Ship Canal in the surrounding wider area. The Council therefore strongly recommends that an additional clause is added to Schedule 4. which requires wording to the effect of 'in the event of closure of all or any part of the Rixton and Warburton Bridge whether wholly or partially, reopening will take place without unnecessary delay, and at the earliest appropriate opportunity'.</p>
Part 4 - Tolling, Concession and Financing Arrangements	
8. Tolls	<p>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 Rixton and Warburton Bridge. Clause 8. (7) continues with the wording 'including <u>but not limited to</u>'. The Council strongly objects to this wording as it is far too open and allows the potential for additional tolls or charges being charged, to those set out within 8. (7)(a to f). All tolls and charges charged must be clearly set out and limited by the Order.</p> <p>Clause 8. (7)(f) allows for tolls or charges charged to be applied in connection with 'providing a return on investment in the Undertaking'. The Council objects to this provision. It is the Council's opinion that the Rixton and Warburton Bridge acts as a local crossing across the Manchester Ship Canal, and that all tolls and charges should be used to ensure its safe and continued operation and maintenance. It is therefore requested that Clause 8. (7)(f) is either deleted or at least capped at an agreed percentage against maintenance and operation costs.</p>
Schedule 1 Level of Tolls	

Rixton and Warburton Bridge Draft Transport and Works Order (November 2021)
- Trafford Council Schedule of Objections

<p>Part 1 Level of Tolls</p>	<p><i>Proposed Level of Toll</i></p> <p>1. (1) - The proposed level of Toll set out, to be £1.00, is a significant (8 fold) increase on the current charge of 12 pence per single journey, and 25 pence for an all-day pass. Once VAT is factored in, this effectively becomes a tenfold increase. The Council objects to the proposed increased toll.</p> <p>The draft Order also does not specify whether toll charges would be capped if a person crossed multiple times per day (as is currently in place). The Council requests that a sub-paragraph is added to 1. which clearly sets out a fixed daily capped toll for multiple crossings. This should be set at a rate no higher than the charge for two crossings (as is currently in place with the 25 pence all-day pass).</p> <p><i>Indexation</i></p> <p>1. (2) - The Council objects to the provision for the amount of tolls specified to be adjusted in line with the consumer price index (or any other index). This is not common practice for small local bridge tolls, and the cumulative impact of such indexing over, even a short, number of years could have a significant increase on charges. This will further compound the effects of the already significant proposed increased in charges from 12 pence to £1.00 per single crossing. As the basic toll increases, so does VAT – compounding the cost to the paying public.</p> <p><i>Local Concessions</i></p> <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. 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.</p> <p>The Council requests that a further sub-paragraph to 1. is included within the draft Order which 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>
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Rixton and Warburton Bridge Draft Transport and Works Order (November 2021)
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	<p><i>Road Network Issue Concessions</i></p> <p>Given the strategic nature of the bridge on the local highway network, the Council requests that an additional provision is set out within the Order, which waives all 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>
Schedule 4 Byelaws	
Part 6 Tolls and Charges	26. The Council considers the level of unpaid toll charges set out to be excessive, particularly in relation to the current of proposed level of toll charges (i.e. a charge of £30, £60 or £100 for an unpaid toll of £1). The Council requests that a more measured approach is set out, for example a single charge of £40 reduced by 50% if paid in full within 14 days.

Appendix 2: Map of Relevant Postcode Areas

