

RIXTON AND WarBURTON BRIDGE ORDER

THE TRANSPORT AND WORKS ACT 1992

THE TRANSPORT AND WORKS  
(APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006



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RIXTON AND WarBURTON BRIDGE  
RWB/C4 - CONSULTATION FEEDBACK REPORT

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November 2021



**Rixton & Warburton Toll Bridge**

# Consultation Feedback Report



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# Overview

**The Manchester Ship Canal Company (MSCCo) is proposing to upgrade the Rixton & Warburton Toll Bridge, approach roads and toll collection system, in line with customer and local concerns and to ensure a sustainable financial future for this important part of the local highway network. These proposals are set out in the Sustainable Investment Plan (the Plan) which was published in July 2021 and consulted on with the stakeholders as part of non-statutory consultation in July and August 2021.**

## The Plan sets out to

- Improve the physical condition of the bridge but retain a 3t weight limit for general traffic
- Allow a weight limit of up to 7.5t for a small number of socially important vehicles
- Upgrade the running surface of the approach roads
- Improve access for pedestrians and cyclists
- Control heavy and high vehicle access more directly to protect the bridge
- Control vehicle speeds to improve safety
- Remove the toll barrier and upgrade the toll collection system to free flow
- Establish a toll bridge company to set future tolls at the level needed to meet defined objectives and improve financial transparency
- Once improvements are completed, increase the one-way trip toll to a maximum of £1 (incl VAT)
- Allow tolls to then increase over time at a maximum of 1% below inflation on an annual basis
- Offer a 50% local user discount, an annual season ticket, and cap other user tolls at two trips per day
- Build up a reserve fund for a possible replacement bridge in the future
- Protect navigation on the Manchester Ship Canal from bridge related incidents



# Summary of Findings

In July and August 2021, a non-statutory consultation was undertaken on the Plan to obtain feedback from stakeholders.

A total of 83 responses were received, with Table 1-1 broadly identifying the groups represented.

To put this number in context, in September 2019, just under 9,000 vehicles per day crossed the bridge in both directions, and assuming each vehicle used the bridge twice, this would suggest there were just under 4,500 users of the bridge each day before the Covid-19 Pandemic, equating to a response rate of 1.8%

**Table 1-1** Distribution of Stakeholder Responses by Group

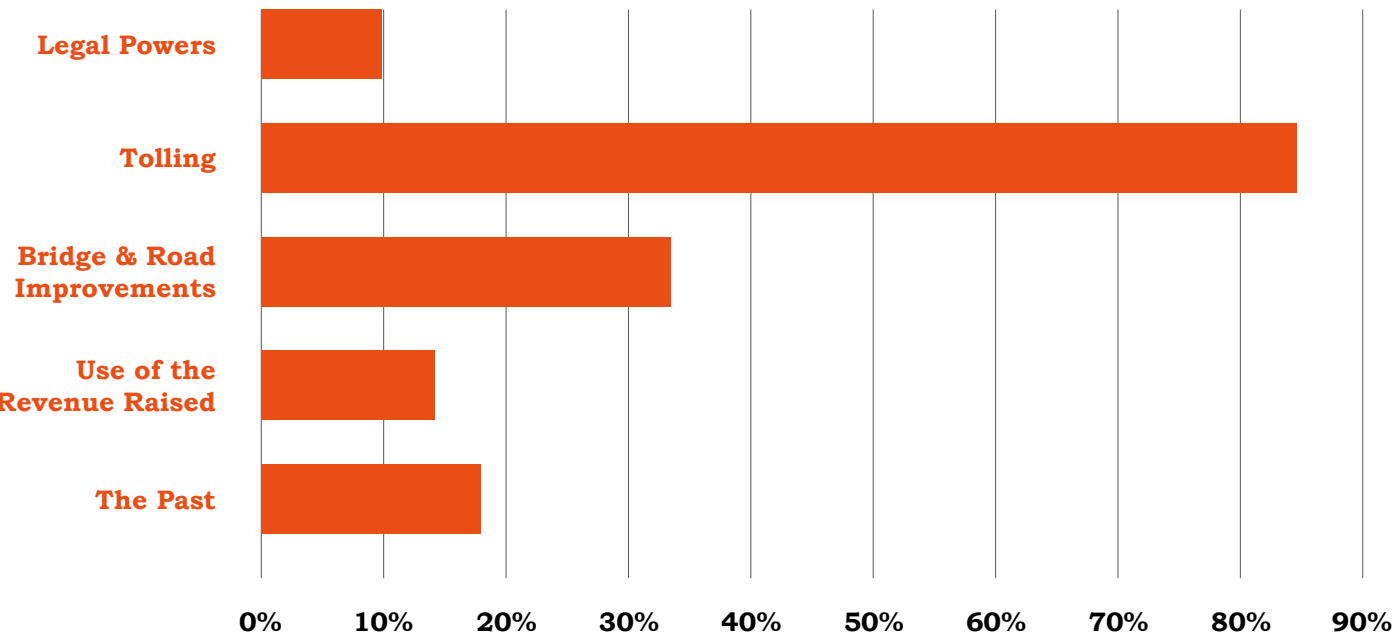
Group	Number of responses
Local Council / Highway Authority	2
Parish Council	2
Councillors	3
Member of Parliament	1
Local Businesses & Societies	3
General Public	72

Having reviewed the responses, we have categorised them into five overarching themes:

- Legal powers
- Tolling
- Bridge and road improvements
- Use of revenues raised
- The past

Table 1-2 below shows the proportion of responses mentioning each of the key themes. Note that in total, these exceed 100% as some respondents addressed more than one theme. In the following sections, we then distil the various detailed comments into more general themes that address in principle the different issues raised.

**Table 1-2** Proportion of Responses Categorised by Theme





# Highway Authority Responses

Trafford Council and Warrington Council are the Highways Authorities on either side of the bridge. They are not, however, responsible for the Rixton & Warburton Toll Bridge, which falls to MSCCo.

Both Councils responded to this non-statutory consultation. Their responses are summarised in Table below:

Theme	Trafford Council	Warrington Council
Tolling	<p>Supports the proposal for toll discounts for local residents, as well as annual passes. Request that both Warburton and Partington Parishes be included within the geographical discount area.</p> <p>Supports the exemption of specific vehicles, including emergency service vehicles, public transport, cyclists and motorcyclists.</p> <p>Suggests additional considerations should be made to enhance the Toll Bridge’s sustainability impact, through reductions in congestion, leading to improved air quality in the region and alignment with Trafford/Greater Manchester’s Transport Strategy 2040.</p>	<p>Welcomes plans for toll discounts for local residents and high frequency users.</p> <p>Believes free flow tolling will greatly reduce delays and congestion and thus improve air quality as a consequence.</p>
Bridge and Road Improvements	<p>Notes a sustainable future for the bridge is key due to its importance as a local highway and active travel route connecting Trafford/Greater Manchester and Warrington</p>	<p>Supports proposals for bridge and approach road improvements, as well as free flow tolling.</p> <p>Is also supportive of strengthening the bridge to allow buses to travel over it.</p>
Use of Revenue Raised		<p>Opposes the scale of the toll increase and believes the improvements should not be financed from an increase in tolls.</p>

The Councils are in broad agreement with the proposed improvements to the bridge and surrounding roads. Free flow tolling will improve congestion in the area and ultimately improve local air quality. Continued discussions will be had with the Councils to continue the collaborative working to date on the proposals.

Warrington Council states they are strongly opposed to the toll being increased by the extent proposed and would be keen to find an alternative funding source for the refurbishments.

MSCCo are happy to explore alternative funding sources with Warrington Council and Trafford Council, including lobbying for the removal of VAT. However, given the scale of the costs to undertake the improvements, and without alternative funding sources, a significant toll increase is considered the only option to ensure long term financial sustainability. It should also be stressed that the toll will not be automatically set at £1 (or indeed any other value), but will be set each year by the new bridge company to meet the agreed objectives.





# Legal Powers

## Introduction

Responses falling under the legal powers theme often referred to the Rixton and Warburton Bridge Act 1863 (the 1863 Act) that originally allowed for the levying of tolls. A frequent request is in relation to the statutory authorisation required in order to conduct any upgrades or changes. Additionally, many refer to the law as being outdated. Responses relating to Legal Powers make up only 10% of the overall responses collected and have been summarised in the comments below.

## Comment and Response

### **As an Act of Parliament governs this toll, how can the toll be increased without the permission of Parliament?**

The increase of the toll charges on the Rixton & Warburton Toll Bridge does require statutory authorisation which is why MSCCo are proposing to apply for an order under the Transport and Works Act 1992 (TWAo).

The increase of toll charges is generally governed by section 6(2) of the Transport Charges (Miscellaneous Provisions) Act 1954 (the 1954 Act). This permits the submission of an application to the Secretary of State for Transport at any time to revise the toll charges. However, to deliver all the elements of the Plan, including free flow tolling, greater restrictions on heavy and high vehicles which should not use the bridge, and improved safety through speed restrictions, we need to pursue a TWAo.

This will also be submitted to the Secretary of State for Transport. In both cases a public inquiry to examine the proposals would be anticipated.

### **Will data provided to obtain a toll pass or pay the toll electronically be protected?**

Data security would be taken very seriously and protected in line with industry best practice and all relevant legislation, including the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

### **How will the laws, particularly related to display and disclosure, be complied with?**

The signage on the road with regard to the toll will be in accordance with design standards and agreed with the highway authorities. Toll rates will also be advertised on the bridge website, and any changes in tolls will follow the rules for notices on toll changes outlined in the proposed TWAo. These will include where such changes need to be published, and the period of notice for any change.

### **How will the responses to this non-statutory consultation, and any later statutory consultation, be used?**

The responses to this non-statutory consultation will now be used by MSCCo to refine and optimise the proposals. This report, along with the comments that arise from the later statutory consultation, will

be submitted as part of the TWAo to the Secretary of State for Transport.

### **Acts of Parliament imply that the toll can only fund the original Stone Bridge and not the current High-Level Bridge, so this later bridge should be funded from other sources than tolls.**

The Manchester Ship Canal (Various Powers) Act 1890 (the 1890 Act) authorised the diversion of the existing Rixton and Warburton Road and construction of the replacement bridge road and the replacement Rixton & Warburton Bridge. The same Act provided for the diversion to be substituted for the existing road (which included the Bridge) within the Rixton and Warburton Bridge Company undertaking, including in respect of the levying of tolls, and for that undertaking to be part of MSCCo's undertaking. This included the power to levy tolls in respect of those parts of the undertaking.



# Tolling

## Introduction

Tolling was the focus for 84% of responses, making it the dominant theme. The responses grouped into this theme focus on the toll charge itself, possible discount schemes, as well as the method of tolling. Although the majority of responses were opposed to increasing the toll charge to a maximum of £1 (inc. VAT), others were accepting of a smaller increase in charge. Those that agreed with the increase cited the benefits of the infrastructure investment, which would include better regulation of the toll and reduced congestion through automatic collection.

## Comment and Response

### Why does there need to be a toll at all?

The toll finances the operation and maintenance of the bridge and so without it, the bridge risks closure. Closure of the bridge would likely cause greater congestion on alternative routes and longer journey times. MSCCo are happy to explore alternative funding sources but at this stage, none have yet been identified.

### Can the Councils acquire the Bridge and the tolls be removed?

Both Trafford and Warrington Councils have confirmed that they cannot afford to take on the Rixton & Warburton Toll Bridge, due to the costs of refurbishment and maintenance associated with the bridge. If they were to take on this financial liability, they would likely require additional support from central Government and/or increases in Council Tax.





# Tolling

## How will paying the toll be accessible to those without a computer or smartphone or who lack the skills to use such devices?

The technology options for free flow tolling are still being investigated. However, other free flow toll facilities, such as the Mersey Gateway, include options for payment that do not require such equipment or skills, such as payment over the phone and payment at “payzone” outlets. We will explore these same principles of good practise to ensure there is a similar alternative or alternatives for payment.

## For regular users the toll will substantially increase monthly/annual outgoings making the cost of travel unaffordable.

The new bridge company will set the toll level to meet the agreed objectives and will endeavour to keep them as low as possible. However, the cost of the improvement works is estimated to be very large and therefore a noticeably higher toll is now required. Should the upgrade costs of the Plan be noticeably lower and/or traffic levels higher than expected, a lower toll will be adopted. Further, we will offer a range of different discounts for regular users, including the local discount, the annual pass, and the cap per day of two trips (irrespective of how often the bridge is crossed). We also believe, with

current petrol prices of over £1.30 per litre, the toll to use the bridge, while higher than the current level, still offers users significant benefits when compared to an alternative diversionary route. Finally, we are informing users of our intentions now, but the actual new toll will not be implemented until Q4 2024 at the earliest, so users have time to plan alternatives should they no longer wish to use the bridge at the higher toll.

## Which areas will benefit from ‘local discounts’ and what constitutes a ‘regular user’?

As outlined in the Plan, two local postcodes are being considered for local discounts. These are WA3 6 and WA13 9, where those residents will likely receive a 50% discount on the toll rate. This has been based on user analysis and the impacts to revenues that discounts have on funding the improvements.

Annual passes will also be offered to anyone who wishes to purchase one. It will allow pass holders to make unlimited number of trips across the bridge at a price that is still yet to be determined. Additional discounts have not been considered at this stage, but a review of the discount policy would be undertaken every year. However, it should be remembered that a discount to one user or

community means a higher toll for others.

## The higher toll will result in people seeking alternative routes, which will be detrimental to local air quality through increased fuel emissions.

If the toll is not increased, the bridge cannot be maintained, and ultimately closure of the bridge would result in all traffic having to find another route. We also believe the increase is at a level for many users that is still less than the increased costs of fuel, vehicle wear and tear, and time lost, associated with taking an alternative route. We do expect some diversion, but these cases will be because alternative routes are cheaper, and hence are likely to involve less fuel.

The key benefit of free flow tolling is to reduce delays and congestion at the bridge, and hence improve air quality in this area. However, delays and congestion elsewhere on the network are the responsibility of the highway authorities. The proposed bridge improvements will also enable better provision of walking and cycling infrastructure, as well as being accessible by buses, thus encouraging greater use of sustainable transport modes, further contributing to improved air quality.

## How can you ensure areas like Lymm will not become congested with traffic diverting due to the higher toll?

Whilst we believe the increased toll will result in some diversion away from the bridge, the levels should be modest. In September 2019, peak hour flows were only 500-600 vehicles an hour per direction and for much of the day were between 100 and 300, of which we anticipate these being lower post Covid-19 due to increased working from home. Consequently, a small proportion of these diverting should not noticeably impact on congestion. Further, as local residents will be able to take advantage of the 50% discount, diversion is likely to be more focused on trips from further away, who will divert onto the M6 and M60 away from Lymm and the other local villages.



# Tolling

**The Covid-19 pandemic has impacted on people's finances and increasing the toll will only exacerbate this.**

Any new toll rate will not be implemented until after all refurbishment work has been completed. The date of this is still to be determined, however, it is unlikely to be before Q4 2024. We believe the economic impacts of Covid-19 will have abated by then, although we have allowed for lower traffic in the future as a consequence of increased working from home.

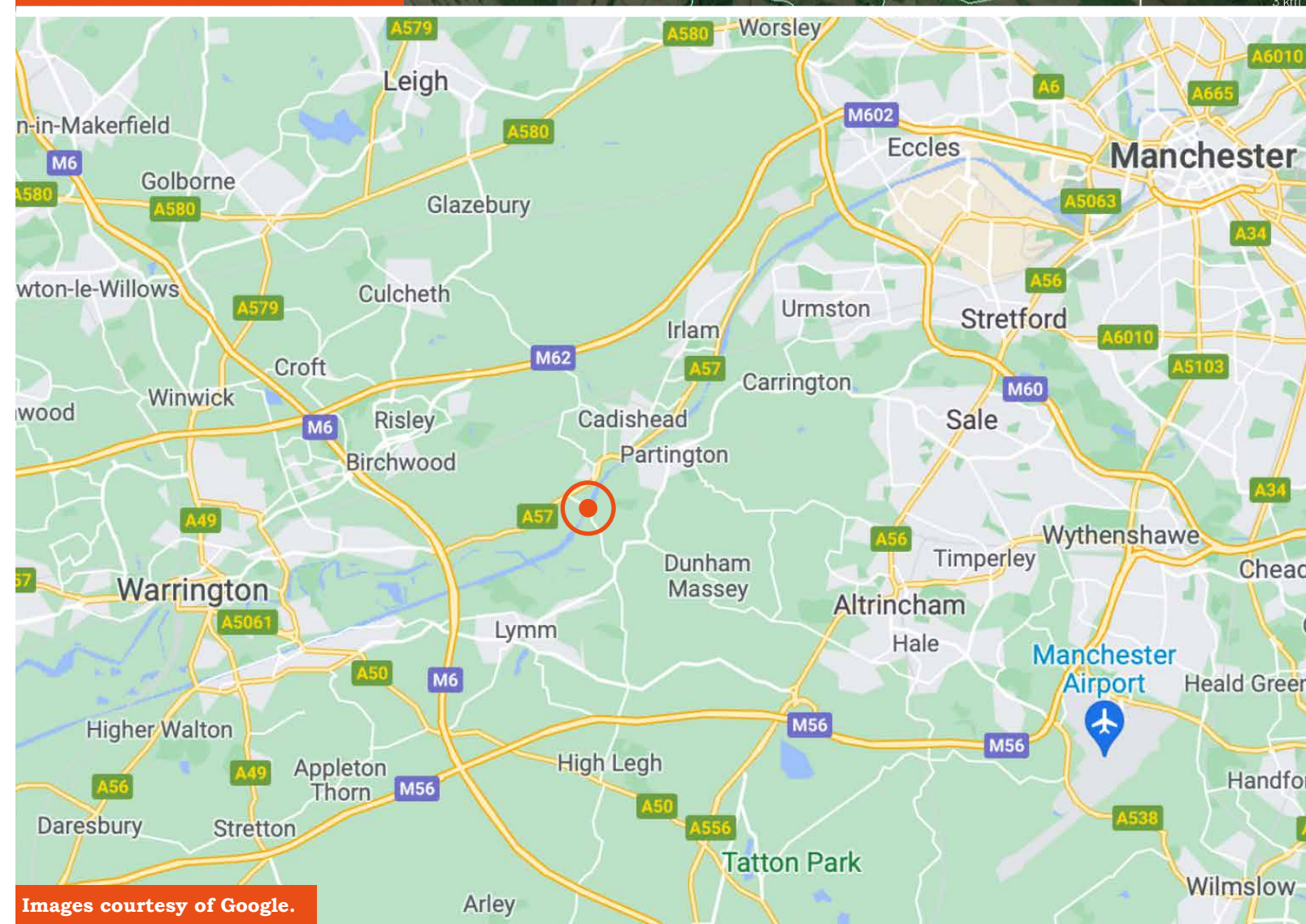
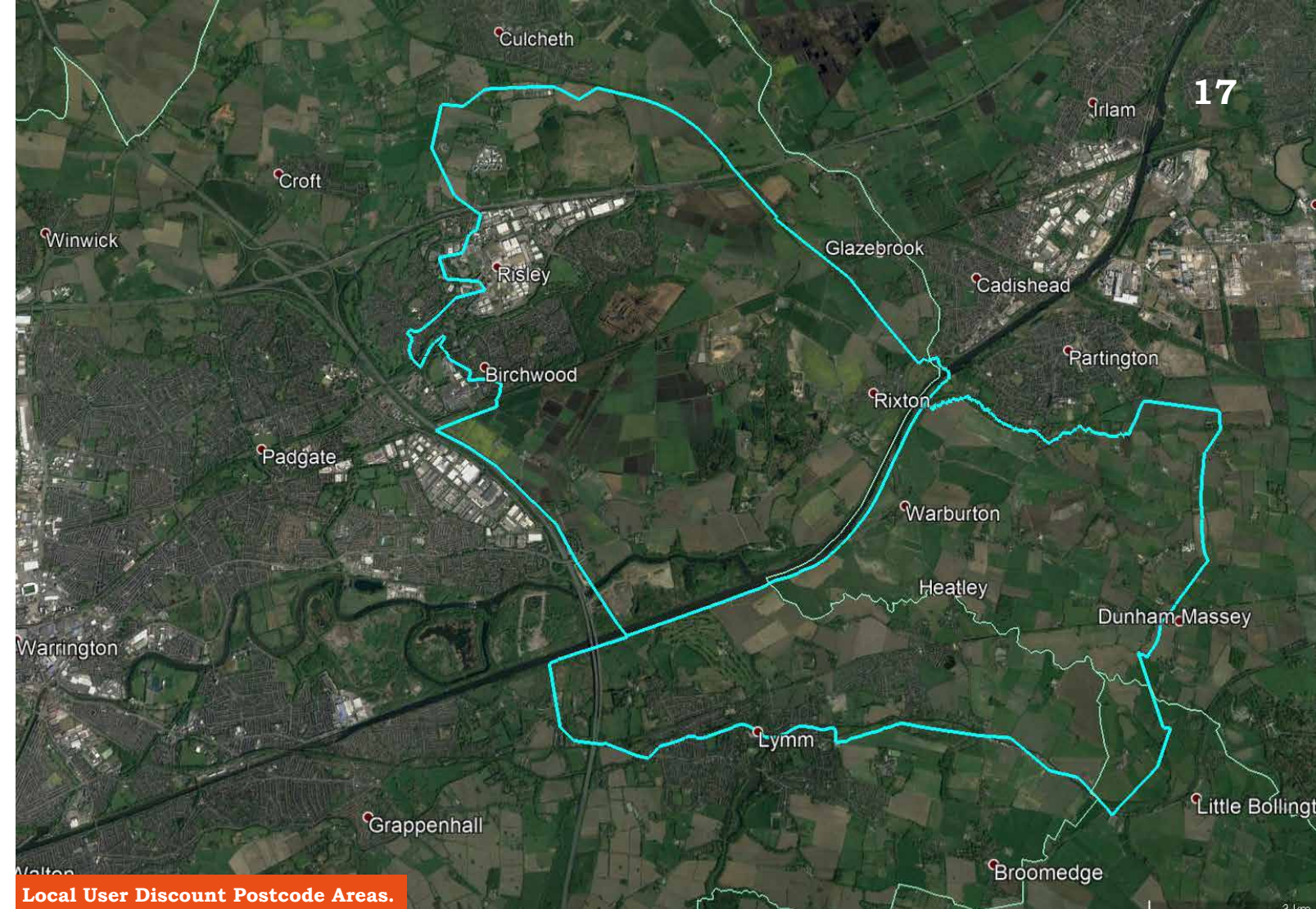
**Why does this bridge have a toll while other bridges across the Ship Canal do not?**

The Rixton & Warburton Toll Bridge is the only bridge between the M6 and the M60, and the right to collect a toll at this location was originally granted by the 1863 Act. The right to collect that toll was transferred to the ship canal when in the 1890 Act, providing compensation to cover the cost of providing and maintaining this bridge for public use. MSCCo are happy to consider other funding sources, and even transferring the bridge to the local authorities, but no other funding sources have been identified and neither council has offered to take responsibility for the bridge. Further, the Government has indicated that the operation and

management of private tolled crossings are the responsibility of the owner and not the Government.

**The £1 toll charge has been compared with the other tolled Mersey crossings. These other crossings are more substantial and different to the Rixton & Warburton Toll Bridge. Does this not suggest that a charge lower than £1 should be charged?**

The maximum toll identified for the Rixton & Warburton Toll Bridge is defined by the anticipated costs to improve, maintain, and operate the bridge divided by the volume of traffic using the bridge. The other tolled crossings are very different in age and type resulting in different costs to maintain and operate, and they carry very different traffic volumes. However, we do believe a maximum toll of £1 is not excessive with regard to other crossings of the Mersey (Mersey Gateway maximum for cars is £2.00 and Mersey Tunnels maximum for cars is £1.80). It is also worth noting that public sector bridges and crossings are VAT exempt unlike private bridge crossings such as that over the Ship Canal.





# Bridge & Road Improvements

## Introduction

The responses categorised in this theme relate to the proposed improvements on the toll bridge and its approach roads. This includes resurfacing the roads and strengthening the bridge to allow for vehicles weighing up to 7.5t (although general traffic will still be limited to 3t).

This was the second most common theme raised, with 34% mentioning the proposed bridge and/or road improvements. Nearly all of these responses, including those of the Highways Authorities, were in favour of upgrading the bridge and approach roads. Particular support was given to the proposed improvements allowing for greater active travel provision (such as walking and cycling) and the potential for public transport vehicle access. Those who were averse to the improvements were primarily against the increase in toll, rather than the improvements themselves.

## Comment and Response

### Why has it taken so long to bring forward plans to improve the bridge?

The last major works on the bridge were in 1998, and these costs are still being paid off, and will be for another decade. The current proposals started to be developed five years ago, but the process has been delayed by a number of factors including agreeing the appropriate legal route to follow, disruption due to the arson attack in 2018, and most recently the uncertainty around the long-term impact of the Covid-19 pandemic. At the request of both local Councils our consultation was also postponed due to the local elections.

While the process has taken some time, we believe it is important that the Plan creates a platform and process, not just for funding these improvements, but for the ongoing long-term maintenance and operation of the bridge, ensuring that it is available for local people long into the future.

### How will the improvements address non-motorised travel, including equestrian usage?

Upgrades to the bridge and road will be designed in an appropriate manner, supported by signage and speed limits, so that pedestrians, cyclists and horses can safely share the road with other vehicles. Horses will be exempt from any toll charges, as will other active travel modes such as walking and cycling.

### How might HS2 proposals impact the Rixton & Warburton Toll Bridge?

We understand that the HS2 route crosses the Ship Canal further east near Hollins Green and we see no reason why these proposals should impact on the proposals for the Rixton & Warburton Toll Bridge.

### Have new bridges in alternative locations been considered?

MSSCo are only responsible for the bridges currently in place over the canal, including the Rixton & Warburton Toll Bridge. Any new location for a crossing would need to be promoted by the local Councils as the highway and planning authorities for the area. To date neither of the two Councils have proposed to MSSCo that another bridge location should be considered.





# Use of the Revenue Raised

## Introduction

The majority of responses grouped in the Revenue theme enquire how the money collected from the previous years has been spent, and whether this can, be used to fund the much needed improvements. References are also made that the public should not have to fund the improvements. The responses in this theme often also relate to opposition to increasing the charge. Approximately 15% of all responses raised revenue as a topic.

## Comment and Response

### What have tolls collected in previous years been spent on?

The tolls on the Rixton & Warburton Bridge can by law, only be used for certain purposes, including covering costs of operations, management, and maintenance, making contributions to any reserve or contingency funds that are deemed appropriate, and providing a reasonable return for the investors.

The revenues collected have traditionally been focused on covering costs such as the labour contract. The toll for cars has been slowly escalated over time (it was 5p until 1981 when it increased to 10p, and it was raised to 12p in 2001) and there has been some modest traffic growth in the past. However, these have struggled to keep pace with the ongoing escalation of costs and inflation, heightened by the fact that traffic has recently stopped growing.

It is also worth noting that 5p in 1963, which is the earliest date we have for a car toll being charged escalated by inflation, would give a toll of £1 today. The 2003 imposition of VAT also resulted in a significant reduction in net revenues, further compounding the problem of high operating costs and low revenues.





# Use of the Revenue Raised

## Why can't the canal fund the improvements?

The MSCCo operates a canal and port, it is not a toll road operator. The existence and operation of the bridge is not required as part of the operation of the canal, and the 1890 Act that transferred the right to toll the bridge over the canal reflected this. The aim being that the toll bridge was self-financing and not a burden to the canal.

While traditionally MSCCo has endeavoured to absorb difficult financial periods, such as the arson attack and Covid-19 restrictions, the scale of the costs for the improvements is far beyond what could be expected to be funded by the MSCCo. This means, in the absence of any other Government funding or adoption by the Highway Authorities, that the funding has to come from tolls.

## How will the toll revenues be ringfenced for future maintenance, or if required, a replacement bridge?

A new bridge company will be established as part of the TWAO. This company will be responsible going forward for the future management and operations of the bridge, including the setting of tolls each year, along

with defining any exemptions or discounts. This will allow for greater transparency relating to income and expenditure associated with the bridge, including any funds ringfenced for future maintenance or a replacement bridge.

## How much profit will be made from this toll increase?

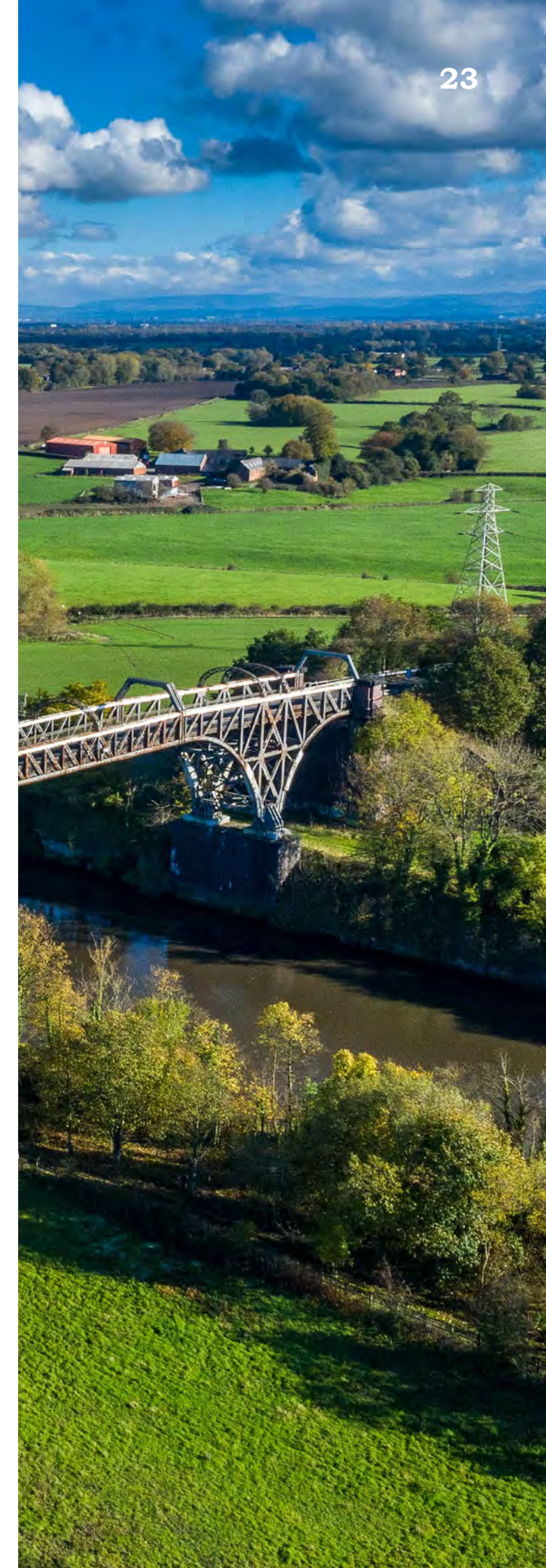
At present, a detailed funding strategy has not been developed, including any split between debt and equity, and it is not anticipated that this will be undertaken until after the confirmation of the TWAO and the receipt of final pricing on the upgrade works. This is because it is intended that the most cost-effective financing will be adopted by the new bridge company when the monies need to be raised, and that may be different to what one might assume today.

Once this split has been set, then the profit, or return on the investment represented by equity, will be defined in accordance with the principles of the 1954 Act, which allows for a "reasonable return" to be made, as this principle has been carried forward into the TWAO. While the split of debt and equity has not been fixed, the business plan has been developed with sufficient flexibility

to accommodate the cost of financing the upgrade works.

## How will rural vehicles, which are not permitted on motorways, and therefore have to use the bridge, be accommodated under the new toll?

The proposals do not change the regulations as to which vehicles may or may not use the bridge, other than to allow access by a small number of additional socially important vehicles between 3t and 7.5t, and various discounts. Therefore, any vehicle that is accommodated under the current toll will be accommodated under the new toll. In addition, MSCCo (and the new bridge company once it exists) are always or will be prepared to discuss individual specific cases where there are exceptional circumstances. For example, at present, a registered funeral cortege is exempt from the toll. Individuals using agricultural vehicles should contact the new bridge company nearer the time of the introduction of the new toll to raise their specific individual circumstances (noting the new toll will not be introduced before Q4 2024).





# The Past Looking Back

## Introduction

This theme focuses on the history of the Rixton & Warburton Toll Bridge operations. Of the 17% of responses that fall into this theme, the majority refer to the 1863 Act and how it might relate to the Sustainable Investment Plan. Whilst this is referenced in responses, responses in this theme often fall into at least one of the other themes previously discussed in this report.

## Comment and Response

**Why is the toll charge being increased in one large step rather than incrementally over a number of years?**

In the past MSCCo have endeavoured to abide by the 1863 Act and operate within the 10p per trip (less VAT) maximum constraint. In the past a number of factors, including slowly increasing the car toll along with traffic growth, facilitated this. However, recent events, including reaching the toll limit for cars, slowing traffic growth, and the imposition of VAT, along with expected traffic declines post Covid-19, have meant this is no longer the way forward.

When it became clear 5 years ago that a significant future investment was required, one option considered was to start increasing tolls under the 1954 Act. However, on balance, it was felt that any toll increase should only be implemented once the improvements identified in the Plan were made and users could appreciate the benefits. While this does result in a large step in tolls, it is only being implemented in Q4 2024 at the earliest, allowing users to prepare for the change, and meanwhile, users can continue to benefit from the current very low toll.

**It is suggested this is the only private toll facility to never have asked for a toll increase, but local residents remember the toll being less than 12p in the past.**

The 1863 Act allows for a maximum toll of two and a half shillings (12.5p). In the past, MSCCo always endeavoured to keep the toll as low as possible within that maximum allowance, so previously cars were charged less than maximum 12.5p permitted, although heavy vehicles, when they could also use the bridge, were charged a higher toll than cars. However, no toll for any vehicle, was ever above the 12.5p maximum.

The loss of the 0.5p coin has also made the collection of the maximum impractical, hence the toll is now by default capped at 12p for a one-way trip, although the maximum is 12.5p. There is also a daily cap of 25p for 2 or more trips available.

**The bridge was originally over the River Mersey, but the river no longer exists, so is the toll no longer valid.**

The 1890 Act authorised the construction of the Manchester Ship Canal, including the construction of the replacement bridge road and the replacement Rixton & Warburton Bridge. The 1890 Act also authorised for the said road and the replacement bridge to be part of MSCCo's undertaking, including the levying of tolls.



# The Future Looking Forward

Following this non-statutory consultation, MSCCo will review the proposals in the light of comments received. Following that review, MSCCo will proceed with the TWAO process. It is anticipated that this process could take up to 18 months. Subject to confirmation of the TWAO, it is anticipated that the design and tendering for the upgrades takes 6 months, whilst the actual refurbishment of the bridge and road improvements could take up to 12 months.

Task	Indicative Timeline
Non-statutory Consultation Analysis	Q3 2021
TWAO process	Q4 2021 to Q1 2023
Design and tendering	Q2 to Q4 2023
Construction	Q1 to Q4 2024
New Toll Charged	Q4 2024 or Q1 2025





