



**TRAFFORD
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Date: 26th October 2021

Dear Sir / Madam,

**Transport and Works (Applications and Objections Procedure) (England and Wales)
Rules 2006 ("the 2006 Rules") Proposed Rixton and Warburton Bridge Order**

Thank you for your letter of 7 October. Trafford Council welcomes the opportunity to comment 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 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 for Place

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.

Commented [1]: We have carried out a highway search and have amended the plan accompanying TWAO accordingly. We believe this now accurately reflects the highway boundaries.

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.

Commented [2]: This is very much precedent in other Order for example The River Mersey (Mersey Gateway Bridge) Order 2011. Given the free flow system proposed under the Order, it is important to ensure that the bridge operator has the powers to regulate the use of the approach roads as well as the Bridge to ensure safe, efficient and effective operation and management of the Bridge and safe operation and navigation of the Canal.

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.

The maximum speed limit will be in line with what is imposed by the Highway authority.

Byelaws do provide for a minimum speed limit, this is to ensure effectiveness of the free flow system.

Byelaw 7 also clarifies that the procedures for imposing or exceeding mandatory speed limits for emergency vehicles are prescribed under the relevant legislation and the penalties for contravening local speed limits are prescribed in the Road Traffic Regulation Act 1984, the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 or any amendment thereof relating to speed limits.

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.

Commented [3]: This has now been amended to provide for a 21 day consultation period with the highway authority and extend notice period for advertisement to 14 days.

Commented [4]: This is a standard practice and is precedent in other orders such as The River Mersey (Mersey Gateway Bridge) Order 2011. This is also permitted under TRANSPORT CHARGES & C. (MISCELLANEOUS PROVISIONS) ACT 1954.

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). In addition the Toll does not make provision for any concession based on being resident in the nearby localities, as was discussed during previous engagements.

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.

Commented [5]: Schedule 2 has been amended to include, cyclists, motorcycles, mopeds and buses.

In terms of discount, MSCC has publicly stated that "we anticipate at least two discounts. Assuming the toll for a single trip is up to £1.00 (Inc.VAT at the current rate of 20%), we will cap any daily tolls to the total for two trips or £2.00 (Inc.VAT at the current rate of 20%) (similar to the current 25p all day ticket). With free flow tolling we anticipate this being done automatically. We will also offer a yearly pass, as we do now, that would allow unlimited crossings at a price to be agreed."

Article 9(11) of the Order provides that a composition agreement may provide for a discount or waiver of any toll or part of any toll in respect of the use of the Rixton and Warburton Bridge. MSCC will rely on this power to include various discount arrangement but in line with other orders regulation tolls, the precise discount would not be enshrined in statute to ensure level of flexibility both for the users of the Bridge and for the operator. This approach has been adopted on many other toll/charging schemes/order whereby the Order itself allows for discount schemes and such schemes are then included separately for example as part of a composition agreement. This is the case for Dart charge and for Mersey crossings.

Commented [6]: Traditionally small bridge tolls have not indexed to inflation, although many other travel costs, including rail fares, have in recent years been indexed in this way. A strategy of non-indexation of tolls, given the costs of operating and maintaining these facilities inevitably increase, is however only sustainable with high traffic growth. While this was a viable approach in the later decades of the 20th century, when car ownership was still growing strongly, traffic growth into the future is now assumed to be much lower, and evidence from recent traffic on the R&W Toll Bridge, even before Covid-19, was that traffic levels were at best, flat and possibly declining. Therefore, to ensure a sustainable future for the R&W Toll Bridge, in a world where costs of materials and labour will continue to increase at a rate that is higher than any growth in traffic, there must be at least the option to increase tolls year on year. However, by using CPI, which is lower than the RPI measure of inflation, and by indexing to 1% below CPI, the R&W Bridge will still need to deliver year on year operating efficiencies...

Commented [7]: MSCC do not propose to extend proposed local discount rate beyond WA 2 6 and WA 13 9 postcodes. For further explanation of the reasoning please see p. 8 response to Q6 of the Consultation Feedback Report at <https://www.warburtonollbridge.co.uk/media/1382/wtb-sustainable-investment-plan-final-6-july-2021.pdf>

Commented [8]: Please see our response in relation to discounts above

Commented [9]: The order clearly states that the toll applies only to vehicles and so consequently this excludes pedestrians. We have added cycles, motorbikes, mopeds and buses to the list of vehicles for the exemptions register in schedule 2 of the Order.