

Dear Secretary of State for Transport

I wish to lodge with you the views and objections of Warburton Parish Council regarding the recent application by The Manchester Ship Canal Company (MSCC) for an Order under sections 3 and 5 of the Transport and Works Act 1992. Warburton Parish Council objects to this order application on a number of grounds as listed below:

1. The legal Basis for the toll collection requires the Manchester Ship Canal Company to maintain the “New Cantilever Bridge”, spanning the Manchester Ship Canal (MSC) from their own funds. The collection of “the toll” is only permitted to be used to fund the maintenance of the original “Rixton and Warburton Toll Bridge”, which spans the riverbed of the pre-diverted route of the river Mersey in a non-profit manner. The legislation in place does not permit the charging of tolls for the “New Cantilever Bridge”

1.1. The 1863 Act allowed for funding of the Rixton and Warburton Bridge and Road, to the value of £8,500 (£7,000 from dividends + a £1,500 loan, or mortgage) as recorded in the 1863 Act and confirmed by the 1890 Act. The intention of the 1863 Act is to fund the £8,500 capital outlay and maintenance, allowing for a return on the investment via dividends. MSCC in the Proposed Order incorrectly argue that the Toll should be funding the Cantilever bridge which spans the Manchester Ship Canal, but neglect that at the point the Toll was defined in 1863 the bridge was not conceptualized – an ‘opening’ Bridge was proposed in 1885, revised to the current incarnation in the 1890 Act and built after this date. Parliament could have extended or increased the Toll at each date the legislation was updated to cover maintenance of the Cantilever bridge (either the 1885 Act or 1890 Act (or both) but did not agree to this.

1.2. The 1885 and 1890 Acts give permission for the benefit, or construction of the Manchester Ship Canal. Where the Ship Canal cut through existing roads, the 1885 Act and 1890 Acts required the Manchester Ship Canal Company to create a new obligation – or Bridge – to cross the Ship Canal. The Warburton Cantilever bridge is just one of these Bridges with the 1890 Act specifying that all of these ‘new’ Bridges are to be maintained by the MSCC under this obligation, in return for the benefit of building the MSC and obtaining the benefit of the associated revenue stream that the MSC has historically, and still generates today.

1.3. The 1863 Act states “The Tolls by the Act granted are by this Act vested in the Company for the Purposes of this Act.” – e.g., the Toll is not to be used to raise funds for any other project (i.e., the building of a new cantilever bridge)

- 1.4. The 1885 Act clearly lists all the required Bridges over the MSC, with no special provisions for these in terms of who maintains these. The 1890 Act expressly states, "Provided that unless otherwise agreed the structure of every bridge and the immediate approaches thereto and all other necessary works connected therewith shall be repaired and maintained by the Company."
- 1.5. It has been apparent for a considerable period of time that the maintenance and upkeep of the bridges is inadequate. The old cast-iron bridge, which was a beautiful structure, suffered a failure of the northern abutment at some time and the solution was to infill under the bridge, disfiguring it and surely making routine structural inspections difficult if not impossible. The western parapet of the old bridge, with its beautiful cast-iron panels has entirely disappeared (it presumably matched the eastern parapet) and been replaced with a galvanised crash barrier. On the cantilever bridge, it is apparent that extensive areas of rust are evident and that repairs using concrete around some of the major steel joints have been made. The state of the bridges does not fill users with confidence and the fact that the routine bridge structural reports have not been made available to the public in pursuing this case is extremely disturbing

The above points demonstrate that the legal basis for the collection of the toll is purely for the maintenance of the original bridge (spanning the old riverbed of the River Mersey) and not for maintenance on the "new" Cantilever bridge that spans the Manchester Ship Canal. For at least the last 23 years the money from collection of the toll has gone to the MSCC. The MSCC declared an operating profit of £28 million in 2020 and £39 million in 2021 and has generated well in excess of £125 million of profits since 2016. MSCC has refused to complete any significant maintenance or renovation of the bridge during this timescale. It is clear that the Manchester Ship Canal Company is highly profitable and taking the financial standing of bridge operations in isolation to the rest of the organisation, is disingenuous at best. This legislation was put in place to ensure the bridge operated in a non-profit manner and to protect the local inhabitants using the bridge on a regular basis from exactly this situation, a large highly profitable conglomerate trying to racketeer profits from a captive user base.

2. The Increase in toll requested by the Manchester Ship Canal Company is excessive and cannot be supported by the data supplied by the company. The company make no reference to the tolls collected to date and what has happened to those funds. There has been no significant maintenance on either bridge for at least 25 years and it is wrong to assume that those funds should just be written off as previous profits chalked up by the MSCC.
 - 2.1 The current toll charge is £0.12, with a cap of £0.24 a day. The order seeks to raise this to £1, If this was capped at 2 crossing per day (as per current legislation) this would equal £2 a day. This is a 733% increase. This is simply unacceptable

as it will see the residents of Warburton facing a potential annual increase in costs from £87.60 to £730. For many households with more than one car or two car households this could be as high as £1460.00/household

- 2.2 However, the Proposed Order does not retain the maximum daily charge of a two-way ticket (£0.25 at present) that has been in place since 1863; this will disproportionately affect those most dependent on Warburton Bridge Road, adding significant extra costs to their travel. A daily cap must be retained.
 - 2.3 Whilst the Business Case suggests that the proposed Toll of £1 per crossing of the Undertaking includes VAT, the Proposed Order does not mention this. It is believed that only the Proposed Order would be enforceable, and without explicitly stating that VAT is included in the proposed (initial) £1 Toll, MSCC have the option to set the initial Toll at £1+VAT, e.g., £1.20 to the consumer or up to £2.40 per day for multiple crossings (if 2 journey cap remains in place). Thus, in fact creating an approximate annual increase of £788.40 (900%) per car user or £1576.80 per household. There has been discussion around a reduction for Warburton residents however informal discussion have mentioned a 50% reduction. This would still result in a 450% increase or an additional £394.20 per car user or £788.40 per household. For many households this is simply not sustainable. The residents of Warburton currently are afforded legal protection on increases to the toll above £0.24/Day. This protection needs to be maintained and must not be removed. In the current financial climate, this protection could be the difference between a family breaking even or slipping below the poverty line. Thus, it is critical that the residents of Warburton, who have no other feasible option for normal local journeys, continue to be afforded this long standing protection. Removing this would require cars to divert along a 12 mile diversion, creating significant inconvenience and time impact, in addition to the environmental impact that would ensue.
 - 2.4 The Manchester Ship Canal company has submitted a business case that makes no reference to the previously collected tolls and the cost of maintenance to date. This is because millions of pounds have been collected and little maintenance has been performed ensuring maximum profit for this company and now the company wish to fund this maintenance debt from the bridge users.
3. The proposed Order details the right to establish new by-laws, this is a dangerous ability for an organisation with the track record of community relations that the MSCC has. The extent of the proposed by-laws is excessive and unnecessary and enables the MSCC to implement any manner of restrictions that will have a direct impact. These are detailed below:
 - 3.1 The first and most concerning of these proposed by-laws gives the MSCC the ability to vary the price of the toll. This will ensure gradual increases so that the impact of this order is magnified over the coming years.

- 3.2 The ability to enforce fines (up to £1000) for people who do not comply with an extremely stringent set of by-laws will, in addition, cause huge financial suffering to residents and provide a significant enhancement to the revenue received from the toll.
- 3.3 The by-laws detailed are ridiculously stringent and forbid any vehicles carrying livestock including horses, to cross the bridge. This is particularly concerning as Warburton is a rural farming community. The multiple low level bridges and canal aqueducts in the area mean that this is one of only 2 routes into certain parts of Warburton village. With this restriction, a diversion of over 20 miles is required to access certain areas of the village with livestock or horses. This seems a totally unnecessary restriction.
- 3.4 The proposed by-law that requires the driver of broken down vehicles to utilise the recovery services of the MSCC only is also a covert way to ensure disruption and further revenue from users of the toll. This is unnecessary and will cause additional disruption.
- 3.5 A further by-law forbids the stopping of any vehicle on the road, this will cause those who do need to stop in an emergency to be subject to fines. This could lead to unsafe driving and have a dangerous impact on bridge users.

In short, the by-laws that have been detailed are unnecessary, overly stringent and designed to ensure an additional and significant revenue flow from fines and other levied charges. This is a thinly veiled attempt to extort money from users of the bridge.

It should be noted that the MSCC has an appalling track record of community engagement and have for many years engaged in operational practices that have subjected the village of Warburton to excessive impact from the toll operations. For the last 10 years the operations of the MSCC in collecting the toll has caused huge tailbacks (often over a mile long) through the village of Warburton and beyond. This has had a number of impacts:

1. An increase in air and noise pollution in the village.
2. An increase in vibration and potential vibration damage throughout the Warburton Conservation Area (a number of buildings in Warburton are suffering vibration damage already, even though HGVs are not officially allowed through the area.)
3. The road at rush hour becomes unpassable for residents in the village. It is impossible to exit their homes in fear of it taking hours in the traffic flow to get back to them. The delays caused by the traffic jams can add hours onto journeys.
4. In light of the traffic issues caused by the toll collection, the local bus service has now diverted the buses away from the village centre during rush hours. This has

left residents stranded and unable to access transport or work, leisure and doctor's appointments etc

5. Children are now unable to attend after school activities such as scouts and girl guides as they are unable to get home from school and back out to these activities in a reasonable time.
6. Local medical services for elderly residents such as district nurses are no longer able to visit during certain times of the day

Despite much attempt to engage with MSCC about these issues the company has refused to speak with residents. A local action group was set up and people started to pay out of their own money to support better traffic flow. The Action Group members would walk to the toll booth and pay in advance for 100 cars to pass just to get the traffic moving and reduce the impact. Unfortunately, MSCC very quickly stopped them being able to do this and insisted on each car paying separately. They have repeatedly refused to open the toll barriers despite an agreement to do so with the local authorities when there are delays on the M6 motorway. This is an agreement where by MSCC has agreed to allow free passage of traffic when there are considerable delays due to lane closures or issues on the M6 Thelwall Viaduct. Unfortunately, it is rare that this agreement is honoured leaving frustrated motorists and residents trapped in their cars and homes. This demonstrates the "character" of the MSCC company. They must not be allowed to gain such powers as they will quickly implement them and have no consideration for the local community.

Yours faithfully

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