



Special Executive Board

**Tuesday, 2 September 2008 12.00 p.m.
Marketing Suite, Municipal Building**

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

PART 1

Item	Page No
3. MERSEY GATEWAY TOLLING/SILVER JUBILEE BRIDGE ROAD USER CHARGING ORDER - KEY DECISION	1 - 112

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Executive Board

DATE: 2 September 2008

REPORTING OFFICER: Strategic Director Environment

SUBJECT: Mersey Gateway Tolling/Silver Jubilee
Bridge Road User Charging Order

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 This report relates to the order under section 168 of the Transport Act 2000 that is being promoted by the Council in order to secure powers to promote the elements of the Mersey Gateway Project (the "Project") that relate to the Silver Jubilee Bridge ("SJB"), in particular to authorise the imposition of charges upon vehicles using the SJB. It deals with the next steps required to make an order to impose such charges.
- 1.2 On 10 April 2008 the Council, acting by its Executive Board, resolved to promote a scheme for the imposition of charges for the use of the SJB and its associated approach roads by vehicles. It also resolved - in accordance with Section 170 Transport Act 2000 - that it should undertake consultation in relation to the proposed charging scheme.
- 1.3 There is no statutorily imposed procedure for consultation under s170 Transport Act 2000. Therefore, officers discussed the approach with the Department for Transport. It was agreed that a consultation period should be set so as to end at the same time as the objection period for the Transport and Works Act 1992 Application ("TWA Application") for the Mersey Gateway Bridge. Members will recall that the TWA Application also deals with tolling/charging of the Mersey Gateway Bridge.
- 1.4 On 30 May 2008 the Council commenced consultation in relation to the proposed road user charging scheme and the proposed A533 (Silver Jubilee Bridge) Road User Charging Scheme Order. A copy of the proposed order is at Annexe 1 and a copy of the press advertisement announcing the consultation period is attached at Annexe 2.
- 1.5 The consultation period in respect of the SJB road user charging scheme and the objection period for the TWA Application both expired on 18 August 2008.
- 1.6 Road user charging schemes must be imposed by an order made by the Council. Therefore the Council must consider relevant representations before resolving to make the order. This report seeks, subject to the consideration of any relevant representations, the

resolution of the Executive Board that an order should be made in relation to the road user charging scheme and that the order, once made, should be submitted to the Secretary of State for Transport for confirmation.

2.0 RECOMMENDATION:

- 2.1 That the Executive Board note the content of this report and the annexes to this report and have regard to them in considering whether to make a road user charging order in respect of the SJB;
- 2.2 That the Executive Board should consider and take account of the consultation responses received in relation to tolling and road user charging;
- 2.3 Subject to paragraph 2.4 below and such amendments as may be made as a result thereof, that in accordance with sections 168 to 170 of the Transport Act 2000 the Executive Board resolve to delegate to the Operational Director and Monitoring Officer (Legal, Organisational, Development and Human Resources) (the "Operational Director") the power to make the A 533 (Silver Jubilee Bridge) Road User Charging Scheme Order in the form annexed hereto at Annexe 3;
- 2.4 That the Executive Board resolve to delegate to the Operational Director the power to make amendments to the proposed Road User Charging Scheme and the proposed Road User Charging Order to address matters arising from this report, discussions with objectors and other third parties, including Merseyside Passenger Transport Authority and the Department for Transport prior to making the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order;
- 2.5 That when made the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order be submitted to the Secretary of State for confirmation;
- 2.6 That the Executive Board resolve to delegate to the Operational Director the power to make amendments to the proposed River Mersey (Mersey Gateway Bridge) Order, the subject of an associated application under the Transport and Works Act 1992, to achieve a sufficient degree of uniformity between the proposed Road User Charging Order and that other Order; and
- 2.7 That officers be authorised to take such steps as are necessary or expedient for the discharge of the above matters, including settling, agreeing and approving the terms of necessary documentation.

3.0 LEGAL PROVISIONS

Transport Act 2000

- 3.1 A "charging scheme" is a scheme for imposing charges for the use or keeping of motor vehicles on roads. In the case of the Mersey Gateway project this means the use of vehicles on roads, specifically the Silver Jubilee Bridge. The Mersey Gateway Bridge itself would not be the subject of a charging scheme because it would be subject to tolls imposed under the terms of a Transport and Works Act 1992 Order.
- 3.2 A charging scheme for a road that is not a trunk road can be made by a local highway authority such as Halton Borough Council. That charging scheme may extend only to roads for which the Council is the traffic authority. In this case the jurisdiction of the Borough Council as traffic authority covers the Silver Jubilee Bridge as the Council is the traffic authority for the A533 as it passes over the bridge.
- 3.3 Under s168 of the Transport Act 2000 a charging scheme is made by order of the charging authority - Halton Borough Council. Under that section the Secretary of State for Transport may make regulations about such orders specifying their form and/or making provision as to publication of such proposals. The Secretary of State has not made any such regulations. Accordingly, officers have consulted and are in consultation with the Department for Transport in respect of proposals for the SJB charging scheme.
- 3.4 Under s169 Transport Act 2000 the order making a charging scheme is not to come in to force unless it has been submitted to and confirmed by the Secretary of State. This provision is set to be removed by the Local Transport Bill. However for the time being - and probably for any transitional provision - the requirement for Secretary of State confirmation remains. Therefore, the proposed charging order will require submission to the Secretary of State as part of the conformation process. This will - in all probability - also result in the calling of a public inquiry into the proposed charging scheme. Such a public inquiry is likely to be conjoined with other inquiries relating to the Mersey Gateway project so that it can be held at the same time, by the same inspector.

Consultation

- 3.5 At s170 of the Transport Act 2000 there is an obligation placed upon a prospective charging authority to carry out consultation about the proposed charging scheme. Either the prospective charging authority or the Secretary of State can cause a public inquiry to be held into the proposed charging scheme before making or confirming the relevant order.
- 3.6 Consultation has been carried out on behalf of the Borough Council in relation to the proposed charging scheme. This is discussed at paragraph 5 below. However, certain legal requirements apply to

consultation and the way that responses to that consultation must be treated.

- 3.7 For a consultation to have been undertaken properly it is important that the product of consultation must be conscientiously taken into account in finalising any statutory proposals. It is very important for members to consider the responses to consultation that are received with receptive minds and in a conscientious manner in deciding whether to make the proposed charging order. The responses to the most recent consultation are to be found in Annexe 4 to this report.

TWA and RUCO linked

- 3.8 Members will be aware that the Mersey Gateway project will be authorised by a number of consents. Of these, the proposed road charging order and the TWA Order are particularly relevant to the specific subject matter of this report. As noted above, the proposed TWA Order will impose tolls/charges on the Mersey Gateway Bridge. The proposed road charging order would impose charges on the SJB. Together these would regulate the two crossings in Halton that would be subject to tolls/charges. As such, although on separate bridges, the Mersey Gateway project can be seen as leading to two, closely related crossings and tolling/charging arrangements.
- 3.9 Just as the proposals for tolls/charges on the Mersey Gateway Bridge and the SJB were the subject of objection periods and consultation periods of the same length officers believe that a representation to tolls or charges on either should be considered at the same time, unless it is clear that it relates only to the tolling or charging of one. For this reason in considering the proposed charging scheme, it is also appropriate to consider representations made in response to the proposed TWA Order's tolling provisions. Accordingly, these are included in the analysis supporting this report and should be considered by members in deciding how to proceed.
- 3.10 Members will have noted from the above that the proper approach to the results of consultation is to be open-minded. As such, it is not appropriate to conclude that simply because the TWA Application has been made on one basis, the charging scheme should not be varied because it must match the tolling provision of the proposed TWA Order. In fact, the opposite is true - if changes are required to the proposed road charging order then similar changes may very well be needed to the proposed TWA Order. Therefore, Officers advise that if as a result of considering this report changes are to be made to the proposed road charging order, then appropriate changes should be made to the proposed draft TWA Order to achieve a sufficient degree of uniformity.

4.0 BACKGROUND AND HISTORY

- 4.1 Although members will already be aware of the history of tolling/charging proposals associated with the Mersey Gateway project it is necessary to have these in mind. The first point to consider is that prior to being granted programme entry for the project it was intended that the new Mersey Gateway proposal and the new bridge should be free to use. However, Government funding would not have been available for the project on that basis.
- 4.2 When the Borough Council sought funding for the project from Central Government it was asked to carry out an exercise known as a "major scheme appraisal" ("MSA"). This included a thorough examination of alternatives to the project and certain other matters. Among these was a requirement to consider if instead of constructing a completely new crossing of the River Mersey in Halton it would be possible to influence demand for travel such that congestion would be lessened on the SJB and that longer distance traffic might make greater use of the Strategic Route Network (the Trunk Roads).
- 4.3 One of the approaches that the Borough council was required to consider as part of this exercise was the imposition of charges for the use of the Silver Jubilee Bridge without constructing a new crossing at all.

Charging for Using Existing Bridge or Other Roads

- 4.4 The theory behind charging on its own as a means to reduce highway vehicle trip demand is that a proportion of users will be deterred from making trips by having to pay a stated level of charge for access to the road network generally or a specific section of the road network.
- 4.5 The most straightforward method for charging for the use of highways to reduce congestion would be the provision of barrier tolls. In order to implement this alternative a barrier would need to be placed across the affected route, in this instance the approach roads to the SJB.
- 4.6 The physical process of collecting payments in itself would impose an additional delay on travellers and further reduce demand. The efficiency with which charges can be collected varies according to the mix of traffic and the method of payment, but a predominately manual system would not typically cater for more than 400 vehicles per hour / per lane. On this basis at least 10 lanes in each direction would be required to service two lanes in each direction across the SJB. Each lane would be at least 5m wide and perhaps 150m long between extended tapers to / from the two running lanes.
- 4.7 The SJB and its approaches are generally elevated, barely catering for the main running lanes, and it would not therefore be possible to accommodate tolling facilities on the necessary scale on the immediate bridge approaches. If the tolling facilities were to be located more remotely, additional approaches would then require tolling facilities,

and it would become increasingly difficult to maintain independent routes for both crossing and local traffic.

- 4.8 The engineering requirements for toll facilities and the increased delays in passing through those toll points work against the general and Mersey Gateway-specific objective of reducing congestion. The imposition of tolls will influence demand and may do so to the extent that traffic that can take alternative routes will do so. However, for traffic that cannot, particularly local traffic additional delays will be experienced as well as the toll charge and this goes against the objective of improving cross-river movement within Halton.
- 4.9 In addition, with this alternative, it is difficult to provide improvements to public transport and to non-motorised pedestrian and cycle modes. Even if an alternative to barrier tolling was available and suitable, the requirements of these modes (reliability, segregation, safety) could not be addressed without increases in capacity or significant reductions in demand. Other important considerations would also not be addressed such as:
- a. Robustness of the highway link (resilience to incidents such that a reasonable level of service is maintained); and
 - b. Opportunities for maintenance without major traffic disruption.
- 4.10 Thus, for reasons including those outlined above, this solution was not considered to be feasible.

Tolling introduced to Mersey Gateway project

- 4.11 Original proposals for the Mersey Gateway project, involved the development of an untolled scheme. Therefore, all assessment work undertaken, as summarised above proceeded on this basis. Following the submission of the MSA in 2003, the DfT requested additional information on a number of issues, including the consideration of funding proposals by means of tolling. Studies undertaken concluded that without the tolling of both bridges (i.e. both the SJB and the Mersey Gateway Bridge) transport distribution would be distorted i.e. that traffic with a reasonable choice of either crossing would choose the crossing without a toll. The clear benefits associated with congestion relief i.e the locking in of capacity on the SJB to provide for public transport and cycling and the ability to manage demand on the new bridge in the future could not be realised. It was therefore concluded that both bridges should be tolled. The MSA was re-submitted in 2004 providing detail of a tolled option for the preferred route. In March 2006 the DfT granted Programme Entry approval for the Project, along with conditions which were based on a tolled scheme. Effectively, at this point, unless the project itself was not to be pursued, the project had to include tolling/charging and, it was

considered, such tolling/charging had to relate equally to the SJB and the Mersey Gateway Bridge itself.

Previous consultation on tolling

- 4.12 A Consultation Action Plan was prepared in March 2007, initiating the work required for the consultation exercise in relation to the Mersey Gateway project as it had evolved by that point. A request to undertake major consultation was approved by the Mersey Gateway Executive Board on 18th June 2007 and, in accord with the Communications Strategy, the public consultation exercise was implemented between June and September of 2007.
- 4.13 On 18th June 2007 a briefing for the press at the Catalyst Museum in Widnes took place and leaflets and questionnaires were distributed to residents and businesses within the Borough. Consultation leaflets and questionnaires were available for the launch of the consultation.
- 4.14 In addition, a number of articles publicising the proposals were printed in the local and regional media – specifically Liverpool Daily Post, Liverpool Echo, Runcorn World, Widnes World, Runcorn & Widnes Weekly News between 19 June 2007 and 5 July 2007. The Project was also covered by the BBC and commercial radio and TV stations in the North West.
- 4.15 These activities ran from 18th June to 21st September 2007 in line with the Consultation Strategy. In addition to the principal activities noted above the following consultation activities were undertaken. Fifteen separate exhibitions throughout the Borough, editorial coverage in Halton Borough Council publications, a new website, information campaign in local media, monthly e-newsletter, briefing events for local/regional businesses and groups, gateway newsletter, postal/phone/text feedback system and letters to general stakeholders, statutory consultees and regional MP's and MEP's.
- 4.16 In early July 2007, a wide range of stakeholders at a local, regional and national level were provided with the consultation leaflets and questionnaires. A total of 747 stakeholders were contacted.
- 4.17 Overall, stakeholders were positive about the Project. Only one of the stakeholders (North West Transport Activists Round Table) strongly opposed the proposals. There were no other objections. Over half of the consultees agreed with the implementation of the Project, twelve remained neutral, a further twelve were supportive and five were strongly supportive (mainly local authority and regeneration agencies). Nevertheless, issues were identified in association with the local communities by the new infrastructure or the imposing of a tolling system. It was assumed by the majority of respondents that the Project would encourage segregation between Widnes and Runcorn residents. The segregation of work patterns was also mentioned.

- 4.18 Whilst illustrating support for the Project, in relation to tolling one stakeholder said “it will be important to have some form of regular user discount to minimise the financial impact for such employees,” including employees of Liverpool John Lennon Airport.
- 4.19 Respondents were asked to consider the type of discounts they would prefer for both the SJB and the New Bridge. Respondents were able to choose a maximum of two options from a list provided by the Project team and were also provided with space to state another option.
- 4.20 Respondents stated that they would prefer discounts for local people (2,268), discount for regular users of the bridges (1,055) and discounts for elderly or disabled travellers (124). Less preference was shown for discounts for specific types of vehicles e.g. taxis, cyclists (38), limited charging plans for car sharing (23), discounts for Halton businesses (15) and restrictions for Heavy Goods Vehicles (11). The least preferred option was for all users to pay the same rate (130). Respondents were also able to offer their own suggestions, the most popular being not to have a toll (733).

Results of previous consultation

- 4.21 The requirement for tolling/charging had been brought about as a necessity for securing funding for the Mersey Gateway project that would include improvements for non-motorised modes across the SJB. Although a free to use crossing may be preferable, this would not be capable of being constructed because finance would not be available. The results of consultation reflect that a free to use crossing would be preferred by the majority of respondents.
- 4.22 Although a free to use crossing was no-longer available support remained for the Mersey Gateway proposals.

5.0 FORMAL CONSULTATION ON THE CHARGING SCHEME

- 5.1 As described above the formal consultation on the details of the proposed charging scheme began at the same time as the applications for powers to construct the Mersey Gateway Bridge and other elements of the project.
- 5.2 The proposed charging scheme and its content was publicised by
- 5.2.1 Notice in local newspapers ;
 - 5.2.2 Notices posted on the SJB, being the road that would be the subject of the proposed charging scheme;
 - 5.2.3 Notice being given to a range of stakeholders, the identities of which are set out in Annexe 5. The consultation included a draft of the proposed road charging order, a copy of the accompanying plan, a copy of the Statement of Aims and

Reasons and an explanation of the proposed tolling/charging proposals;

- 5.2.4 Deposit of the draft charging scheme, draft charging order, a plan showing the roads to be the subject of charges and a Statement of Aims and Reasons relating to the project as a whole.

It is important to note that in addition to the proposed charging scheme the TWA Application, explaining and supported by numerous documents, including a Statement of Aims and Reasons that refers to the proposed charging scheme, was also publicised at the same time. Thus, attention was drawn to the project as a whole, including the proposed charging scheme at the same time.

List of responses and comments

- 5.3 A table setting out the responses to consultation on the proposed charging scheme and the representations in relation to the TWA Application, together with the comments of officers on those representations where comments are appropriate is set out in Annexe 4. Members are reminded of the comments at paragraph 3.7 above.
- 5.4 To the extent that a specific reference is not made to the representation of any person, the representation made is similar in nature to those set out in the Annexe.

Merseytravel

- 5.5 Merseytravel/The Merseyside Passenger Transport Authority (together, "Merseytravel") is the operator of the Mersey Tunnels. It is a stakeholder because it operates a tolled crossing of the River Mersey. As such, whether or not it will be affected by the Mersey Gateway project on a direct or indirect basis, it is able to provide constructive support. Indeed on 14 July 2008 the Passenger Transport Authority resolved to support the Mersey Gateway project.
- 5.6 It is considered prudent to maintain consultation and communication with Merseytravel. This relates to questions such as interoperability, which may be of relevance to the future operation of both the tunnel and the Mersey gateway undertakings.
- 5.7 Preliminary discussions have already been undertaken between Merseytravel and officers of the Borough Council. As a result, some of the matters that they have raised are already reflected in proposed revisions to the draft charging order. However, as set out in paragraph 2.4 above, officers seek a delegated power to make further amendments to the proposed charging order and charging scheme to allow those discussions to continue.

Department for Transport

- 5.8 Officers have consulted the DfT throughout the project in relation to funding matters, the proposals for tolling and (prior to applications) the TWA Application. The area of road charging is in a state of rapid development. The Local Transport Bill, which is expected to become law this Autumn, will change the regime for seeking road user charging powers. The European Union is seeking to impose uniformity in relation to interoperability matters and the DfT itself is continuing to develop its own policy. It is, of course, responsible for a number of tolled crossings itself, notably the Queen Elizabeth Bridge and tunnels at Dartford.
- 5.9 Officers expect to meet DfT in the first week of September 2008. At this point they will receive comments from DfT on the proposed scheme and order. It is anticipated that this may result in some further changes to the proposed scheme and proposed order. Therefore, officers seek a delegated power to make further amendments to the proposed charging order and charging scheme to respond to those discussions.

6.0 ANALYSIS

- 6.1 Members attention is drawn to the representations table at Annexe 4 and officers comments in response. The responses can be broken down into a number of broad types, which include: support; opposition to charges/tolls in general on the Silver Jubilee Bridge and/or Mersey Gateway Bridge; questions as to the legality of the proposals; suggestions that the Silver Jubilee Bridge should not be the subject of charges; and suggestions for discounts or exemptions for tolls for certain groups. There is a wide range of evidence offered to support the representations ranging from impact on business, disadvantaged groups, transportation questions and financial matters. However, aside from the question of exemptions/discounts from tolls/charges there are few, if any, comments that lead to a need to vary the proposals that have already been placed before the Council. Accordingly, aside from relatively mechanistic changes to the proposed road charging order the question before Members is whether to proceed with this measure or not.
- 6.2 The short point is that without charges/tolls the Mersey Gateway project is not deliverable. Furthermore, as set out in the table at Annexe 4, the option of tolling the Mersey Gateway Bridge but leaving the Silver Jubilee Bridge without charges is not a viable option either. This would mean that the toll/charge revenue required to fund the Mersey Gateway project as a whole would not be secured and the project would not be able to go ahead. Without the imposition of charges by this means (and tolls under the proposed TWA Order) the benefits of the Mersey Gateway project and the achievement of its aims would not be accomplished.

- 6.3 In making the Order certain matters are worth revisiting. Particular matters that require particular consideration (including in light of consultation and the relative absence of representations on these matters) include:
- 6.3.1 The roads to which charges apply - It is proposed that the roads to be subject to charges should remain unchanged. No representations have suggested changes in this element of the project.
 - 6.3.2 The event which triggers liability for a charge;
Again, it is proposed that this element remains unchanged
 - 6.3.3 How charges are to be made, collected or paid;
This matter is the subject of continued discussion as to practicality. However, as things stand the terms of the proposed order requires no additional alteration save those discussed below.
 - 6.3.4 Definitions of classes of vehicles to be charged and the levels of charges
This is the subject of discussion with the DfT and Merseytravel. It is recommended that officers be given delegated powers to advance discussions and make such changes to the draft order as are expedient to secure flexibility in this area.
 - 6.3.5 The times when charges will apply;
It is proposed that the tolls will apply at all times. No changes to the proposed order are required to address this.
 - 6.3.6 The levels of penalty charges; and
No representations were received in relation to levels of penalty charges. Therefore, it is not proposed that changes be made to this aspect of the proposals.
 - 6.3.7 Whether there are local exemptions or concessions.
This matter has been the subject of a number of comments received from members of the public. The comments of officers based upon the Borough Council's policy on this matter are set out in Annexe 4. It is recommended that the possibility of discounts be addressed at the stage at which the concession for the construction and operation of the Mersey Gateway project is let. At that point the scope for and extent of any exemptions and concessions - as well as their affordability - will be known.
- 6.4 Members will note that changes are recommended to the proposed charging order and charging scheme. These are shown on the draft order at Annexe 3. Members will also note the recommended delegations to make additional changes to the draft road charging order and charging scheme.

7.0 SUPPORTING INFORMATION

- 7.1 Details of the Project and the reasons why the Council is promoting this major transport initiative were reported to the Council on 23 April 2008. There have been no changes to the Project since 23 April.
- 7.2 The decision to promote the road user charging scheme and to carry out consultation was made on 10 April 2008. A copy of the relevant report is at Annexe 6.

8.0 POLICY IMPLICATIONS

- 8.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

9.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 9.1 The implementation of Mersey Gateway will have significant benefits for all Council priorities.

10.0 RISK ANALYSIS

- 10.1 The specific risks are reported in a detailed project risk register linked to the Council's corporate risk management regime.

11.0 EQUALITY AND DIVERSITY ISSUES

- 11.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

12.0 REASON(S) FOR DECISION

- 12.1 The recommended decisions are required to support the delivery of Mersey Gateway.

13.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 13.1 Alternative options for securing the powers to construct, maintain and operate, including tolling, the MG project have been assessed and rejected.

14.0 IMPLEMENTATION DATE

- 14.1 The recommended decisions are required to be made as soon as possible in order to enable all relevant applications, orders and other processes relating to the Mersey Gateway project to be conjoined. This requires the charging order to be made.

15.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 15.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.

Halton Borough Council

Transport Act 2000

The A533 (Silver Jubilee Bridge) Road User Charging Scheme

Order 200[]

Made - - - - - 200[]

Coming into force - - - - - 200[]

ARRANGEMENT OF INSTRUMENT

The Order

Article

1. Citation and commencement
2. Duration
3. Scheme

Schedule to the Order

Scheme for imposing charges in respect of the use of the A533 Silver Jubilee Bridge by vehicles.

Annexes to the Scheme

- | | |
|---------|---|
| Annex 1 | Vehicles exempt from charges |
| Annex 2 | Classification of vehicles in respect of which charges may be levied |
| Annex 3 | Halton Borough Council's general plan for applying the net proceeds of this Scheme during the opening 10 year period |
| Annex 4 | Halton Borough Council's detailed plan for applying the net proceeds of this Scheme during the period of its current local transport plan |
| Annex 5 | Notice of revision to charges |

Halton Borough Council (the "Council") is a local traffic authority with the meaning of the Road Traffic Regulation Act 1984 and by virtue of the provisions of the Transport Act 2000 (the "2000 Act") has power by order of the Council to make a charging scheme for imposing charges in respect of roads for which the Council, as the charging authority within the meaning of the 2000 Act, is the local traffic authority;

The Council included in the second Local Transport Plan for Halton Borough, published in March 2006, references to its proposals to introduce a road user charging scheme for the A533 Silver Jubilee Bridge as a central element of its strategy to reduce congestion and in the context of measures to support the implementation of the Council's proposals to construct a new road crossing over the River Mersey and it appears expedient to the Council that it should make an Order for the purpose of facilitating the achievement of that proposal and of other policies and proposals in the local Transport Plan;

The Council has consulted about its proposals for the scheme [and [] caused an] inquiry to be held in relation to the scheme;

[The Council] has considered the report of the person by whom that inquiry was held;

[The Secretary of State has confirmed that this Order should be made];

And the Council has determined to make the Order;

The Council in exercise of the powers conferred on it by sections 168 [and] of the Transport Act 2000 and of all other powers vested in it in that behalf, hereby makes the following Order -

Citation and commencement

1. This Order may be cited as the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 200[] and shall come into force on [].

Duration

2. This Order shall remain in force indefinitely.

Scheme

3.—(1) Subject to paragraph (2) below the Scheme set out in the Schedule to this Order shall have effect from a day to be appointed by resolution of the Council ("the appointed day").

2(2) No later than three months before the appointed day the Council shall publish notice of the resolution under paragraph (1) in the London Gazette and in at least one newspaper circulating in the Borough of Halton.

Signed by authority of [◆]
Halton Borough Council [◆]

Dated []

SCHEDULE 1

**SCHEME FOR IMPOSING CHARGES IN RESPECT OF THE USE OF THE SILVER
JUBILEE BRIDGE**

Interpretation

1. In this Scheme—

"2000 Act" means the Transport Act 2000;

"concession agreement" means a legally binding arrangement which may be comprised within one or more documents that makes provision for the design, construction, financing, refinancing, operation and maintenance of either the Silver Jubilee Bridge or a new road crossing over the River Mersey or both of them;

"concessionaire" means any person with whom the Council enters into a concession agreement from time to time and together with the successors and assigns of any such person;

"deposited plan" means the plan deposited at the offices of the Council at Municipal Building, Kingsway, Widens WA8 7QF signed by the Chief Executive of the Council;

"scheme" means the scheme for imposing charges for the use of the scheme road pursuant to this Order;

"scheme road" means that part of the A533 road that approaches and crosses the Silver Jubilee Bridge as shown on the deposited plan;

The scheme road

2.—(1) The road in respect of which changes and penalty charges are imposed by this scheme is the scheme road.

Imposition of charges and penalty charges

3.—(1) A charge shall be imposed in respect of a vehicle where-

- (a) the vehicle has been used or kept on the scheme road; and
- (b) the vehicle falls within a class of vehicles in respect of which a charge is imposed by this Order.

(2) Penalty charges shall be imposed in respect of a vehicle to which paragraph (1) applies and the charge has not been paid in full in accordance with that sub-paragraph within the time and in the manner in which it is required by this Order to be paid;

(3) A penalty charge payable by virtue of paragraph (3) shall be paid within the period (the "payment period") of 28 days beginning with the date on which a penalty charge notice is served under and shall be payable in a manner specified in the penalty charge notice.

(4) The amount of a penalty charge payable in accordance with paragraph (3) shall be £120.00 but if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount shall be reduced by half.

Payment of charges

4.—(1) Save where the Council elects in accordance with paragraph (2) below charges shall be payable:

- (a) when demanded by a person authorised by the Council or its agent in that behalf at a place designated by the Council for the collection of charges; or
- (b) by inserting the appropriate coin or coins of the denomination required to pay the charge at an appropriate collection point .

(2) The Council may elect that paragraphs (3) to (10) shall apply in addition to or instead of paragraph (1) of this Article provided that:

- (a) where the Council elects that those provisions shall apply in addition to the provisions of paragraph (1) they shall constitute an alternative method of payment; and
- (b) where the Council elects that these provisions shall apply instead of the provisions of paragraph (a) they shall apply exclusively.

(3) Subject to the following provisions of this article where the Council so elects under paragraph (2):

- (a) a charge imposed by this Scheme shall be paid by the purchase of a licence from the Council or its agent; and
- (b) except where paragraphs (8) and (9) apply, a licence shall be issued for a specified period falling on, or beginning with, a specified date.

(4) A licence shall be purchased for one of the following periods:

- (a) the duration of a single journey;
- (b) a single day;
- (c) a period of 5 or 7 consecutive days;
- (d) a period of a single month; or
- (e) a period of one year.

(5) Except in a case where paragraph (11) applies:

- (a) a licence shall be purchased for a particular vehicle;
 - (aa) that vehicle shall be identified by its registration mark;
- (ab) the purchaser of a licence shall specify to the Council or its agent the registration mark of the vehicle in respect of which the licence is to be issued;
- (ac) a licence shall not be valid for any vehicle having a registration mark different from the mark so specified;
- (b) a licence for one charging day may only be purchased:
 - (i) on the day concerned;
 - (ii) on a day falling within the period of three months immediately preceding that day; or

(iii) on or before the next consecutive day after the charging day concerned.

(c) a licence for a period within paragraphs (4)(c) to 4(e) may only be purchased:

(i) on the first day of the period concerned;

(ii) on a day falling within the period of three months immediately preceding that day.

(6) A charge imposed by this Scheme, the amount of which is specified in Article 7, shall be paid by a means specified by the Council or such other means as the Council may in the particular circumstances of the case accept.

(7) Where a licence is purchased otherwise than in cash and payment is not received by the Council or its agent (whether because a cheque is dishonoured or otherwise), the charge to which the licence relates shall be treated as not paid and the licence shall be void.

(8) Notwithstanding paragraph (3)(b) a licence may, at the discretion of the Council or its agent be purchased for a day which is to be specified after the grant of the licence in accordance with the conditions subject to which the licence is granted.

(9) Those conditions may in particular include conditions as to the time within which, and the manner in which, a day is to be specified for the licence.

(10) The Council or its agent may enter into agreements ("composition agreements") under which persons compound in advance, on such terms as may be provided by the agreement, the payment of charges in respect of the use of the scheme road by them, by other persons or by any vehicles.

(11) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

Classification of vehicles

5. Annex 1 to this scheme, which sets out the classification of vehicles in respect of which a charge is imposed by this scheme, shall have effect.

Vehicles exempt from charges

6. Annex 2 to this Scheme, which sets out the vehicles exempt from charges, shall have effect until such time as the Secretary of State shall make regulations to this effect under section 172 of the 2000 Act.

Level of charges

7.—(1) On and from the appointed day the charges for the use of the new crossing shall be at such level within the charge range specified in paragraph 6(3) for the class of vehicle specified as the Council may determine and shall remain at such level unless revised in accordance with the provisions of this Schedule.

(2) The classification of vehicles or classes of vehicles in respect of which charges may be levied from the opening date shall be those set out Annex 1.

(3) In this paragraph-

“charge range” means the level of charge contained in the table below increased by the same percentage for each whole year between April 2008 and the appointed day as referred to in paragraph 8 (percentage increase)

class of vehicle	Charge
------------------	--------

class 1 vehicles	£0.00 to £2.50
class 2 vehicles	£1.00 to £2.50
class 3 vehicles	£2.00 to £5.00
class 4 vehicles	£4.00 to £10.00

(4) The charge range applicable in respect of any vehicle or class of vehicles as provided for in this Scheme shall be revised by the Council in accordance with article 7 each year.

(5) The charge payable in respect of any vehicle or class of vehicle may be varied within the charge range in effect from time to time.

Percentage increase of charge ranges

8.—(1) The charge ranges referred to in article 7 shall be recalculated annually on 1 April each year by multiplying the upper and lower limits applying to each charge range by the indexation factor.

(2) The indexation factor shall be derived by dividing the value of the retail prices index for the month of February in the relevant year by the retail prices index for the month of February in the preceding year to produce a percentage and then adding one per cent.

(3) Subject to sub-paragraph (4), the references in this Schedule to the retail prices index means the monthly United Kingdom index of Retail Prices (for all items) published by the Office of National Statistics.

(4) If that index is not published for any month these references shall be references to any substituted index or index figures published by that office for that month.

(5) Whenever the Council proposes to revise the charge that applies to any vehicle or class of vehicles pursuant to article 7 the Council shall publish in at least one local newspaper a notice substantially in the form set out in Annex 5.

(6) The charges set out in a notice given under paragraph (5) shall have effect from the date 6 weeks after that on which the notice referred to in paragraph (5) is published.

General provisions as to charges

9.—Any level of charges to be set pursuant to the provisions of this Order-

- (a) if it is neither a multiple of ten pence nor an amount which on division by ten produces a remainder of five pence shall be rounded to the nearest ten pence; and
- (b) if it is an amount which on division by ten produces a remainder of five pence shall be increased by five pence.

10 year plan for net proceeds

10. Annex 3 to this Scheme constitutes the general plan of the Council under paragraph 10(1)(c) of Schedule 12 to the 2000 Act for applying the net proceeds of this Scheme during the period which begins with the date on which this Scheme comes into force and ends with the tenth financial year that commences on or after that date.

Detailed programme for net proceeds

11. Annex 4 to this Scheme constitutes the detailed programme of the Council under paragraph 10(1)(b) of Schedule 12 to the Act for applying the net proceeds of this Scheme during the period which begins with the date on which this Scheme comes into force and ends at the time by which the Councils' local transport plan is next required to be replaced.

Duration of the Scheme

12. This Scheme shall remain in force indefinitely.

ANNEX 1

CLASSIFICATION OF VEHICLES FOR THE PURPOSES OF CHARGES

- “class 1 vehicle”** means a moped falling within clarifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).
- “class 2 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₁(a) and M₁(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classification N₁(a).
- “class 3 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₂(a) and M₂(b); motor caravans falling within classifications L(a) and L(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N₁(b), N₂(a) and N₂(b).
- “class 4 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₃(a) and M₃(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N₃(a) and N₃(b).

Reference to "classifications" in this Annex are references to the classes of motor vehicles contained or referred to in Part II of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(a).

ANNEX 2

VEHICLES EXEMPT FROM CHARGES

1. —(1) Tolls and charges may not be charged in respect of—

- (a) a vehicle being used in the discharge of the functions of a fire authority under the Fire and Rescue Services Act 2004 **(a)** or which would otherwise be an exempt vehicle under paragraphs 4 and 5 of Schedule 2 to the Vehicle Excise and Registration Act 1994 **(b)**;
- (b) a vehicle being used for police purposes;
- (c) a vehicle exempt from duty under the Vehicles Excise and Registration Act 1994 under paragraphs 6 to 9 of Schedule 2 to that Act (ambulances);
- (d) a vehicle being driven by a disabled person, or being used for the carriage of one or more disabled persons, which displays a current disabled person's badge issued under-
 - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970 **(c)** or
 - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 **(d)**, or
 - (iii) which has been issued with a token or permit to like effect by the undertaker;
- (e) a vehicle being used in connection with-
 - (i) the collection of tolls; or
 - (ii) the maintenance, improvement or renewal of, or other dealing with, the new crossing or any structure, works or apparatus in, on, under or over any of the new crossing;
- (f) a vehicle used for naval, military or air force purposes, while being driven by persons subject to the orders of a member of the armed forces of the Crown; or
- (g) a vehicle which, having broken down on the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power.

3(2) Further and in addition to the provisions of sub-paragraph (9)(a) above the charge or toll payable for the use of the new crossing by any vehicle in respect of which the appropriate national authority has made regulations pursuant to section 172 of the 2000 Act shall be nil where such regulations prescribe an exemption from charges.

(a) 2004 c.21.
(b) 1994 c.22.
(c) 1970 c.44.
(d) 1978 c.53.

ANNEX 3

HALTON BOROUGH COUNCIL'S GENERAL PLAN FOR APPLYING THE NET PROCEEDS OF THIS SCHEME DURING THE OPENING 10 YEAR PERIOD

1. The proposed road user charging scheme is due to start in 2014 to coincide with the date that the proposed Mersey Gateway Bridge is opened for use by the public. Paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000 applies to the period that is concerned partly by the current Local Transport Plan that fully supports the implementation of the scheme.

2. The net proceeds in the opening ten year period will be applied, in such proportions to be decided, towards:

- (a) in paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any or both;
- (b) in providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) in paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) in making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge or the Mersey Gateway Bridge;
- (e) in making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local transport plan, or for other purposes; and
- (f) in providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in the constructing or in securing the construction, maintenance and operation of the Mersey Gateway Bridge or in securing the maintenance and operation of the Silver Jubilee Bridge.

ANNEX 4

**HALTON BOROUGH COUNCIL'S DETAILED PLAN FOR APPLYING THE NET
PROCEEDS OF THIS SCHEME**

1. The proposed user charging scheme is due to start in 2014 to coincide with the opening of the proposed Mersey Gateway Bridge for use by the public. The existing second Local Transport Plan (LTP) runs from 2006/07 to 2010/11. Therefore, paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 relates to the second LTP ("LTP2") in part because the Scheme is being brought forward as part of proposals to facilitate the achievement of proposals in LTP2 and its construction will be commenced. However, the Scheme will not be in operation until 2014 at the earliest. Therefore, the relevant LTP will be the third LTP - assuming the process is retained beyond 2011. It is anticipated that LTP3 will have to be submitted to the Secretary of State for Transport for approval in due course. However, as the Scheme is a central element of the Council's strategy to reduce congestion and is a component measure to support the implementation of the Council's proposals to construct a new road crossing over the River Mersey - the Mersey Gateway Project - it is expected that the objectives in LTP3 will remain broadly in line with those in LTP2 that relate to the Silver Jubilee Bridge and the Mersey Gateway Project.

2. The expenditure plans for receipts from the scheme will complement the current LTP2 programme and contribute towards achieving the following LTP objectives:

- (a) tackle congestion;
- (b) deliver accessibility;
- (c) safer roads; and
- (d) better air quality.

3. Priorities for the Scheme revenue expenditure are:

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any of both;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge or the Mersey Gateway Bridge;
- (e) in making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in LTP2 and LTP3; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in the constructing or in securing the construction, maintenance and operation of the Mersey Gateway Bridge or in securing the maintenance and operation of the Silver Jubilee Bridge.

ANNEX 5

FORM OF NOTICE

THE A533 (SILVER JUBILEE BRIDGE) ROAD USER CHARGING SCHEME ORDER 200[]

NOTICE OF REVISION OF TOLLS

The charges applicable to use of the Silver Jubilee Bridge by vehicles shall be:

class of vehicle	Charge
class 1 vehicles	
class 2 vehicles	
class 3 vehicles	
class 4 vehicles	

The revisions set out above shall take effect upon [effective date being a date not less than 28 days after the date of this notice]

Signed

*On behalf of.....

Date

Name and status of Signatory

* Delete or amend as appropriate.

NOTICE IS HEREBY GIVEN that Halton Borough Council ("the Council") in exercise of its powers under section 168 of the Transport Act 2000 proposes to make the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order ("the Order") and prior to doing so, in exercise of its powers under section 170 of the Act, will commence a consultation exercise about the proposed Order, including publication of the draft Order.

The Order will permit the Council to levy charges upon vehicles for the use of the Silver Jubilee Bridge and certain parts of the adjacent highway network in connection with the Council's proposals to construct a new road bridge between Widnes and Runcorn, known as the Mersey Gateway Project. The new road bridge is also proposed to be subject to tolls or charges for its use by vehicles, which is the subject of a separate application to the Secretary of State for an Order under the Transport and Works Act 1992.

A copy of the Order, a plan showing the extent of the A533 to be subject to road charges for its use pursuant to the Order and of supporting information, may be inspected free of charge at the following locations and during the hours set out below:

**Halton Borough Council, Planning
Department, 2nd Floor, Rutland House, Halton
Lea, Runcorn WA7 2GW**

Monday 9.30am - 5.00pm
Tuesday 9.30am - 5.00pm
Wednesday 9.30am - 5.00pm
Thursday 9.30am - 5.00pm
Friday 9.30am - 5.00pm
Saturday Closed

**Halton Lea Library, Halton Lea, Runcorn WA7
2PF**

Monday 9.00am - 5.30pm
Tuesday 9.00am - 5.30pm
Wednesday 9.00am - 5.30pm
Thursday 9.00am - 7.00pm
Friday 9.00am - 7.00pm
Saturday 9.00am - 4.00pm

**Kingsway Learning Centre (Library) Victoria
Road, Widnes WA8 7QY**

Monday 9.00am - 9.00pm
Tuesday 9.00am - 9.00pm
Wednesday 9.00am - 9.00pm
Thursday 9.00am - 9.00pm
Friday 9.00am - 5.30pm
Saturday 9.00am - 4.00pm

**Halton Direct Link, Church Street, Runcorn WA7 1LX
7 Brook Street, Widnes WA8 6NB**

**Queens Avenue, Ditton, Widnes WA8 8HR
Concourse Level, Rutland House, Halton Lea WA7 2ES**
Monday 9.30am - 5.30pm
Tuesday 9.00am - 9.30pm
Wednesday 9.00am - 9.30pm
Thursday 9.00am - 7.00pm
Friday 9.00am - 7.00pm
Saturday 9.00am - 1.00pm

Runcorn Library, Egerton Street, Runcorn WA7 1JL

Monday 9.30am - 1.00pm and 2.00pm - 5.00pm
Tuesday 9.30am - 1.00pm and 2.00pm - 5.00pm
Wednesday Closed
Thursday 9.30am - 1.00pm and 2.00pm - 7.00pm
Friday 9.30am - 1.00pm and 2.00pm - 5.00pm
Saturday 9.30am - 4.00pm

Copies of the Order, of the related plan and supporting information, may be obtained from Steve Nicholson at Halton Borough Council, Environment Directorate, 3rd Floor, Rutland House, Runcorn WA7 2GW. A charge may be payable where hard copies are requested.

Any objections to, representations and/or other responses to the consultation should be sent on or before 18 July 2008 to Halton Borough Council for the attention of Steve Nicholson at Halton Borough Council, Environment Directorate, 3rd Floor, Rutland House, Runcorn WA7 2GW.

Any objection representation or other response MUST (i) be received by the Council on or before Friday 18 July 2008; (ii) be made in writing (whether sent by post or e-mail); (iii) state the grounds of the objection or other representation; (iv) indicate who is making the objection or other representation; and (v) give an address to which correspondence relating to the objection or other representation may be sent (objections or other representations sent by e-mail must include a postal address for correspondence).

Halton Borough Council will take account of objections, representations or other responses that it receives in connection with the consultation exercise. It will also take account of such objections, representations or other responses in relation to its proposals for the Mersey Gateway Project as a whole.

DLA Piper UK LLP, Solicitors to Halton Borough Council

29th May 2008.

Halton Borough Council

Transport Act 2000

The A533 (Silver Jubilee Bridge) Road User Charging Scheme

Order 200[]

Made - - - - - 200[]

Coming into force - - - - - 200[]

ARRANGEMENT OF INSTRUMENT

The Order

Article

1. Citation and commencement
2. Duration
3. Scheme

Schedule to the Order

Scheme for imposing charges in respect of the use of the A533 Silver Jubilee Bridge by vehicles.

Paragraph

1. Interpretation
2. The scheme road
3. Imposition of charges and penalty charges
4. Payment of charges
5. Classification of vehicles
6. Vehicles exempt from charges
7. Level of charges
8. Percentage increase of charge ranges
9. General provisions as to charges
10. 10 year plan for net proceeds
11. Detailed programme for net proceeds
12. Duration of the scheme

Annexes to the Scheme

- Annex 1 Vehicles exempt from charges
- Annex 2 Classification of vehicles in respect of which charges may be levied
- Annex 3 Halton Borough Council's general plan for applying the net proceeds of this scheme during the opening 10 year period
- Annex 4 Halton Borough Council's detailed plan for applying the net proceeds of this scheme during the period of its current local transport plan
- Annex 5 Notice of revision to charges

Halton Borough Council (the "Council") is a local traffic authority with the meaning of the Road Traffic Regulation Act 1984 and by virtue of the provisions of the Transport Act 2000 (the "2000 Act") has power by order of the Council to make a charging scheme for imposing charges in respect of roads for which the Council, as the charging authority within the meaning of the 2000 Act, is the local traffic authority;

The Council included in the second Local Transport Plan for Halton Borough, published in March 2006, references to its proposals to introduce a road user charging scheme for the A533 Silver Jubilee Bridge as a central element of its strategy to reduce congestion and in the context of measures to support the implementation of the Council's proposals to construct a new road crossing over the River Mersey and it appears expedient to the Council that it should make an Order for the purpose of facilitating the achievement of that proposal and of other policies and proposals in the local Transport Plan;

The Council has consulted about its proposals for the scheme and [[the Secretary of State] has caused an] inquiry to be held in relation to the scheme];

[The Council] has considered the report of the person by whom that inquiry was held;

The Council has determined to make the Order;

[The Secretary of State has confirmed that this Order should be made];

The Council in exercise of the powers conferred on it by sections 168 [and] of the Transport Act 2000 and of all other powers vested in it in that behalf, hereby makes the following Order -

Citation and commencement

1. This Order may be cited as the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 200[] and shall come into force on [].

Duration

2. This Order shall remain in force indefinitely.

Scheme

3.—(1) Subject to paragraph (2) below the scheme set out in the Schedule to this Order shall have effect from a day to be appointed by resolution of the Council ("the appointed day").

2(2) No later than three months before the appointed day the Council shall publish notice of the resolution under paragraph (1) in the London Gazette and in at least one newspaper circulating in the Borough of Halton.

Signed by authority of

[◆]

Halton Borough Council

[◆]

Dated []

SCHEDULE 1

**SCHEME FOR IMPOSING CHARGES IN RESPECT OF THE USE OF THE SILVER
JUBILEE BRIDGE**

Interpretation

1. In this scheme—

"2000 Act" means the Transport Act 2000;

"concession agreement" means a legally binding arrangement which may be comprised within one or more documents that makes provision for the design, construction, financing, refinancing, operation and maintenance of either the Silver Jubilee Bridge or a new road crossing over the River Mersey or both of them;

"concessionaire" means any person with whom the Council enters into a concession agreement from time to time and together with the successors and assigns of any such person;

"day" means any day of the year;

"deposited plan" means the plan deposited at the offices of the Council at Municipal Building, Kingsway, Widens WA8 7QF signed by the Chief Executive of the Council;

"register" means the register of vehicles being exempt from charges pursuant to the scheme maintained by the Council under article 6;

"scheme" means the scheme for imposing charges for the use of the scheme road pursuant to this Order;

"scheme road" means that part of the A533 road that approaches and crosses the Silver Jubilee Bridge as shown on the deposited plan;

The scheme road

2.—(1) The road in respect of which charges and penalty charges are imposed by this scheme is the scheme road.

Imposition of charges and penalty charges

3.—(1) A charge shall be imposed in respect of a vehicle where-

- (a) the vehicle has been used or kept on the scheme road; and
- (b) the vehicle falls within a class of vehicles in respect of which a charge is imposed by this Order.

(2) Penalty charges shall be imposed in respect of a vehicle to which paragraph (1) applies and the charge has not been paid in full in accordance with that sub-paragraph within the time and in the manner in which it is required by this Order to be paid;

(3) A penalty charge payable by virtue of paragraph (3) shall be paid within the period (the "payment period") of 28 days beginning with the date on which a penalty charge notice is served under and shall be payable in a manner specified in the penalty charge notice.

(4) The amount of a penalty charge payable in accordance with paragraph (3) shall be £120.00 but if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount shall be reduced by half.

Payment of charges

4.—(1) Save where the Council elects in accordance with paragraph (2) below charges shall be payable:

- (a) when demanded by a person authorised by the Council or its agent in that behalf at a place designated by the Council for the collection of charges; or
- (b) by inserting the appropriate coin or coins of the denomination required to pay the charge at an appropriate collection point .

(2) The Council may elect that paragraphs (3) to (10) shall apply in addition to or instead of paragraph (1) of this article provided that:

- (a) where the Council elects that those provisions shall apply in addition to the provisions of paragraph (1) they shall constitute an alternative method of payment; and
- (b) where the Council elects that these provisions shall apply instead of the provisions of paragraph (a) they shall apply exclusively.

(3) Subject to the following provisions of this article where the Council so elects under paragraph (2):

- (a) a charge imposed by this scheme shall be paid by the purchase of a licence from the Council or its agent; and
- (b) except where paragraphs (8) and (9) apply, a licence shall be issued for a specified period falling on, or beginning with, a specified date.

(4) A licence shall be purchased for one of the following periods:

- (a) the duration of a single journey;
- (b) a single day;
- (c) a period of 5 or 7 consecutive days;
- (d) a period of a single month; or
- (e) a period of one year.

(5) Except in a case where paragraph (11) applies:

- (a) a licence shall be purchased for a particular vehicle;

- (b) that vehicle shall be identified by its registration mark;
- (c) the purchaser of a licence shall specify to the Council or its agent the registration mark of the vehicle in respect of which the licence is to be issued;
- (d) a licence shall not be valid for any vehicle having a registration mark different from the mark so specified;
- (e) a licence for one charging day may only be purchased:
 - (i) on the day concerned;
 - (ii) on a day falling within the period of three months immediately preceding that day; or
 - (iii) on or before the next consecutive day after the charging day concerned.
- (f) a licence for a period within paragraphs (4)(c) to 4(e) may only be purchased:
 - (i) on the first day of the period concerned;
 - (ii) on a day falling within the period of three months immediately preceding that day.

(6) A charge imposed by this scheme, the amount of which is specified in Article 7, shall be paid by a means and by such method as may be specified by the Council or such other means or method as the Council may in the particular circumstances of the case accept.

(7) Where a licence is purchased otherwise than in cash and payment is not received by the Council or its agent (whether because a cheque is dishonoured or otherwise), the charge to which the licence relates shall be treated as not paid and the licence shall be void.

(8) Notwithstanding paragraph (3)(b) a licence may, at the discretion of the Council or its agent be purchased for a day which is to be specified after the grant of the licence in accordance with the conditions subject to which the licence is granted.

(9) Those conditions may in particular include conditions as to the time within which, and the manner in which, a day is to be specified for the licence.

(10) The Council or its agent may enter into agreements ("composition agreements") under which persons compound in advance, on such terms as may be provided by the agreement, the payment of charges in respect of the use of the scheme road by them, by other persons or by any vehicles.

(11) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

Classification of vehicles

5. Annex 1 to this scheme, which sets out the classification of vehicles in respect of which a charge is imposed by this scheme, shall have effect.

Vehicles exempt from charges

6.—(1) Part 1 of Annex 2 to this scheme, which sets out the vehicles exempt from charges, shall have effect until such time as the Secretary of State shall make regulations to this effect under section 172 of the 2000 Act.

(2) At such time as the exemptions specified in regulations referred to in article (1) are made they shall have effect in addition to and (where inconsistent with) instead of the exemptions set out in Annex 2.

(3) The exemptions from the charges set out in this scheme shall have effect subject to the particulars of the vehicle in question being entered upon the register.

(4) The Council shall comply with the provisions of Part 2 of Annex 2.

Level of charges

7.—(1) On and from the appointed day the charges for the use of the new crossing shall be at such level within the charge range specified in paragraph 6(3) for the class of vehicle specified as the Council may determine and shall remain at such level unless revised in accordance with the provisions of this Schedule.

(2) The classification of vehicles or classes of vehicles in respect of which charges may be levied from the opening date shall be those set out Annex 1.

(3) In this paragraph-

“charge range” means the level of charge contained in the table below increased by the same percentage for each whole year between April 2008 and the appointed day as referred to in paragraph 8 (percentage increase)

class of vehicle	Charge
class 1 vehicles	£0.00 to £2.50
class 2 vehicles	£1.00 to £2.50
class 3 vehicles	£2.00 to £5.00
class 4 vehicles	£4.00 to £10.00

(4) The charge range applicable in respect of any vehicle or class of vehicles as provided for in this scheme shall be revised by the Council in accordance with article 8 each year.

(5) The charge payable in respect of any vehicle or class of vehicle may be varied within the charge range in effect from time to time.

Percentage increase of charge ranges

8.—(1) The charge ranges referred to in article 7 shall be recalculated annually on 1 April each year by multiplying the upper and lower limits applying to each charge range by the indexation factor.

(2) The indexation factor shall be derived by dividing the value of the retail prices index for the month of February in the relevant year by the retail prices index for the month of February in the preceding year to produce a percentage and then adding one per cent.

(3) Subject to sub-paragraph (4), the references in this Schedule to the retail prices index means the monthly United Kingdom index of Retail Prices (for all items) published by the Office of National Statistics.

(4) If that index is not published for any month these references shall be references to any substituted index or index figures published by that office for that month.

(5) Whenever the Council proposes to revise the charge that applies to any vehicle or class of vehicles pursuant to article 7 the Council shall publish in at least one local newspaper a notice substantially in the form set out in Annex 5.

(6) The charges set out in a notice given under paragraph (5) shall have effect from the date 6 weeks after that on which the notice referred to in paragraph (5) is published.

General provisions as to charges

9.—Any level of charges to be set pursuant to the provisions of this Order-

- (a) if it is neither a multiple of ten pence nor an amount which on division by ten produces a remainder of five pence shall be rounded to the nearest ten pence; and
- (b) if it is an amount which on division by ten produces a remainder of five pence shall be increased by five pence.

10 year plan for net proceeds

10. Annex 3 to this scheme constitutes the general plan of the Council under paragraph 10(1)(c) of Schedule 12 to the 2000 Act for applying the net proceeds of this scheme during the period which begins with the date on which this scheme comes into force and ends with the tenth financial year that commences on or after that date.

Detailed programme for net proceeds

11. Annex 4 to this scheme constitutes the detailed programme of the Council under paragraph 10(1)(b) of Schedule 12 to the Act for applying the net proceeds of this scheme during the period which begins with the date on which this scheme comes into force and ends at the time by which the Councils' local transport plan is next required to be replaced.

Duration of the scheme

12. This scheme shall remain in force indefinitely.

ANNEX 1

CLASSIFICATION OF VEHICLES FOR THE PURPOSES OF CHARGES

- “class 1 vehicle”** means a moped falling within classifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).
- “class 2 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₁(a) and M₁(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classification N₁(a).
- “class 3 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₂(a) and M₂(b); motor caravans falling within classifications L(a) and L(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N₁(b), N₂(a) and N₂(b).
- “class 4 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₃(a) and M₃(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N₃(a) and N₃(b).

Reference to "classifications" in this Annex are references to the classes of motor vehicles contained or referred to in Part II of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(a).

ANNEX 2

PART 1

VEHICLES EXEMPT FROM CHARGES

1.- Charges may not be charged in respect of—

- (a) a vehicle being used in the discharge of the functions of a fire authority under the Fire and Rescue Services Act 2004 **(a)** or which would otherwise be an exempt vehicle under paragraphs 4 and 5 of Schedule 2 to the Vehicle Excise and Registration Act 1994 **(b)**;
- (b) a vehicle being used for police purposes;
- (c) a vehicle exempt from duty under the Vehicles Excise and Registration Act 1994 under paragraphs 6 to 9 of Schedule 2 to that Act (ambulances);
- (d) a vehicle being driven by a disabled person, or being used for the carriage of one or more disabled persons, which displays a current disabled person's badge issued under-
 - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970 **(c)** or
 - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 **(d)**, or
 - (iii) which has been issued with a token or permit to like effect by the undertaker;
- (e) a vehicle being used in connection with-
 - (i) the collection of tolls; or
 - (ii) the maintenance, improvement or renewal of, or other dealing with, the new crossing or any structure, works or apparatus in, on, under or over any of the new crossing;
- (f) a vehicle used for naval, military or air force purposes, while being driven by persons subject to the orders of a member of the armed forces of the Crown; or
- (g) a vehicle which, having broken down on the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power.

2.- Further and in addition to the provisions of sub-paragraph (9)(a) above the charge payable for the use of the new crossing by any vehicle in respect of which the appropriate national authority has made regulations pursuant to section 172 of the 2000 Act shall be nil where such regulations prescribe an exemption from charges.

PART 2

THE REGISTER OF VEHICLES EXEMPT FROM CHARGES

1. The Council shall maintain a register of exempt vehicles ("the register") for the purposes of the provisions of this Annex 2 (exempt vehicles etc.) which requires particulars of a vehicle to be entered in the register.

(a) 2004 c.21.
(b) 1994 c.22.
(c) 1970 c.44.
(d) 1978 c.53.

2. Particulars of a vehicle shall be removed from the register—

- (a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for the purposes of that paragraph;
- (b) in the case of any other vehicle, immediately following the last day of the registration period, unless the Council renews the registration for a further period on application to it;
- (c) in the case of any vehicle at the end of the period of 7 consecutive charging days beginning with the day on which a change in the keeper of the vehicle occurred, unless the Council renews the registration for a further period on application to it.

3. An application to enter particulars of a vehicle on the register or to renew the registration of a vehicle (not being in either case a vehicle specified in relation to the holder of a disabled person's badge)—

- (a) shall include all such information as the Council may reasonably require;
- (b) shall be made by such means as the Council may accept;
- (c) if received later than the fifty-fifth charging day of the application period shall be treated as an application to register the vehicle for a registration period beginning—
 - (i) with the first day of the registration period applied for; or
 - (ii) a subsequent day determined by the Council being not later than the tenth working day falling after the day on which the application was received; and
- (d) if received earlier than the first day of the application period shall not be valid unless the Council decides to treat the application as made on that day.

4. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be an exempt vehicle the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the register forthwith or from the date notified to the Council as the date on which it will cease to be such a vehicle.

5. If the Council is no longer satisfied that a vehicle is an exempt vehicle it shall—

- (a) remove the particulars of a vehicle from the register; and
- (b) notify the registered keeper.

6. In this Part of this annex —

- (a) "application period" means, subject to paragraph (7), the period of 65 consecutive working days ending—

- (i) in the case of an application to renew a registration, with the working day following the last day of the registration period; or
 - (ii) in the case of any other application with the first day of the registration period applied for; and
- (b) "registration period" means the period of 12 months (or such longer period not exceeding 15 months as the Council may in any class of case determine for the purpose of staggering the renewal of registrations) beginning with the day on which particulars of a vehicle are entered in the register or, as the case may be, the registration is renewed.

7. The first day of a registration period shall be a working day.

8. Nothing in this article shall prevent the making of a fresh application under Annex 2 for particulars of a vehicle to be entered in the register after they have been removed from it in accordance with any provision of this article.

ANNEX 3

HALTON BOROUGH COUNCIL'S GENERAL PLAN FOR APPLYING THE NET PROCEEDS OF THIS SCHEME DURING THE OPENING 10 YEAR PERIOD

1. The proposed road user charging scheme is due to start in 2014 to coincide with the date that the proposed Mersey Gateway Bridge is opened for use by the public. Paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000 applies to the period that is concerned partly by the current Local Transport Plan that fully supports the implementation of the scheme.

2. The net proceeds in the opening ten year period will be applied, in such proportions to be decided, towards:

- (a) in paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any or both;
- (b) in providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) in paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) in making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge or the Mersey Gateway Bridge;
- (e) in making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local transport plan, or for other purposes; and
- (f) in providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in the constructing or in securing the construction, maintenance and operation of the Mersey Gateway Bridge or in securing the maintenance and operation of the Silver Jubilee Bridge.

ANNEX 4

**HALTON BOROUGH COUNCIL'S DETAILED PLAN FOR APPLYING THE NET
PROCEEDS OF THIS SCHEME**

1. The proposed user charging scheme is due to start in 2014 to coincide with the opening of the proposed Mersey Gateway Bridge for use by the public. The existing second Local Transport Plan (LTP) runs from 2006/07 to 2010/11. Therefore, paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 relates to the second LTP ("LTP2") in part because the scheme is being brought forward as part of proposals to facilitate the achievement of proposals in LTP2 and its construction will be commenced. However, the scheme will not be in operation until 2014 at the earliest. Therefore, the relevant LTP will be the third LTP - assuming the process is retained beyond 2011. It is anticipated that LTP3 will have to be submitted to the Secretary of State for Transport for approval in due course. However, as the scheme is a central element of the Council's strategy to reduce congestion and is a component measure to support the implementation of the Council's proposals to construct a new road crossing over the River Mersey - the Mersey Gateway Project - it is expected that the objectives in LTP3 will remain broadly in line with those in LTP2 that relate to the Silver Jubilee Bridge and the Mersey Gateway Project.

2. The expenditure plans for receipts from the scheme will complement the current LTP2 programme and contribute towards achieving the following LTP objectives:

- (a) tackle congestion;
- (b) deliver accessibility;
- (c) safer roads; and
- (d) better air quality.

3. Priorities for the scheme revenue expenditure are:

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any of both;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge or the Mersey Gateway Bridge;
- (e) in making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in LTP2 and LTP3; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in the constructing or in securing the construction, maintenance and operation of the Mersey Gateway Bridge or in securing the maintenance and operation of the Silver Jubilee Bridge.

ANNEX 5

FORM OF NOTICE

THE A533 (SILVER JUBILEE BRIDGE) ROAD USER CHARGING SCHEME ORDER 200[]

NOTICE OF REVISION OF TOLLS

The charges applicable to use of the Silver Jubilee Bridge by vehicles shall be:

class of vehicle	Charge
class 1 vehicles	
class 2 vehicles	
class 3 vehicles	
class 4 vehicles	

The revisions set out above shall take effect upon [effective date being a date not less than 28 days after the date of this notice]

Signed

*On behalf of.....

Date

Name and status of Signatory

* Delete or amend as appropriate.

MERSEY GATEWAY PROJECT

RUCO REPRESENTATION

Name of Constuttee	Representation on Charging	Officers' Comments
<p>CPRE/North West Transport Activists Round Table</p>	<p>Tolling both the proposed new bridge and the existing Silver Jubilee Bridge, would mean introducing new costs into the lives of deprived communities living either side of the River Mersey in Halton which are amongst the most highly rated in the national health deprivation indices.</p>	<p>The environmental statement (ES) that accompanies the applications for the Mersey Gateway Project considered the social effects of tolling. This is reported at 20.7.19-20.7.22 of the Environmental Statement. Tolling research undertaken in 2004 highlighted that tolling has the potential to cause severance of communities on either side of the River. Respondents noted that they may choose to reduce cross river trips for social, leisure and shopping purposes and look for other alternatives which did not involve paying tolls. Individuals noted that they were unlikely to be as spontaneous in undertaking social trips to visit friends and families if tolls were implemented. The ES also considers the effect of the project upon health-disadvantaged groups.</p> <p>A Sustainable Transport Strategy is currently being prepared for the Borough. This strategy aims is designed to work alongside the Mersey Gateway Project and to promote an integrated transport system for Halton by improving bus services and opportunities for walking and cycling. Provision of improved facilities will reduce the reliance of local residents on private vehicles, where possible. Improved public transport facilities, footpaths and cycleways will therefore provide local residents with another option of crossing the River, which does not involve paying the toll.</p> <p>As a result of the impacts of the project this effect is assessed as either not significant or of low negative significance, although at the time of writing the ES the full detail of the Mersey Gateway Sustainable Transport Strategy had not been published. In light of the benefits of the project it is considered that with the Mersey gateway Sustainable Transport Strategy in place the disbenefits are outweighed.</p>

Name of Constultee	Representation on Charging	Officers' Comments
	<p>All these disbenefits would be brought about in the name of economic regeneration, despite the fact that previous similar claims (eg in respect of the Humber bridge) were shown to be without foundation and despite the fact that a leading government think tank, the Standing Advisory Committee on Trunk Road Assessment, proved in their report "Transport and the Economy" 10 years ago there is no automatic connection between the provision of new highway infrastructure and economic benefits.</p>	<p>In order to consider these points the Borough Council has commissioned AMION Consulting to consider the wider economic impacts of the Mersey Gateway Project as a whole. AMION carried out their assessment taking full account of the effects of the tolls/charges upon those crossing the River Mersey.</p> <p>AMION report that - even on the Government's narrow assessment methodology - the Mersey gateway Project will by 2030 be job-creating in some of the most disadvantaged wards of Halton and beyond. Using other methodologies AMION predict that the project will lead to broader positive economic impacts in the medium-long term, including those identified in Sir Rod Eddington's transport study and also catalytic regeneration effects.</p>
	<p>The opposite could in fact prove to be the case in this instance. A key question which should be asked is this. Why would businesses re-locate to Halton when, by so doing, they would impose unnecessary transport costs (the bridge tolls) on their staff, customers, suppliers and service providers, especially as the quality of life in Halton would be made poorer by increased amounts of through-traffic generated by the new bridge?</p>	<p>A number of business representatives from both large and small business in close proximity to the SJB were interviewed during the social research. Opinion of Project tolling was split between businesses who expressed concern that effects would severe and those businesses which believed that the New Bridge would be economically advantageous. Effects of tolling were deemed to be greater by survey business representatives in Widnes than Runcorn, due to the requirement of businesses to cross the River more frequently from Widnes. Businesses were also concerned that tolling may decrease the existing labour pool for jobs as individuals would be less willing to pay to access their place of work.</p> <p>However, the project allows the implementation of the Mersey Gateway Regeneration strategy. With the catalytic effects predicted by AMION consulting produced by the new Mersey Gateway Bridge, the adverse effects on businesses of the toll/charge is outweighed in the view of officers.</p>

Name of Constuttee	Representation on Charging	Officers' Comments
Mr McLaughlin	Vehicle number recognition cameras attached to existing bridge and a toll for anybody from outside Halton Borough, would reduce traffic and give local council revenue. This would negate the need for expensive toll booths.	Although the Mersey Gateway Project has considered the use of open road tolling (ORT) technology for the collection of tolls/charges, the use of ORT in this particular circumstance has not yet been proven. However, passive provision is made in the draft TWA Order and road charging order so that it may be adopted should it later e appropriate to do so. Provision is made for barrier tolling in the project to ensure that tolling can be implemented should ORT not be possible in practice. The Mersey Gateway project team will keep this matter under review.
North West Transport Activists Round Table	NW TAR wishes to lodge a strong objection to these planning applications. They represent an integral part of a totally unsustainable project which is at odds with a number of national and regional governmental agendas, namely: reducing social exclusion (both the new and existing bridge would be tolled) ...	<p>The environmental statement (ES) that accompanies the applications for the Mersey Gateway Project considered the social effects of tolling. This is reported at 20.7.19-20.7.22 of the Environmental Statement. Tolling research undertaken in 2004 highlighted that tolling has the potential to cause severance of communities on either side of the River. Respondents noted that they may choose to reduce cross river trips for social, leisure and shopping purposes and look for other alternatives which did not involve paying tolls. Individuals noted that they were unlikely to be as spontaneous in undertaking social trips to visit friends and families if tolls were implemented. The ES also considers the effect of the project upon health-disadvantaged groups.</p> <p>A Sustainable Transport Strategy is currently being prepared for the Borough. This strategy aims is designed to work alongside the Mersey Gateway Project and to promote an integrated transport system for Halton by improving bus services and opportunities for walking and cycling. Provision of improved facilities will reduce the reliance of local residents on private vehicles, where possible. Improved public transport facilities, footpaths and cycleways will therefore provide local residents with another option of crossing the River, which does not involve paying the toll.</p> <p>As a result of the impacts of the project this effect is assessed as either not significant or of low negative significance, although at the time of writing the ES the full detail of the Mersey Gateway Sustainable Transport Strategy had not been published. In light of the benefits of the project it is considered that with the Mersey gateway Sustainable Transport Strategy in place the disbenefits are outweighed.</p>

Name of Constuttee	Representation on Charging	Officers' Comments
Halton FOTE	<p>The financial viability of the case for the second Mersey crossing is questionable in that: (a) the current economic climate is unstable; (b) the rapid escalation of costs (estimated total is reported to have risen by some 40% over the past few months); (c) the extremely limited ability of local people and businesses to afford tolls (even at reduced rates); (d) the willingness of major companies to shoulder increasing costs to fulfil the regeneration claims put forward will be subject to the economic climate and rising fuel costs.</p>	<p>Financial viability of the Mersey Gateway project as a whole is the subject of considerable research undertaken on behalf of the Borough Council by its financial advisers, KPMG alongside other professional advisers who provide other information such as likely traffic levels. The basis of assessment takes account of optimistic and pessimistic growth scenarios, including the likely behaviour of the national economy over a 30-year concession period. In light of the advice they have received, officers consider the project to be viable.</p> <p>Officers confirm that the estimated total cost of the project has remained static since the publication of the applications earlier in 2008.</p> <p>The sophisticated traffic model used to predict behaviour of motorists after the Mersey Gateway Bridge is opened also takes account of the value of time and hence, the likelihood and willingness of local people and motorists to pay tolls. Even taking account of tolls, the Mersey gateway crossings will be well used. Efforts to provide sustainable transport alternatives are discussed elsewhere in this commentary. The level of tolls proposed corresponds to the toll levels of the Mersey Tunnels, the market for which is analogous to that of the Mersey gateway. As such, a viable model exists for a tolling system in this market.</p> <p>The advice received by officers and the evidence in respect of other projects elsewhere in Europe indicates a continued appetite on behalf of the private sector to fund projects of this nature.</p>
	The credibility of the case for a second crossing is diminished by the arguments that tolling will deter traffic from using the route.	The traffic model used by the Mersey Gateway Project indicates that notwithstanding a slightly lower use of the Mersey Gateway crossings in the opening years they project is viable and will achieve its project aims.
	It is premature to approve a tolling system for which no model has been presented and therefore its efficiency and fairness cannot be tested.	The various orders, including the road charging order, being promoted by the Borough Council will provide powers to impose tolls, they do not specify the exact tolling system. Fairness and efficiency will be a matters considered in letting the concession for the construction and operation of the Mersey Gateway project.

Name of Constuttee	Representation on Charging	Officers' Comments
	<p>Tolling the existing Silver Jubilee Bridge - The Mersey Tunnel is tolled, and we know that many people use the Silver Jubilee Bridge even though the Mersey Tunnel would be a shorter journey, in order to avoid the toll. We believe it would be reasonable to charge a toll for the use of the Silver Jubilee Bridge. This would help reduce unnecessary journeys and would deter people from 'mis-routings' such as using the Silver Jubilee Bridge to avoid the toll on the Mersey Tunnels. Halton BC estimate that tolling the Silver Jubilee Bridge, without building the Second Mersey Crossing, would reduce traffic across the Silver Jubilee Bridge by 6%, as estimated by the Saturn model. But this model assumes that people will travel anyway, which is a false assumption. For example, when Hammersmith Bridge in London was closed, the increase in traffic over neighbouring bridges was much less than expected. Many people simply did not make the journeys by car and cycling levels increased. Therefore we believe the estimate of a 6% reduction due to tolling could be a large underestimate.</p> <p>Halton BC also told us that tolling the Silver Jubilee Bridge would be 'politically in-feasible'. We take this to be a mere excuse. It was predicted that London Congestion Charge would be politically infeasible; instead, it was a great success. HBC also told us that if the Silver Jubilee Bridge were tolled then much of the traffic would redirect via Warrington town centre. When pressed, they admitted the evidence for this was only anecdotal, citing an incident 4 years ago when the Silver Jubilee Bridge was closed for 6 hours. We do not accept that Warrington town centre would suffer if the Silver Jubilee Bridge were tolled:</p> <ul style="list-style-type: none"> • We do believe that Runcorn people would drive to Warrington and back to get to Widnes (or <i>vice versa</i>) given that the cost of driving the extra distance would be greater than the toll. • Traffic surges due to unexpected events are not the same as permanent changes in traffic arrangements, such as the introduction of a toll. People will alter their travel habits and journey patterns. 	<p>The possibility of imposing charges/tolls on the existing Silver Jubilee Bridge (SJB) is considered at Chapter 5 of the ES and paragraph 4 of the report that this appendix accompanies. For the reasons stated, the imposition of tolls on the SJB alone is not considered to provide a suitable alternative the Mersey Gateway Project.</p>
HJLB/NW/96801/120000/UKM/20661510.1		5

Name of Constuttee	Representation on Charging	Officers' Comments
	<ul style="list-style-type: none"> • Not everyone would travel via Warrington town centre - some would use the Mersey Tunnels. <p>Road pricing schemes will eventually have to be taken on board (there are some example of positive trial schemes in the U.S. where road users accrue some benefits for participating in such schemes) nationally as a tool to combat both traffic congestion and CO₂ emissions.</p> <p>If this is the case then the figures of traffic usage for both crossings will have to be recalculated on a downward basis. Some studies suggest that there will be a 25% reduction in total traffic usage. According to a recent Treasury report road charging could reduce congestion by some 50% of what it would have been in 2025.</p> <p>The Treasury figures are predictions and relate mainly to reducing traffic congestion. If climate change challenges call for even tougher action in the next few decades, as well they might, and road charging is used further to curb road traffic usage these figures could be significantly higher.</p> <p>If additional financial support is needed from Government, HBC would have to consider increasing the concession term beyond 30 years and increasing basic tolls and/or reducing the discount scheme for regular local users. Lessons should be learnt from previous PFIs re escalating costs, maintenance compensation mitigation - leading to local taxpayers taking the brunt.</p>	<p>The road user charging and tolling proposals under consideration are predicted - as part of the Mersey gateway Project - to achieve this effect.</p> <p>At present no national road pricing proposal exists. As such, in the view of officers it is neither possible nor appropriate to give any weight to such a proposal in the assessment of the Mersey gateway project and road user charging proposals associated with it.</p> <p>Again, this is speculation without a project announcement by the Government.</p> <p>The construction and operation of the project is not proposed to be funded or supported by local taxpayers. When the concession is let the intention is that it will be a contributor to the Borough Council's finances. At present the duration of the concession has not been set, but it is anticipated that it will have a thirty year term.</p>
	<p>Toll Plazas - Our main concern here is the intention to locate the principal plaza on part of St. Michael's Golf Course. It is not immediately clear what remediation of the highly contaminated land would be undertaken to protect construction workers and toll-booth operators. It is understood that this area is heavily contaminated with highly toxic substances, and any remediation must be thorough, highly controlled and constantly monitored.</p> <p>We are also concerned that the possibility exists of 'bottle-necks' arising from any small incident or hold-up at any of the toll plazas.</p>	<p>An assessment of the contaminants present or likely to be present in soils within the land upon which the project will be constructed is to be found at Chapter 14 of the ES. This specific point is addressed at paragraphs 14.8.88, 14.8.89 and 14.8.109-110.</p> <p>The toll plazas have been designed in accordance with relevant standards. As such, the likelihood of incidents, delays and hold-ups is reduced, as well as in-built capacity to reduce consequential effects upon traffic.</p>

Name of Constuttee	Representation on Charging	Officers' Comments
Preston Brook Parish Council	<p>Statement of Sims and Reasons Paragraph 8.2 - Justification for the imposition of tolls and charges: The wording in this paragraph is not only unclear but misleading. The Road User Charging Scheme for the SJB is a toll scheme complete with toll booths.</p> <p>There would be a detriment to residents in that they will not only have to pay once for public services through Council Tax but twice to access public services through the payment of toll charges incurred by travelling over the bridge. All residents will clearly be disadvantaged by this and it is somewhat discriminatory towards our residents as opposed to those who live on the Widnes side of the bridge who have easier access to services.</p>	<p>This paragraph explains that the TWA Order will not impose tolls on the SJB. Instead, the separate road user charging order that is the subject of this report will be used for that purpose.</p> <p>Without the imposition of tolls/road user charging there would be no prospect of delivering the Mersey Gateway Project. The imposition of tolls/charges will ensure that the cost of the project falls upon motorists rather than the population at large. The Borough council is promoting the Mersey Gateway Sustainable Transport Strategy to ensure that toll-free alternatives are available and that all parts of the borough remain accessible on that basis.</p>
Vale Royal BC	<p>1. My Council would make the following points:</p> <p>(i) The A533 Silver Jubilee Bridge was constructed using public funds only, and is not therefore indebted to the private sector for charges outstanding. As currently happens with all other parts of the publicly funded UK road network, maintenance of that part of the network should be drawn from public treasury finances and not from road charges.</p>	<p>The approach to maintenance of the Silver Jubilee Bridge is yet to be determined, being dependent upon the nature of the concession let for the construction and operation of the Mersey Gateway Project.</p>
	<p>(ii) Local industry and local communities have located and formulated their transport patterns having regard to the freely accessible A533 crossing. The introduction of a charge, even though deferred to 2014 represents a challenge to those local people and businesses either to relocate or reorder their private and business lives or to incur what is in effect a selective tax upon them, but not upon those who do not depend on the availability of a crossing.</p> <p>(iii) The level of charges proposed is punitive to local business and residents who both regularly and frequently use the Silver Jubilee Bridge. Halton Borough Council's published material does not satisfy my Council that adequate exemptions and/or discounts for local business and residents have been considered.</p>	<p>The imposition of charges for the use of the crossing will ensure that those deriving most benefit are also those who fund the improvements to the road network.</p> <p>The Borough Council is yet to determine the extent or nature of any discount or exemption scheme for the Mersey Gateway. This will be a consideration at the time that the concession for the Mersey Gateway Project is let and will have regard to these questions.</p>

Name of Constuttee	Representation on Charging	Officers' Comments
National Alliance Against Tolls	<p>(iv) Relating charges on the Silver Jubilee Bridge to those of the Mersey Tunnels is inappropriate. The relationship between the Wirral Communities and the City of Liverpool and those towns in its hinterland is unlike the relationship between Runcorn and its environs and Widnes and its environs. In scale, function and value, the two locations are dissimilar.</p> <p>(v) It is inappropriate to rely upon the introduction of charges on the Silver Jubilee Bridge to contribute either to the funding of the new bridge or the funding of Halton Borough Council's general revenue account. To do so would represent a selective taxation unfairly imposed on a part of the community.</p> <p>(vi) It is inappropriate to rely upon the introduction of charges on the Silver Jubilee Bridge to act as a deterrent to avoidance of toll charges on the new bridge. There are four reasons for this:</p> <p>(a) Deterrence can be created through traffic management and/or physical carriageway modifications.</p> <p>(b) M6 Thelwall Viaduct provides a free-of-passage alternative.</p> <p>(c) For crossings which have a very localised origin and destination, the new bridge will not itself provide a practicable alternative.</p> <p>(d) There should be available to road users, the sort of choice which is available to those who may according to choice, circumstance or conditions, use either the M6 Toll or the 'old M6' to cross the West Midlands.</p> <p>If charges for the use of the Silver Jubilee Bridge are to be introduced, then there should be a scheme of exemption and/or discount for local residents and for local business in order to reflect their frequent use of the bridge. If discounts are introduced, then they should be substantial.</p> <p><u>Tolling of the existing bridge at Runcorn</u></p>	<p>A sophisticated transport model has been used in order to predict travel choices as a result of the improved accessibility that will be afforded by the Mersey Gateway Project and the effect of tolls. A range of tolls/charges is allowed by the drafting in the proposed TWA Order and the proposed road charging order. This has enabled the Borough Council to identify that toll ranges will be appropriate in the specific circumstances of the Mersey gateway and the Runcorn-Widnes crossing.</p> <p>See comments above.</p> <p>The transport model used by the Mersey Gateway Project team has identified that it is necessary for charges to be imposed upon the SJB in order to achieve the project aims.</p> <p>See comments above.</p>

Name of Constultee	Representation on Charging	Officers' Comments
	<p>The tolling of the existing bridge is unprecedented in modern times. It will be the first time since serfdom disappeared in Britain that a toll has been put on a free bridge.</p> <p>The reason for tolling the existing bridge is because the proponents of the planned new crossing realise that otherwise there would be little use made of their new bridge. This reason is admitted at para 5.5. of the "Toll and Road User Charges Explanation" which says - "As the new bridge will be subject to tolls, the Silver Jubilee Bridge must also be subject to tolls. This is because if the new bridge alone were subject to tolls, traffic would be more likely to use the Silver Jubilee Bridge, even if it were reconfigured to take a lower traffic capacity."</p>	<p>The imposition of road user charges upon bridges is not unprecedented in Britain. In London charges are imposed for the use of Lambeth Bridge, Westminster Bridge, Waterloo Bridge, Blackfriars Bridge, Southwark Bridge and London Bridge. The proposal before the Borough Council is to impose an analogous charge upon the SJB. This is no a toll, per se.</p>
	<p>This reason for tolling is without precedent; there is no other toll which has been put in place to protect a tolled alternative. The proposal is the equivalent of proposing say the building of a new school or hospital or park to fill an identified need and then not only charging for the new facility but also putting a charge on the existing school or hospital or park to make sure that the new facility gets some customers.</p> <p>The existing bridge was built between 1958 and 1961 at a total cost of just under £3 million (£2.7 million). This was funded by means of a 75% Ministry of Transport grant with the remaining 25% being met mainly by Cheshire & Lancashire County Councils. Cheshire were responsible for maintenance of the bridge till 1998, when Halton took over. To now put a toll on this bridge is particularly unjust for those living in Cheshire and Lancashire.</p>	<p>The Mersey Gateway Project is would not be delivered but for the imposition of tolls or charges on the Mersey Gateway Bridge and the Silver Jubilee Bridge respectively. As such, the use of road user charging powers to ensure the delivery of the project is justified.</p> <p>Those living in Cheshire and Lancashire are not currently responsible for maintenance of the existing SJB. They will not be responsible for the cost of the Mersey gateway Bridge. Neither the County Council of Cheshire nor Lancashire has of objected to the Mersey Gateway Project. Indeed, Cheshire County Council has written in support.</p>

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	<p>The draft Road User Charging Order lists various purposes for which the "net proceeds" of the tolls may be used including - at Annex 3, 2 (e) - "in making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local Transport plan, or for other purposes; and". [sic]</p> <p>This provision seems to be based on the Mersey Tunnels toll regime which is far from typical. Elsewhere it is normally the case that tolls can only be used for the purposes of paying off any construction cost and maintaining the structure during the period it is to be tolled. In our view this provision seems to be an attempt to get even more money from the already overtaxed drivers and businesses who are crossing the river.</p> <p><u>Disabling of the existing bridge at Runcorn</u></p>	<p>This provision is derived from (inter alia) the River Tyne (Tunnels) Order 2005. It is not unprecedented and is designed to ensure that the Borough Council can use the proceeds of tolling for measures such as the promotion of the proposed Mersey Gateway Sustainable Transport Strategy. This power would also enable the use of funds for any discount scheme.</p>
	<p>When around the end of 2003 the MTUA was enquiring into crossings, they discovered that the four lanes on the untolled Runcorn bridge were carrying more traffic than the eight tolled lanes of the Mersey Tunnels. A fact that was used to try and counter the Claim that tolls were needed on the Mersey Tunnels because they did not have the capacity to cope with the volume of traffic. Indeed it was suggested that if more capacity was needed for crossing the Mersey, then the most economic way of providing it, was to remove the tolls on the Mersey Tunnels.</p> <p>Tolled crossings have a reduced capacity due to the disruption of the smooth flow of traffic. This disruption is caused by the fanning out and slowing down at the approach to the toll plaza, and in many cases the stopping at the toll barriers, then when traffic is past the toll barriers it has to manoeuvre back into the original number of lanes.</p>	<p>The Mersey Tunnels are remote from the Mersey Gateway Project. The Borough Council has no powers to regulate the Mersey Tunnels. Changes to the Mersey Tunnels would not resolve other issues affecting the Borough of Halton at which the Mersey Gateway Project is aimed.</p> <p>The toll plazas have been designed in accordance with relevant standards. As such, the likelihood of incidents, delays and hold-ups is reduced, as well as in-built capacity to reduce consequential effects upon traffic.</p>

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	<p>Another factor that means that tolled crossings carry less traffic is that drivers travelling in peak periods usually have little choice of journey or route, but off peak they may decide because of tolls to take a longer route or make a different journey (e.g. to a different shopping centre), the result is that a tolled crossing in off-peak periods is empty compared with an untolled crossing.</p>	<p>The sophisticated transport model used for the Mersey Gateway Project has considered the effect of the project on the transport network in both peak and off-peak scenarios. These scenarios have been taken into account in providing toll/charge ranges in the proposed orders.</p>
	<p><u>Doubt over legality of Tolling the planned bridge at Runcorn</u></p>	
	<p>The tolling of a highway whether the Land is publicly or privately owned is generally against Common Law. There are two minor toll roads that were permitted by Royal Charters (in 1443 and 1669). All other tolls are the result of Acts of Parliament. In nearly every case the Act is a private act that relates to one particular crossing. A possible reason for this procedure is that tolling is contrary to the general practice and the requirement for specific legislation means that MPs can have a say on what happens.</p> <p>In the case of the planned new Runcorn bridge it seems that there is to be no attempt made to get a private act passed, instead two general acts are cited. The draft Order mainly refers to the New Roads and Street Works Act 1991. The powers appear to have been used only twice before. One instance was the M6 Toll Road; the other was the Skye bridge. Campaigners against the tolling of the Skye bridge believed that the tolling was illegal, though for various other reasons the tolls were removed at the end of 2004.</p> <p>The preface to the draft order (page 4) says - "An application has been made to the Secretary of State for an Order under sections 3 and 5 of the Transport and Works Act 1992 .." The advertisement of the draft Order does not refer at all to the New Roads and Street Works Act 1991, it only refers to the Transport and Works Act 1992 and says that application for the Order is being made under Section 3(1)(b).</p>	<p>The primary power for tolling in the case of the proposed River Mersey (Mersey Gateway Bridge) Order is not derived from the New Roads and Street Works Act 1991, but from the Provisions of the 1992 Act and, in particular, Section 5(1) and Schedule 1, Paragraph 12, which provides expressly for "<i>The charging of tolls ... and other charges...</i>". A private bill is not necessary.</p> <p>The power to impose tolls under the New Roads and Street Works Act is not used here.</p> <p>The power to impose tolls under the New Roads and Street Works Act is not used here.</p>

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	<p>So the 1992 Act appears to be crucial for tolling the new Runcorn bridge and according to what the MTUA were told by the DfT in 2006 has been used once before (and once only) in connection with the tolling of a road or crossing, that was for the planned second tunnel across the Tyne. In our view there was no legal basis for using the 1992 Act, though in the case of the Tyne Tunnel this appears not to be crucial as there was specific power for the building and tolling of the second Tunnel in a Private Act - the Tyne Tunnel Act 1998.</p>	<p>Schedule 1, Paragraph 12 of the Transport and Works Act 1992 is relied upon for the River Tyne (Tunnels) Order 2005.</p>
	<p>Though the 1992 Act includes tolling powers it is clearly in respect of railways etc or "matters ancillary" to them - "An Act to provide for the making of orders relating to, or to matters ancillary to, the construction or Operation of railways, tramways, trolley vehicle systems, other guided transport systems and inland waterways, and orders relating to, or to matters ancillary to, works interfering with rights of navigation; to make further provision in relation to railways, tramways, trolley vehicle systems and other guided transport systems; to amend certain enactments relating to harbours; and for connected purposes." (Preface to the Transport and Works Act 1992)</p> <p>If MPs had intended that the 1992 Act powers should also apply to roads or river crossings, then they would have been included in the Act's list of facilities that could be tolled and MPs would have mentioned them in the debates on the bill. In fact there is no mention of tolled roads or river crossings in the Hansard reports on the Bill and in Hansard for 2 December 1991 (column 39) there is this:</p>	<p>The Transport and Works Act 1992 was enacted to address orders relating to, or to matters ancillary to, works interfering with rights of navigation. Section 4 of that Act empowered the Secretary of State to designate the works interfering with rights of navigation. This was done by the Transport and Works (Description of Works Interfering with Navigation) Order 1992. Article 2 of that Order states that "The Secretary of State hereby prescribes works of the following descriptions (c) bridge...". That term in turn is defined to include "a viaduct, an aqueduct and a gantry and the abutments of and approaches to a bridge".</p> <p>The Act and its secondary legislation should be construed upon its face. It plainly envisages tolling and bridges are plainly authorised by the terms of the Section 4 order.</p>
	<p>In our view citing the 1992 Act as the authority for the Order raises doubts over the validity of the Order and it is possible that at some point there will be a legal challenge to the tolling of the new bridge.</p> <p><u>A tolled bridge has less benefits than a tolled one</u></p>	<p>The possibility of legal challenge is not a material to the consideration of this matter.</p>

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	<p>A new road or crossing brings economic benefits. In the case of a new Mersey Crossing the early research indicated that these benefits would be substantial and that a new crossing could pay for itself in 2 years or less. The research was based on an untolled crossing. It is obvious that a toll will substantially reduce the benefits. Businesses where transport is a key factor will avoid being based in an area where there are tolls. Tourists and shoppers and prospective employees will tend to avoid tolls.</p> <p>The Mersey Crossing is the worst possible case in that not only is the new crossing to be tolled but a free crossing which currently carries more traffic than the Mersey Tunnels is also to be tolled. The overall economic effect is likely to be negative - the lack of a new crossing sets a limit on growth, but tolls on both bridges could be an incentive to actually move away.</p> <p>Liverpool Macroeconomic Research Ltd (linked to Liverpool University) carried out research ("The Economic Impact of a Second Runcom Bridge") which was published in September 1998 and which dealt with the economic benefits of building a new bridge. At 1998 prices, they estimated that the benefit to the Cheshire economy would be up to £210 million a year and to the Merseyside economy a further £70 million a year. This meant that in economic terms, a bridge would pay for itself very very quickly. But the research was on the basis of an untolled bridge. If you not only toll the bridge, but also toll the existing free bridge, the effect on the local economy will be very different.</p> <p>AMION Consulting then carried out another "Economic Impact Assessment", published in July 2003. But again the benefits calculated were on the assumption that the bridge would not be tolled.</p> <p>In April 2004, the Government said that they wanted more information before deciding on a new crossing, part of this was to be the economic effect of tolling. So there was then another report from AMION Consulting - "New Mersey Crossing - Wider Economic Impacts". This was published in January 2005.</p>	<p>A number of business representatives from both large and small business in close proximity to the SJB were interviewed during the social research. Opinion of Project tolling was split between businesses who expressed concern that effects would be severe and those businesses which believed that the New Bridge would be economically advantageous. Effects of tolling were deemed to be greater by survey business representatives in Widnes than Runcorn, due to the requirement of businesses to cross the River more frequently from Widnes. Businesses were also concerned that tolling may decrease the existing labour pool for jobs as individuals would be less willing to pay to access their place of work.</p> <p>AMION report that - even on the Government's narrow assessment methodology - the Mersey gateway Project will by 2030 be job-creating in some of the most disadvantaged wards of Halton and beyond. Using other methodologies AMION predict that the project will lead to broader positive economic impacts in the medium- long term, including those identified in Sir Rod Eddington's transport study and also catalytic regeneration effects.</p> <p>AMION's latest research will be published</p> <p>The vast majority of users of the SJB - and predicted users of the Mersey Gateway crossings - will be private car users. Business users are not solely or even predominantly concerned with HGVs.</p>
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	<p>This new economic report devoted only 2 pages (61 and 62) to effect of tolling. In our opinion it was a superficial assessment, and was just based on a survey of existing "businesses" in the area. Businesses were asked two questions on tolling.</p> <p>One was- "In your opinion what is an acceptable toll level (each way)?" The answer to this question was not revealed in the report.</p> <p>The other question was "Please consider the following scenario - Staff and business users have to pay £1.30 to cross the River Mersey (at all points). This is an equivalent to the charge currently made for crossing via the tunnels - What effect would you expect this to have on your business?" There were 5 boxes to tick going from "large effect" to "No effect".</p> <p>As the survey was going to businesses, and those most interested would be HGV operators, it is strange that a figure of "£1.30" was quoted for "business users" as the rates for HGVs going through the Mersey Tunnels at that time were up to £5.20 (it is now higher).</p> <p>In any case it appeared that all of the conclusions were based on which box those who returned this survey ticked. There were 239 responses of which 71% said tolling (at the £ 1.30 rate) would have an effect on them. From this it was then somehow deduced that the employment gain for a tolled crossing would still be 40% to 60% of that for an untolled crossing. (In terms of jobs this was said to be 1,700 to 2,500.)</p> <p>The conclusion that a tolled crossing would achieve up to 60% of the gain of an untolled crossing is in our opinion built on thin air, and putting a toll on the existing free bridge is more likely to reduce employment. Though as the existing bridge is also to be disabled so that there is no more overall traffic than now, it is difficult to see how anyone could believe that all this could have anhing other than a significant negative effect on the local economy.</p>	

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	<p>The final conclusion of the January 2005 report said - "Some 6,920 new jobs ... are expected to be generated". Though this appears to actually be the number of new jobs if there are no tolls. Halton Council issued a news release on 11 th January 2005 - "Mersey Gateway would bring benefits to all". Though they were now recommending a tolled bridge, they justified it to the people of Halton by quoting job figures which also appear to be those for an untolled bridge: "The cost of building the bridge is estimated to be £250m ... However some of the benefits will include almost 7000 jobs and an £80m annual increase in GVA, the statistic which measures economic output for the regions of the UK."</p>	
	<p>Another feature of these privately financed tolled roads, in Britain and overseas is that there are usually secret "funnelling" clauses. The authorities agree that surrounding roads and road signs will be designed to direct traffic on to the tolled route. The authorities also agree not to do anything to relieve congestion on untolled alternatives. Though in this case it is likely that the Government far from doing anything to improve possible alternative crossings, may be intending to toll them as well.</p>	<p>A signing strategy will be prepared prior to commencement of operation of the Mersey Gateway. The signing strategy will require the approval of the local planning authority. Therefore it will be a public document, approved having regard only to material planning considerations.</p>
	<p>On the 18th November 2004, the Halton Council Executive Board considered the question of tolling and what would be recommended to the Government. They were told - "Financial analysis refined during the year indicates that the cost to Government if the new crossing were not tolled would be of the order of £750m". This figure of £750 million for an untolled bridge was repeated in various placfes including a special edition of the Mersey Crossing newsletter of November 2004.</p>	<p>The important point to note here is that term "<i>cost to Government</i>" (emphasis added), which is greater for the untolled alternative. This is because absent a toll, the entire cost would have to be met from the public purse - by the taxpayer. The absolute cost is essentially similar.</p>

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	<p>Though the cost of a tolled bridge was apparently £750 million, the cost of a tolled bridge was implied to be a lot lower - a Halton Council news release on the 11 January 2005 said - "The cost of building the bridge is estimated to be £250m but sometimes a figure of £350m is quoted which includes a so-called optimism bias, which is introduced at the request of Government." A later release from the Council - the June 2006 edition of "Inside Halton" - changed the estimated cost of the tolled bridge to £305 million.</p> <p>In our view the impression that has been given that a tolled crossing is cheaper to build than an untolled one is the opposite of reality. Much of the cost would be the same whether tolled or untolled, as the bridge would be designed by consulting engineers and built by contractors possibly as a design and build scheme. The only necessary differences in cost would be that a tolled bridge would be more expensive to build and operate because:</p>	

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	<p>(a) A tolled bridge needs more land to accommodate tolling plazas and the additional lanes as traffic approaches the plaza and then exits the plaza and approaches the bridge.</p> <p>(b) A tolled bridge not only has to meet the cost of constructing the plaza and additional lanes, it also needs tolling equipment, and people to operate and maintain it and to account for the tolls.</p> <p>(c) A tolled bridge has far more "consultants" than an untolled one.</p> <p>(d) The construction of a tolled bridge is delayed by the various legal requirements and the very long time that has to spent in creating a perception through the news media etc that the only choice is tolling. These delays substantially increase the cost. There may be other reasons for the delays apart from the tolling issue, but the MTUA were told in December 2003 by Halton Council that the new bridge "could be open to traffic in 2008." Perhaps if it had been agreed that the bridge would not be tolled, this forecast would have been accurate.</p> <p><u>"Toll and Road User Chargers Explanation"</u></p> <p>Halton Council have issued a document in support of their application which says that - "The purpose of this paper is to explain the mechanism by which the Council would levy tolls and charges under both the proposed Order and the Scheme, including how the level of tolls/charges would be set, and the amount of tolls/charges." We have some comments on this.</p> <p>The document says at para 6 that the tolls "should be roughly the same as those payable for use of the existing Mersey Tunnels, based on today's figures." But then at para 8 sets out a range of tolls which vary from slightly less than the Mersey Tunnels to nearly twice the charge (and in the case of motorbikes which are not tolled on the Mersey Tunnels says that the toll could be as much as £2.50).</p>	<p>A range of tolls/charges is provided which includes the current tolls applicable to the Mersey Tunnels. Some leeway is provided to allow tolls/charges to be set within the relevant bands. It is most likely that tolls/charges will be at or about the same level as the Mersey Tunnels tolls. It is important to realise that this is a <i>power</i> and not a requirement. As such, when it lets the concession to build and operate the Mersey Gateway the Borough Council will look to use that power sparingly and so that the Mersey Gateway performs well against the objectives that have been set for it.</p>

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	<p>An explanation for this ambiguity as to the level of tolls is given in para 10, which starts - "Ranges are proposed rather than specifying tolls. This is because the Council wishes to preserve flexibility about the amounts of tolls, rather than specifying them now. This will enable it to negotiate with prospective concessionaires so as to achieve the best possible deal for Halton."</p> <p>In our view it is not reasonable to apply for an Order which specifies a range of tolls which for example says that the toll for a small goods vehicle could be anywhere between £2 and £5. Toll Orders invariably specify tolls, not ranges. It is particularly unreasonable that the reason for the range is "to achieve the best possible deal for Halton". Roads are supposed to be a national asset, and it is setting a bad precedent if Halton Council is allowed to set tolls on roads that carry a substantial portion of through traffic on the basis of what best suits its area.</p>	<p>The instruments being promoted are not toll orders, but an order under the Transport and Works Act 1992 and a road charging order. What they contain are devices that enable the toll/charge to be determined in future.</p> <p>The adopted highways in Halton, including the SJB are highways for which the Borough of Halton is the local highway authority. They are administered by the Borough Council in accordance with its statutory powers.</p>

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	<p>The Council gives several sub reasons under para 10 including - "10.2 Traffic levels can be predicted up to a point, but absolute certainty will not be gained until the new bridge opens. There is an optimum toll/charge that is attractive to users, so that they do not use other routes. This will be easier to fine-tune nearer to the opening day."</p> <p>On one side of the new crossing is the Mersey Tunnels which are the third most expensive river crossing in Britain. The Council is living in a fantasy world if it believes that a toll level which is potentially higher than the Mersey Tunnels might be "attractive to users". On the other side are the bridges at Warrington and the Thelwell Viduct which are currently free. Some traffic is bound to divert via those crossings and the higher the charge the more traffic will divert. Unless, that is, the intention of the Government is to toll or disable the remaining free routes, and thus create a virtual Berlin Wall along the line of the Mersey from Liverpool to Manchester.</p>	<p>A sophisticated transport model has been used in order to predict travel choices as a result of the improved accessibility that will be afforded by the Mersey Gateway Project and the effect of tolls. This enables an optimum toll to be identified in due course when costs of the project are known when the concession is entered into.</p> <p>A range of tolls/charges is allowed by the drafting in the proposed TWA Order and the proposed road charging order. This has enabled the Borough Council to identify that toll levels will be appropriate in the specific circumstances of the Mersey Gateway and the Runcorn-Widnes crossing.</p> <p>The transport model has identified the extent to which traffic will divert to alternative routes at toll levels within the bands proposed.</p>
	<p>The evidence from the traffic on the M6 Toll road is that there is a small core of roads users who have a high price inelasticity and will continue to use a toll road whatever the price is, but that for the vast majority of drivers there is a high price elasticity. The Runcorn tolls will be protected to the West because the operators of the Mersey Tunnels are part of the Mersey Crossing Group and will have a common interest with Halton Council in maintaining as high as possible toll levels. But some drivers will have (unless it is blocked) an escape route to the east, and there is therefore a possibility that the traffic levels will be a lot lower than the numbers currently using the untolled Runcorn bridge.</p>	<p>It does not follow that the highest possible toll/charge level will be attractive to the Borough Council or the operators of the Mersey Gateway. There is an optimum toll level below which (owing to insufficient income) and above which (owing to diversion) viability is threatened. This level is not necessarily at an identical level to the level of tolls on the Mersey Tunnels.</p>

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	At para 13 the Council proposes that tolls can increase over the 30 year concession at a rate of "one percent above retail price index inflation". This means that at the end of thirty years, even if there had been no movement at all in the RPI, the tolls could be 33% higher. This is unreasonable.	The ability to increase tolls is a power. It is not a requirement. As explained above, there is an optimum toll/charge level. As a result it may not be advantageous to use the entire potential annual uplift. However, the additional 1% allows a margin to make viability secure without a frequent recourse to a statutory process in order to secure necessary toll/charge increases.
Freight Transport Association	While FTA is therefore opposed to the principle of all direct tolling, it is accepted that in the current climate the new crossing could not be built without the tolls. Further to that, it is appropriate that that the traffic flow across all three crossing points of the river (Mersey Gateway, SJB and Mersey Tunnel) is managed dynamically and that therefore toll levels are applied and managed across all three.	Officers consider this to be a correct representation of the balance between the need for the Mersey Gateway project and the requirement for tolling/charging. Officers of the Borough Council are consulting officers of Merseyside Passenger Transport Authority, which is responsible for the Mersey Tunnels in relation to toll levels and technical aspects.
	Our members would seek assurances, however, that once the bridge was paid for all tolls would be lifted. This had been the understanding with the construction of the Dartford Crossing, but appears not to have been fulfilled now repayments on the bridge are complete.	The Mersey Gateway will be the subject of a concession for its operation with a likely duration in the region of thirty years. For this period tolls/charges are almost certain to remain in place. The approach to the imposition of tolls/charges upon the expiration of the concession will be a matter for those responsible for the Mersey Gateway at that time.
	It appears that the Government continues to support the principle of tolling as a financial lever for influencing travel behaviour. It is essential, in a climate where expansion of road charging is likely, that emerging projects are interoperable. The most significant scheme apparent at the moment is also in the North West: the Greater Manchester congestion charge. Payment methods at all Mersey crossing points must be compatible with other proposals for road charging across the UK. FTA urges all road charging bodies to develop interoperable charging systems.	The proposed River Mersey (Mersey Gateway Bridge) Order requires compliance with European requirements for interoperability. Also, officers are in liaison with Mersey Tunnels and the DfT in respect of this operational aspect. Ultimately, this is a matter that can be specified in the concession agreement.

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Widnes Skip & Reclaim	<p>The power to charge tolls and the tolls road charging scheme will place an additional and unnecessary burden on local businesses and the Objector's business in particular. Even with concessionary rates the frequency of the use of the tolled highways will result in substantially increased transport costs which is likely to affect the Objector's business seriously and adversely.</p>	<p>A number of business representatives from both large and small business in close proximity to the SJB were interviewed during the social research. Opinion of Project tolling was split between businesses who expressed concern that effects would severe and those businesses which believed that the New Bridge would be economically advantageous. Effects of tolling were deemed to be greater by survey business representatives in Widnes than Runcorn, due to the requirement of businesses to cross the River more frequently from Widnes. Businesses were also concerned that tolling may decrease the existing labour pool for jobs as individuals would be less willing to pay to access their place of work.</p> <p>AMION report that - even on the Government's narrow assessment methodology - the Mersey gateway Project will by 2030 be job-creating in some of the most disadvantaged wards of Halton and beyond. Using other methodologies AMION predict that the project will lead to broader positive economic impacts in the medium – long term, including those identified in Sir Rod Eddington's transport study and also catalytic regeneration effects.</p>
	<p>A request is made for an exemption of the Objector's business and occupiers of its premises and other land served by the same access from tolls on all highways subject to the orders.</p>	<p>The Borough Council is yet to determine the extent or nature of any discount or exemption scheme for the Mersey Gateway. This will be a consideration at the time that the concession for the Mersey Gateway Project is let and will have regard to these questions.</p>

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Harold Prescott & Sons Ltd	The power to charge tolls and the tolls road charging scheme will place an additional and unnecessary burden on local businesses and the Objector's business in particular. Even the concessionary rates the frequency of the use of the tolled highways will result in substantially increased transport costs which is likely to affect the Objector's business seriously and adversely.	<p>A number of business representatives from both large and small business in close proximity to the SJB were interviewed during the social research. Opinion of Project tolling was split between businesses who expressed concern that effects would severe and those businesses which believed that the New Bridge would be economically advantageous. Effects of tolling were deemed to be greater by survey business representatives in Widnes than Runcorn, due to the requirement of businesses to cross the River more frequently from Widnes. Businesses were also concerned that tolling may decrease the existing labour pool for jobs as individuals would be less willing to pay to access their place of work.</p> <p>AMION report that - even on the Government's narrow assessment methodology - the Mersey gateway Project will by 2030 be job-creating in some of the most disadvantaged wards of Halton and beyond. Using other methodologies AMION predict that the project will lead to broader positive economic impacts in the medium – long term, including those identified in Sir Rod Eddington's transport study and also catalytic regeneration effects.</p>
	Exempt the Objector's business and occupiers of its premises and other land served by the same access from tolls on all highways subject to the orders.	The Borough Council is yet to determine the extent or nature of any discount or exemption scheme for the Mersey Gateway. This will be a consideration at the time that the concession for the Mersey Gateway Project is let and will have regard to these questions.
Warrington Borough Council	The Council continues to support the Mersey gateway scheme and its associated planning and Transport and Works Act Applications, but expresses concern at the scale of the potential additional traffic which will divert to the two Mersey bridges in Warrington. This support is contingent upon the securing of adequate mitigation measures in Warrington to ensure that the impact of additional traffic is minimised.	<p>Warrington Borough Council's Executive Board considered a lengthy report on the Mersey Gateway Project prepared by its officers. Councillors in Warrington are concerned about the potential for diversion of traffic to crossings of the River Mersey as a result of the imposition of tolls/charges on the SJB and Mersey Gateway Bridge.</p> <p>Whilst officers do not accept that the diversion of traffic via Warrington - to the extent it occurs at all - is material, they are working with officers of Warrington Borough Council in seeking to allay their concerns.</p>

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Arriva	Toll charges: Any increase in the cost of our operations between Widnes and Runcorn would have to be passed on to our passengers through fare increases. In a lot of areas toll charges are waived for bus operators.	The Borough Council is yet to determine the extent or nature of any discount or exemption scheme for the Mersey Gateway. This will be a consideration at the time that the concession for the Mersey Gateway Project is let and will have regard to these questions.
Knowsley BC	This Council understands and supports the need for the imposition of tolling on the Mersey Gateway Bridge to ensure the financial viability of the project, and the reasons behind the proposed tolling of the existing Silver Jubilee Bridge, notwithstanding the use of the Silver Jubilee Bridge is currently free of charge. The Council would however wish to see measures in place to ensure that the tolls are consistent with those operating at the existing Mersey Tunnels, and are at a level that they do not discourage the use of the bridges.	Officers consider this to be a correct representation of the balance between the need for the Mersey Gateway project and the requirement for tolling/charging. Officers of the Borough Council are consulting officers of Merseyside Passenger Transport Authority, which is responsible for the Mersey Tunnels in relation to toll levels and technical aspects.
Halton Green Party	Measures taken to reduce traffic over the Silver Jubilee Bridge have been few and half hearted and little imagination has been employed in considering options. Halton Borough Council has not looked at reducing traffic over the bridge except by means of public transport and has admitted the Council could have done more in this respect. The Council could have considered tolling the Silver Jubilee Bridge at peak times, remove signage on the M6 Motorway which directs regional traffic over the Silver Jubilee Bridge, improve public transport including light rail on Britannia Bridge, beef up car share schemes, encourage firms to provide "work at home days" for employees using bridge, etc.	The possibility of imposing charges/tolls on the existing Silver Jubilee Bridge (SJB) - and other non-engineering approaches - are considered at Chapter 5 of the ES and paragraph 4 of the report that this appendix accompanies. For the reasons stated, the imposition of tolls on the SJB alone is not considered to provide a suitable alternative the Mersey Gateway Project.

Name of Constuttee	Representation on Charging	Officers' Comments
Great Sankey Parish Council	<p>The Parish Councillors are concerned that the future tolling of the crossings at Halton will cause a greater amount of traffic to come through Great Sankey, probably the majority being HGV's. This will lead to even greater congestion, longer travelling times, higher pollution and damages to roads caused by HGV's. This is borne out of the stated toll levels and the history coming from the usage of the M6 toll road.</p> <p>When the new crossing was originally envisaged it was not tolled and now it will be because the government will not fund full cost. However the level of diverted traffic through Great Sankey will be contingent on the level of toll charged, and it will increase even further if the higher level of toll is implemented which will bring greater problems to Great Sankey.</p>	<p>The sophisticated traffic model used to predict the effects of the Mersey gateway project, including the effect of tolls/charges has examined the diversion of traffic as a result of the proposals. The project is predicted to result in less congested roads on balance [including in the Great Sankey area?]</p>
Sefton BC	<p>1. These matters were formally considered by the Cabinet Member Technical Services and Cabinet Member Regeneration at their meeting on 2 June 2008 and 9 June 2008 respectively. Both Cabinet Members resolved:</p> <p>"(i) The legal orders served on the Council to permit the construction and tolling of the proposed Mersey Gateway New Road Bridge Crossing and the tolling of the existing Silver Jubilee Road Bridge Crossing be noted; and</p> <p>(ii) the project continues to be supported as an integral part of promoting regeneration and improving transport access within the Liverpool City Region."</p>	
Merseytravel	<p>The Passenger Transport Authority wishes to register its support for Halton Borough Council's proposed A533 Silver Jubilee Road User Charging Scheme Order to authorise the imposition of charges for use of the Silver Jubilee Bridge ("the RUC scheme").</p>	

Name of Constuttee	Representation on Charging	Officers' Comments
Broadthorn	<p>The Order seeks to authorise...the authorising of a system of tolling the new bridge underpinned by a power to make and enforce byelaws (article 38), charge tolls (article 39 and Schedule 11), and enforce penalties (article 44 and Schedule 12); and the establishment of a power conferred upon the Lord Chancellor to appoint a charging adjudicator to determine disputes relating to the removal or immobilisation of vehicles under Part 1 of Schedule 12 to the Proposed Order. The Secretary of State does not have sufficient authority under the 1992 Act to authorise the incorporation of these powers into the proposed Order.</p> <p>In establishing the proposed tolling regime the provisions in Schedule 2 seek to confer extensive powers without geographic limitations to examine, enter, seize, immobilise, remove vehicles in connection with the operation of the tolling system which relates to the use of the surface of the bridge for road traffic.</p>	<p>The representation relates to the legal authority for the proposed River Mersey (Mersey Gateway Bridge) Order, rather than the road charging order. However, the Borough Council has received legal advice from its external legal advisers that the representation is not correct in this regard.</p>
Gussion	<p>The Council claims that the road user charging order will "assist the delivery of the scheme by providing for the imposition of charges for the use of the A533 Jubilee Bridge by vehicles". No financial data has been supplied as to what extent the imposition of charges will enable and assist the delivery of the project within funding limits. Furthermore, no research has been provided to demonstrate what effect the imposition of charges will have on the use of the bridge and thereby the revenue raised.</p>	<p>The transport model used by the Mersey Gateway Project team has identified that it is necessary for charges to be imposed upon the SJB in order to achieve the project aims. This is because without the imposition of charges sufficient traffic diversion to the Mersey Gateway Bridge would not occur to relieve the congestion on the SJB to allow it to be re-designated as a local crossing.</p>
Paul Cooke	<p>Toll Formula Questions</p> <ol style="list-style-type: none"> Has a formula been set for calculating the Toll Charges? 	<p>The proposed road charging order and the River Mersey (Mersey Gateway Bridge) Order each provide mechanisms for charges/tolls to be set within certain bands. However, the exact toll level will be set when the concession for the construction and operation of the Mersey Gateway is let.</p>

Name of Constuttee	Representation on Charging	Officers' Comments
	2. If so how are the capital and maintenance of both bridges included?	Estimated assessments of such costs have been made of such sums. However, these items will be for prospective concessionaires to assess. The estimated assessments have been considered in determining the toll ranges.
	<p>3. Will the two Bridges charging mechanisms form part of the one formula?</p> <p>4. What is the profit margin for the concessionaire?</p> <p>5. Will the formula be fixed by RPI plus 1% alone?</p> <p>6. Have comparisons been made with the estimated Mersey Tunnel future Toll costs?</p> <p>7. What procurement strategy is proposed?</p> <p>9. Has a risk assessment been carried out on the Toll Formula, especially with respect to revenue stream variations?</p>	<p>The two bridges will have slightly different mechanisms designed to produce the same charge/toll. This is because the legal method of charging/tolling is different for each crossing. This cannot be known until the concessionaire is appointed.</p> <p>The RPI plus 1% mechanism gives a power to raise tolls/charges. It may be that tolls/charges are raised to levels less than the amount that such a mechanism allows. Furthermore, the Transport Act 2000 allows a different charge to be set on the SJB, and the proposed River Mersey (Mersey Gateway Bridge) Order, both contain mechanisms to enable further increases to be secured in more limited circumstances.</p> <p>The charge/toll ranges are centred on current Mersey Tunnel tolls. It has been assumed that the Mersey Tunnel tolls will rise more-or-less in line with inflation. The Borough Council has consulted Merseyside Passenger Transport Authority, which is responsible for the Mersey Tunnels, and has not been informed of any extraordinary expenditure that would require a reappraisal of such levels.</p> <p>It is currently proposed that a Design Build Finance Operate (DBFO) concession will be let.</p> <p>Both optimistic and pessimistic growth scenarios have been modelled, as well as a central, most likely case.</p>
Peter Cranie	This proposal will still have a detrimental effect on Climate Change and local pollution. There has been insufficient consideration or a sustainable plan based on a road charging plan being implemented now for the Silver Jubilee bridge.	The possibility of imposing charges/tolls on the existing Silver Jubilee Bridge (SJB) is considered at Chapter 5 of the ES and paragraph 4 of the report that this appendix accompanies. For the reasons stated, the imposition of tolls on the SJB alone is not considered to provide a suitable alternative the Mersey Gateway Project.

Name of Constultee	Representation on Charging	Officers' Comments
D W Edwards	<p>If there is a requirement to encourage through traffic to use an alternative route, then exact a high charge on this traffic. However, for residents I see no difficulty in supplying free passes or finding other ways to discourage through traffic from using the Bridge.</p> <p>I know Halton Council can find endless schemes to use funds raised from charging, but this is not and should not be the point. The point is, this Bridge provides a link between Runcorn and Widnes, a FREE link, which has enabled the two towns to join forces financially, and become a single Borough.</p>	<p>The Borough Council is yet to determine the extent or nature of any discount or exemption scheme for the Mersey Gateway. This will be a consideration at the time that the concession for the Mersey Gateway Project is let and will have regard to these questions.</p>
	<p>A little common sense should have made it clear what a mistake charging is, but here again in the rush for prestige, Halton Council have forgotten the residents themselves.</p> <p>Let's consider a few examples: Small businesses servicing the needs of people in the Borough. Charges incurred will be</p>	<p>The environmental statement (ES) that accompanies the applications for the Mersey Gateway Project considered the social effects of tolling. This is reported at 20.7.19-20.7.22 of the Environmental Statement. Tolling research undertaken in 2004 highlighted that tolling has the potential to cause severance of communities on either side of the River.</p>

Name of Constuttee	Representation on Charging	Officers' Comments
	<p>passed on to the customer if Tolls are introduced. This will reduce their competitiveness, and may force them to close.</p> <p>Shopping Widnes people will find it cheaper to shop in Warrington than Runcorn, and Runcorn people will find it cheaper to shop in Warrington than Widnes. Less trade for our own shops.</p> <p>Amenities All the amenities paid for by Halton residents taxes now cost them more to visit, if they are on the other side of the river. These are only a few examples but Halton Council seems to have completely ignored the needs of its own people. Halton Council was formed with the purpose of enabling funds to provide amenities for the people of Runcom and Widnes. The proposal to charge residents would divide the Borough back into two distinct Towns, each with their own needs. I therefore see Halton Council as becoming defunct, with no purpose except to battle over whether funds should be spent in Widnes or Runcorn.</p>	<p>Respondents noted that they may choose to reduce cross river trips for social, leisure and shopping purposes and look for other alternatives which did not involve paying tolls. Individuals noted that they were unlikely to be as spontaneous in undertaking social trips to visit friends and families if tolls were implemented. The ES also considers the effect of the project upon health-disadvantaged groups.</p> <p>A Sustainable Transport Strategy is currently being prepared for the Borough. This strategy aims is designed to work alongside the Mersey Gateway Project and to promote an integrated transport system for Halton by improving bus services and opportunities for walking and cycling. Provision of improved facilities will reduce the reliance of local residents on private vehicles, where possible. Improved public transport facilities, footpaths and cycleways will therefore provide local residents with another option of crossing the River, which does not involve paying the toll.</p> <p>As a result of the impacts of the project this effect is assessed as either not significant or of low negative significance, although at the time of writing the ES the full detail of the Mersey Gateway Sustainable Transport Strategy had not been published. In light of the benefits of the project it is considered that with the Mersey gateway Sustainable Transport Strategy in place the disbenefits are outweighed.</p>
D Hatchard	I don't agree with tolling because not many people will be able to afford to cross the river to go to work, for example.	See comments above.

Name of Constultee	Representation on Charging	Officers' Comments
Paul Fry	<p>I am writing to you to strongly object to any charging regime that maybe imposed on Mersey Bridge crossings especially the Silver Jubilee Bridge. I believe the political environment within which the proposals were constructed, has evaporated under the pressure of increased tax burdens. Indeed, projected costs upon ordinary citizens and business for the next decade predict that such implementation will severely damage the economic health of the region. In layman's terms the post enactment years will see the mutilation of Widnes and Runcorn's economic engine. Hard business decisions will force companies to relocate elsewhere to avoid the additional burdens of Toll Road Tax policies which, eat into profitability through increased transport costs, wage inflationary pressures and service costs.</p> <p>Why would business in this area choose to carry these extra taxes when UK and worldwide competitors do not ...? Remember, only 0.25% of current Road Tax revenue is ever spent on the roads infrastructure, whilst scurrilous banks located in the heartland's of the present Labour Party receive £100 billion to support unethical trading policies.</p> <p>The politicians, bureaucrats and decision-makers need to wake up to the unfolding realities of the 21st century. Vehicle fuel</p>	<p>A number of business representatives from both large and small business in close proximity to the SJB were interviewed during the social research. Opinion of Project tolling was split between businesses who expressed concern that effects would severe and those businesses which believed that the New Bridge would be economically advantageous. Effects of tolling were deemed to be greater by survey business representatives in Widnes than Runcorn, due to the requirement of businesses to cross the River more frequently from Widnes. Businesses were also concerned that tolling may decrease the existing labour pool for jobs as individuals would be less willing to pay to access their place of work.</p> <p>However, the project allows the implementation of the Mersey Gateway Regeneration strategy. With the catalytic effects predicted by AMION consulting produced by the new Mersey Gateway Bridge, the adverse effects on businesses of the toll/charge is outweighed in the view of officers.</p> <p>Council by its financial advisers, KPMG alongside other professional advisers who provide other information such as likely traffic levels.</p>

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<p>costs will continue to rise mercilessly, household energy costs will endure a similar profile and are predicted to rise 40% this year alone, announced Road Tax hikes are due to be applied retrospectively, crippling UK levels of personal debt have been recorded, qualitative forecasts of growth in negative equity and house repossessions are gathering pace, post code rationing of NHS care and the full ramifications of the 'Credit Crunch' will empower people across diverse social economic groups to reject this sort of discriminatory ideology. This region could be plunged into long term and bitter confrontation leading to regular transportation and economic paralysis. Under the bridge charging proposals the working poor and those on low incomes would shoulder the greatest burden while the rich continue to travel unhindered, relatives of those who are sick and dying would face further punishment on top of questionable hospital car parking charges, tax payers would see money earmarked for health service provision squandered on ambulance travel charges whilst patients are regularly denied life saving drugs through a lack of funding (see attached Item 1). It is my assertion that similar public funding underpinning the fire brigade would also be diverted back to the government's coffers.</p> <p>However, nowhere throughout this so called congestion reduction policy, have I witnessed any linking of this bridge tax with public transport improvements, whether that is in hard cash financial proposals through structural investment or detailed analysis to identify and reverse 30 years of public transport fragmentation. It's this lack of any visible or meaningful presence within this congestion reduction policy that finally nails this charging scheme as no more than a revenue earning scam!</p> <ul style="list-style-type: none"> • For those hard pressed local politicians and bureaucrats currently being bullied into accepting toll bridges the thoroughness of the Freedom of Information Act will eternally link their households to their ultimate economic betrayal. Their hands will be soiled with the destruction of this region and no amount of washing will remove the stain. 	<p>The basis of assessment takes account of optimistic and pessimistic growth scenarios, including the likely behaviour of the national economy over a 30-year concession period. In light of the advice they have received, officers consider the project to be viable.</p> <p>The environmental statement (ES) that accompanies the applications for the Mersey Gateway Project considered the social effects of tolling. This is reported at 20.7.19-20.7.22 of the Environmental Statement. Tolling research undertaken in 2004 highlighted that tolling has the potential to cause severance of communities on either side of the River. Respondents noted that they may choose to reduce cross river trips for social, leisure and shopping purposes and look for other alternatives which did not involve paying tolls. Individuals noted that they were unlikely to be as spontaneous in undertaking social trips to visit friends and families if tolls were implemented. The ES also considers the effect of the project upon health-disadvantaged groups.</p> <p>A Sustainable Transport Strategy is currently being prepared for the Borough. This strategy aims is designed to work alongside the Mersey Gateway Project and to promote an integrated transport system for Halton by improving bus services and opportunities for walking and cycling. Provision of improved facilities will reduce the reliance of local residents on private vehicles, where possible. Improved public transport facilities, footpaths and cycleways will therefore provide local residents with another option of crossing the River, which does not involve paying the toll.</p> <p>As a result of the impacts of the project this effect is assessed as either not significant or of low negative significance, although at the time of writing the ES the full detail of the Mersey Gateway Sustainable Transport Strategy had not been published. In light of the benefits of the project it is considered that with the Mersey gateway Sustainable Transport Strategy in place the disbenefits are outweighed.</p>
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A pragmatic view would be that if the government wants sustained national economic growth but will not pay for a revialised transport infrastructure, then the regional mandarins should hold their nerve and refuse to have it built. For 30 years my family have watched the wholesale degeneration of cross Mersey public transport links even to the point were Liverpool University graduates, awarded a living at home loan etc, have been unable to sustain their courses without either purchasing a car or moving into college accommodation. Given the current and foreseeable tightening of household finances, hard working families in this area want a demonstrable return to reliable integrated transport systems as a matter of priority. No matter how well intentioned, draconian tax raising measures will only inflame the situation, particularly as the South East leisurely travel through the Dartford Tunnel for 20p per time (see attached Item 2).

I object to the proposals to charge on any Mersey Bridge crossing on the grounds of:

- Local companies will face another unnecessary tax burden disproportionately applied.
- Poor working families will be subjected to medieval tax regimes for attempting to go to work without credible alternatives.
- These proposals contain no serious plans for the rejuvenation of the public transport infrastructure and are woefully inadequate.
- Excessive transportation taxes will impact upon all sections of this society, driving up local costs while rendering the region as uneconomic and business adverse.
- Cash starved services such as NHS and Fire Brigade will be further constrained as public funding is sucked out to pay the government or private capital investors.
- 2010 will witness massive increases in vehicle Road Tax charges, yet only 0.25% of current revenue is ever spent on the road infrastructure.

NHS strategy on centres of excellence spread throughout the region ensures that patients and their dependants will pay punitive 'Gateway' charges.

Helene Wenham	I wish to object strongly to the proposed tolls for the old bridge. My family all work in the Widnes area so there will be a significant financial impact which is totally unacceptable.	Reference is made to the comments above on the subject of severance caused by the proposed imposition of tolls and charges along with the positive proposals to introduce the Mersey Gateway Sustainable Transport Strategy.
J Wenham	I do not think the second bridge will be good value for money ... especially as it is the local residents who will have to pay for most of it. So I don't accept that it will bring regeneration to the borough because workers and businesses will have to pay tolls on top of increasing petrol prices.	Reference is made to the comments above on the subject of severance caused by the proposed imposition of tolls and charges along with the positive proposals to introduce the Mersey Gateway Sustainable Transport Strategy.
Michael Gelling	<p>Why should we who live in Halton have to pay for moving around Halton. Some of us in the community have worked tirelessly to bring the communities split by the Mersey together and celebrate the Halton Community. This has been very hard work when you consider that Widnes used to be in Lancashire and Runcorn was always in Cheshire. The toll will, at a stroke, set this process back nearly forty years.</p> <p>Halton has some of the most socially deprived areas in the country and we are now expecting those same people to find more money to access services which maybe on one side of the river or the other. There have been statements by politicians who say that the toll will be reduced for local people and businesses but the same was said about the Mersey Tunnels. A politician's promise is not worth the vote you give it. Nearly all the major events this Council puts on are held in the Stadium in Widnes and those of us in Runcorn must cross the bridge if we wish to be involved in our community i.e. local election counts to name but one.</p>	Reference is made to the comments above on the subject of severance caused by the proposed imposition of tolls and charges along with the positive proposals to introduce the Mersey Gateway Sustainable Transport Strategy.

<p>P A Thompson</p>	<p>The business proposal in how to maintain the two crossing's financially is flawed in itself. If, on the one hand the council say that charging to use the crossing will be a deferent to a lot of road users then this would impact on the money generated to go towards the up-keep of the two crossings. Where then does this shortfall In income come from? Will It be from the pockets of the local community in increased taxes? This should surely be a major part of any consultation process. Does this also mean there is a possibility the local community will be paying both to cross the bridge as well as subsidising it through local taxation?</p> <p>The continued rhetoric that the bridge will boost our ailing economy is mis-leading and mis-guided as the vast majority of the heavy goods traffic will be passing through to onward destinations which do not have a bearing on our economy either directly or in-directly. Charging for the local community to cross either bridge will have an adverse effect on the local economy with people preferring to travel away from Halton so as not to use either crossing.</p>	<p>The traffic model used by the Mersey Gateway Project indicates that notwithstanding a slightly lower use of the Mersey Gateway crossings in the opening years as a result of tolls/charges they project is viable and will achieve its project aims.</p> <p>Any early shortfall in revenue would have to be financed by a concessionaire from borrowing - there should be no recourse to the Borough Council or other public funds. The Borough Council expects this risk to be assumed by the private sector concessionaire.</p> <p>Reference is made to the comments above on the subject of severance caused by the proposed imposition of tolls and charges along with the positive proposals to introduce the Mersey Gateway Sustainable Transport Strategy.</p> <p>The SJB already functions as an inter-regional and intra-regional route. The Borough of Halton and its residents are subject to the detrimental effects of such traffic. The Mersey Gateway project provides an opportunity for the quality of the environment in the borough to be improved, quite apart from predicted transport benefits.</p>
<p>Mrs S M Spruce</p>	<p>I understand that booths will be constructed to collect tolls from all motorists using both the existing Silver Jubilee bridge and the new proposed crossing. Monies generated I am told will be essential to cover primarily financing costs. The implications will be enormous for people living locally. Furthermore, residents of Sutton Weaver live just outside the boundary of the Borough of Halton. At this stage it is unclear whether they will benefit from any discounted rates which may be awarded to people living in the Borough itself.</p>	<p>The Borough Council is yet to determine the extent or nature of any discount or exemption scheme for the Mersey Gateway. This will be a consideration at the time that the concession for the Mersey Gateway Project is let and will have regard to these questions.</p>

<p>Cllr Graham P Stubbs, Sutton Weaver</p>	<p>If bridge users are to be tolled much hardship will be caused to individuals and businesses alike, I have vehicles making twenty trips a day over the Runcorn Bridge to get to work and to carry out our business we are not a bottomless pit and tolls would stop us trading in Runcorn from our Widnes site this may have an effect on our thirty three strong workforce.</p>	<p>A number of business representatives from both large and small business in close proximity to the SJB were interviewed during the social research. Opinion of Project tolling was split between businesses who expressed concern that effects would severe and those businesses which believed that the New Bridge would be economically advantageous. Effects of tolling were deemed to be greater by survey business representatives in Widnes than Runcorn, due to the requirement of businesses to cross the River more frequently from Widnes. Businesses were also concerned that tolling may decrease the existing labour pool for jobs as individuals would be less willing to pay to access their place of work.</p> <p>However, the project allows the implementation of the Mersey Gateway Regeneration strategy. With the catalytic effects predicted by AMION consulting produced by the new Mersey Gateway Bridge, the adverse effects on businesses of the toll/charge is outweighed in the view of officers.</p>
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Miss A K Woolley

OBJECTION - Toll charges for local residents (Council Tax Payers) of the Borough of Halton

I write in respect of the above. I do not object to the building of the new bridge, I do however object **strongly** to local residents having to pay tolls to cross either the existing Silver Jubilee Bridge, or the proposed new "Mersey Gateways" bridge.

The borough of Halton comprises 2 towns, Widnes and Runcorn. Since the local Unitary Authority came to power in 1998, the Council and its Councillors have continuously stressed to the people of these towns that we live in one "Halton". I myself am from Widnes. But live in Runcorn. My parent's families were from both sides of the River. (Widnes & Runcorn.) I feel personally that I have embraced the Local Authority philosophy that we are "one Halton" and spend equal amounts of time in both towns. I pay my Council Tax to Halton Borough Council, who use that revenue in both towns.

I therefore find it incredible that the local authority intends to further charge its residents (& Council Tax payers) to use roads (the current & proposed bridges) within the borough. The Leader of the Council was quoted on Teletext declaring what benefits the new bridge will bring to the Regional Economy. So the local residents are to pay to improve the Regional Economy? I didn't realise that was down to us.

Reference is made to the comments above on the subject of severance caused by the proposed imposition of tolls and charges along with the positive proposals to introduce the Mersey Gateway Sustainable Transport Strategy.

The figures stated show an approximate price of between £1.00 and £2.50 for a "motor vehicle with 4 wheels". Are local residents seriously expected to pay between £1.00 and £2.50 every time they want to travel across their own borough?

I think it is totally disgusting. The Local Authority should set up a scheme whereby local residents can apply for a Free Pass that allows them to travel freely across the borough (and NOT to pay tolls). Passes could be sent out with Council Tax bills, as long as residents give details of vehicle registrations there is little room for misuse within the system.

I implore you to take this matter seriously and to order the local authority of HALTON Borough Council to implement such a scheme and to place an order that Council Tax payers of the Borough of Halton cannot be charged tolls to travel in their own borough. We pay Council Tax and Road Tax already.

The Borough Council is yet to determine the extent or nature of any discount or exemption scheme for the Mersey Gateway. This will be a consideration at the time that the concession for the Mersey Gateway Project is let and will have regard to these questions.

MERSEY GATEWAY PROJECT

RUCO ORDER CONSULTEES

BODIES TO WHOM RUCO INFORMATION FORWARDED	
1	Knowsley Metropolitan Borough Council
2	St Helen's Metropolitan Borough Council
3	Cheshire County Council
4	Liverpool City Council
5	Sefton Metropolitan Borough Council
6	Warrington Borough Council
7	Vale Royal Borough Council
8	Mersey Tunnels
9	The Highways Agency
10	Auto-Cycle Union
11	British Drivers Society
12	Cyclist-Touring Club
13	Cheshire Fire Service
14	Cheshire Fire Service (Widnes Station)
15	Merseyside Fire and Rescue Authority
16	Cheshire Constabulary
17	Merseyside Police Service
18	Challenger Security Services (Admin) Limited
19	Citipost AMP Limited
20	City Link Post
21	CMS
22	DHL Express
23	DHL Global Mail (UK) Limited
24	DX Network Services Limited
25	FedEx UK Limited
26	Intercity Communications Limited
27	Lynx Mail
28	The Mailing House Group
29	Racer Consultancy Management Services
30	Royal Mail
31	Secure Mail Services
32	Secured Mail Limited
33	TNT Post UK Limited
34	UK Mail
BODIES TO WHOM RUCO AND TWA INFORMATION SENT	
35	Merseytravel
36	Wirral Metropolitan Borough Council
37	Mersey Tunnels Users Association
38	AA
39	RAC Foundation
40	Halton Borough Transport
41	Mersey Regional Ambulance Service
42	Halton Primary Care Trust
43	Halton Community Transport
44	Road Haulage Association
45	Arriva North West
46	Freight Transport Association
47	Mersey Passenger Transport Authority

REPORT TO: Executive Board

DATE: 10 April 2008

REPORTING OFFICER: Strategic Director Environment

SUBJECT: Mersey Gateway: Overarching Report on the Statutory Process

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 This report is one of three before this Executive Board relating to the applications and orders required to be promoted in order to secure powers to promote the Mersey Gateway Project (the "Project"). The contents of the report inform the other reports and explains the way in which the applications and orders will function.
- 1.2 The other reports referred to above are:
- i) a report seeking authority to make compulsory purchase orders and side roads orders required for the Project; and
 - ii) a report seeking authority to appropriate land held by the Council for other purposes for the purposes of the Project.
- 1.3 This report also seeks authority for certain important matters relating to the project, which are explained in greater detail below:
- i) to recommend to a meeting of the full Council that it should resolve to promote an order under S3 of the Transport and Works Act 1992 to authorise interference with public rights of navigation by the construction of a new bridge over the River Mersey comprised in the Project;
 - ii) to authorise promotion of a road user charging scheme for the Silver Jubilee Bridge and adjacent roads pursuant to Part 3 of the Transport Act 2000, including to publish the scheme order and supporting documentation and to commence a 6-week consultation period on the scheme; and
 - iii) to authorise officers to take such steps as are necessary or expedient for the discharge of the two above matters, including settling, agreeing and approving the terms of necessary applications, orders, consultation documents and all ancillary documentation.

2.0 RECOMMENDATION: That the Board

- i) note the content of this report and have regard to it in considering the other reports referred to above;
- ii) recommend to the full Council that in accordance with the terms of S239 of the Local Government Act 1972 it should resolve to promote an order under the provisions of S3 of the Transport and Works Act 1992 authorising the construction of works that interfere with navigation and certain other matters explained elsewhere in this report; and
- iii) resolves to commence consultation in relation to a Road User Charging Order under the provisions of Part 3 of the Transport Act 2000, imposing charges on motorists for the use of the Silver Jubilee Bridge.
- iv) authorise the Chief Executive, in consultation with the Leader, to take such steps as are necessary and appropriate to give effect to the above.

3.0 SUPPORTING INFORMATION

- 3.1 The Silver Jubilee Bridge ("SJB") today represents a key vehicular crossing point over the Mersey. It is one of only four main opportunities for road traffic to cross the Mersey between Liverpool and Manchester. From the west, these comprise the two Mersey tunnels, Silver Jubilee Bridge, crossing within Warrington town centre and the Thelwall Viaduct on the M6. As such, the SJB forms a key link in the regional transport network as well as representing the only vehicular and pedestrian link between the Borough towns of Runcorn and Widnes.
- 3.2 The bridge was originally opened in 1961 with one lane in each direction and an opening year traffic flow of 10,000 vehicles per day. The bridge was modified in 1977 to provide for two lanes in each direction. However, these were sub standard (having a total width of just 12.2 m) and lacking in any central divide or current day spacing. Traffic growth on the bridge has since grown but there is no physical scope to provide for additional capacity. The bridge today typically carries circa 83,000 vehicles per day and at peak summer time has been in excess of 93,000. Practical capacity is exceeded for four hours each day and spreading of the morning and evening peak regularly occurs. The bridge has poor facilities for pedestrians, which are rarely used, and no discrete provision for cyclists. Prolonged periods of congestion regularly occur, which affect both regional and local traffic crossing the Estuary as well as causing knock on network effects for local traffic in both Widnes and Runcorn. In addition the public transport routes that do use the bridge for journeys within the Borough cannot rely on journey times or timetabling.

- 3.3 Silver Jubilee Bridge fulfils a pivotal role within the regional highway network. The key north west routes comprise the M62 (linking Merseyside to Manchester and beyond) which runs along the north of the Borough whilst the M56 (linking North Wales with Manchester) skirts along the southern Borough boundary. The only link between the two is the route provided by Silver Jubilee Bridge, which provides for regional movement in and out of Liverpool from Runcorn, Vale Royal, Chester and North Wales. The highway network has sought to maximise this opportunity, with the expressway network in Runcorn providing fast links from Junctions 11 and 12 of the M56 via SJB to Junction 7 of the M62 via the Widnes Eastern bypass. The limiting factor is the capacity of the bridge rather than the accompanying junction links and network.
- 3.4 Whilst the wider regional network is reasonably robust, the bottleneck provided by SJB undermines network resilience. In addition to regular congestion associated with normal use, the effects of any incident (accident/breakdown/weather related/maintenance) on either the SJB or its approaches severely undermines the role of the SJB.

Mersey Gateway Project

- 3.5 The provision of a second crossing of the River Mersey has been a long-held aspiration of Halton Borough Council. The traffic bottleneck caused by the SJB has been long acknowledged as social and economic constraint. In 1999 the draft UDP identified that the case for a new crossing had also been acknowledged by the then Minister for Transport, making clear the need to develop a scheme for inclusion in the Local Transport Plan.
- 3.6 Halton Borough Council subsequently began to advance the proposals. The work undertaken by and on behalf of the Council between 2000 and 2003 focused on comparing potential alternatives to address problems associated with congestion in Halton. This work was submitted first to the DfT in 2003 and then resubmitted, accompanied by additional data early in 2006. Through this process, certain regional and local objectives were identified as follows:
- To relieve the SJB, thereby removing the constraint on local and regional development and better provide for local traffic;
 - To maximise development opportunities;
 - To improve public transport links across the River; and
 - To encourage the increased use of cycling and walking.
- 3.7 For any scheme to be successful the Council required it to fulfil as many of the above objectives as possible, to fit its environment and to be economically viable. Throughout the process a range of alternatives were considered. Those alternatives which satisfied the

above objectives, fitted their environment and were economically viable were then considered further until a preferred solution was identified.

3.8 A number of strategic alternatives with the potential to solve congestion problems in Halton and achieve the Council's objectives as set out above were considered throughout the development of the Project. These included making better use of existing infrastructure and options for increasing transport capacity. The main topics of investigation were as follows:

- Halton Travel Plans and similar demand management initiatives;
- Road User Charging for using the existing Silver Jubilee Bridge or other roads;
- Dynamic Lane Management to get the best out of the existing road capacity;
- Selective Access to SJB by Vehicle Tagging;
- Road Space Reallocation;
- Park and Ride Facilities;
- Rail Service Improvement;
- New road bridge crossing to the West of the Railway Bridge;
- New road bridge crossing between the SJB and the Railway Bridge;
- New road tunnels to the west and east of the SJB; and
- New road bridge crossing (adjacent to and to the east of the SJB).

3.9 Following a thorough assessment of each strategic alternative, it was concluded that a fixed crossing to the east of the SJB represented the only realistic option of delivering improvements in congestion, and achieving the identified scheme objectives.

3.10 A series of alternative fixed routes and were then considered to the east of the SJB all of which avoided the more environmentally sensitive lower reaches of the estuary. This concluded that an option known as route 3A lies naturally on the desire line for through traffic and was economic in connecting effectively with the expressway network to the north and south of the river. As a result, it achieved the highest proportion of trip reassignment from the SJB when compared with other routes and therefore provide the strategic and local traffic diversion required. It was found that this option would satisfactorily relieve the SJB and permit its return to local use. The Project alignment also has relatively straightforward junction solutions in comparison to other variations of the route, avoids residential areas, and will have a minimal impact upon industrial areas and the existing highway network.

3.11 The discussions with the Department of Transport, leading up to Programme Entry confirmation being granted in March 2006, covered options to fund the project. It was confirmed that Mersey Gateway should be delivered as a tolled road, and a road user charging regime would also extend to the existing SJB in order to deliver the project benefits within the limited funding agreed with Government.

3.12 In developing the project, and as an expression of their ongoing corporate support for the project, Halton Borough Council has identified revised strategic objectives for the Mersey Gateway Project as follows (together with a brief explanation):

- i) To relieve the congested Silver Jubilee Bridge, thereby removing the constraint on local and regional development and better provide for local transport needs;

The New Bridge would provide an alternative route across the River Mersey that is predicted to attract in the region of 80% of the existing traffic crossing the River by the SJB. As such, provided that both bridges are subject to tolls or charges, the Project will meet this objective, allowing the redeployment of roadspace on the Silver Jubilee Bridge for local traffic, public transport, cycling and walking.

- ii) To apply minimum toll and road user charges to both the Mersey Gateway Bridge and the Silver Jubilee Bridge consistent with the level required to satisfy these constraints;

The proposed funding arrangements and tolling strategy maximise the opportunity for a private sector partner (the concessionaire) to offer a best value bid to the Council for the design build and operate contract (further explained below). The assumption is that toll levels will be commensurate with those charged for the use of the existing Mersey Tunnels.

- iii) To improve accessibility in order to maximise local development and regional economic growth opportunities;

The removal of a constraint on transport - both private and public - has been assessed as having real benefits in terms of accessibility and journey reliability. In addition to the Project itself, the Borough council is advancing planning policy designed to seize the advantages offered by the release of land by the project and potential for de-linking of the SJB in Runcorn as well as regeneration opportunities elsewhere in the Borough.

- iv) To improve local air quality and enhance the general urban environment;

The environmental impact assessment in respect of the Project has predicted that air quality and noise climates will improve in several locations as a result of the Project. Tolls are expected to constrain traffic growth resulting in reduced greenhouse gases in future years.

- v) To improve public transport links across the River Mersey;

At present public transport is reliant on the congested SJB. As a result of the project, public transport will benefit from freer-flowing traffic conditions. In addition, the borough Council is developing a Sustainable Transport Strategy designed to maximise the advantages offered by the Project.

- vi) To encourage the increased use of cycling and walking; and

The current, unattractive route between Runcorn and Widnes via the SJB will be markedly improved as a result of the Project. This, alongside the Sustainable Transport Strategy will allow the objective to be met.

- vii) To restore effective network resilience for transport across the River Mersey.

Part of the problems associated with the SJB are that as the only link between the Mersey Tunnels and M6 Thelwall Viaduct it has a significant strategic role. When it fails in this role significant problems result. Moreover, when either of the alternative crossings fail the extra traffic diverting to SJB results in chronic congestion. The provision of an alternative route within the Borough of Halton and at a more strategic level will provide greatly enhanced network resilience for all those people and businesses reliant on journeys that cross the River Mersey.

- 3.13 It can be seen from the above that the Project as described elsewhere in this report will provide substantial transportation, environmental and regeneration benefits. Whereas the environmental statement submitted with planning applications for certain parts of the Project reveals some adverse effects, these are few and - balanced against the benefits of the project - are much more than outweighed by its positive aspects. In light of this, a compelling case exists, in the public interest, for the promotion and delivery of the project, including the acquisition of necessary land.

4.0 CONSULTATION

- 4.1 To inform the evolution of the Project, two clear strands of consultation have been undertaken over a six year period involving statutory consultees, business stakeholders, landowners, and resident focus groups, including:

- Consultation carried out prior to the Department for Transport confirmation of programme entry for the Project in March 2006 (advised on and managed by MVA Consultancy);
- Consultation after approval by the Mersey Gateway Executive Board on 18th June 2007 for 14 weeks between June and September 2007 (advised on and managed by DTW Consultancy)

in line with a Consultation Strategy developed specifically for the Project.

- The key stages of pre-application and orders consultation have included the following:
- September-October 2002 - first consultation took place on crossing options in the form of focus group discussions with residents;
- February 2003 – assessment of route options with Resident Focus Groups and Business and Stakeholder workshops;
- July 2004 – following the selection of a preferred route, further consultation was undertaken with residents, major businesses, and 25 local authorities;
- October 2006 – following the initial design of the Project in March 2006, all affected landowners were contacted, advising of the possible impacts of the Project on their landholdings; and
- June-September 2007 – extensive public consultation was undertaken including 15 exhibitions throughout the Borough, editorial in Council publications, a new website, information campaign in local media, monthly e-newsletter, briefing events for local/regional businesses and groups, gateway newsletter, postal/phone/text feedback system and letters to general stakeholders, statutory consultees and regional MP's and MEP's.

5.0 THE MERSEY GATEWAY WORKS

- 5.1 In response to the aspirations of the Borough Council, the needs of the highway and transportation network and as a product of the consultation described above it has been possible to advance to a stage where a design for the Project can be identified. This then has certain additional characteristics in terms of other, ancillary aspects that are described in further detail below.
- 5.2 Members will be aware of the nature of the project in broad terms. However, this section of this report explains the scope and extent of the Mersey Gateway Project as it stands today. This is then used in the ensuing section of this report to explain the suite of applications and orders that are required in order to secure powers for the construction and operation of the Project.

Route Description

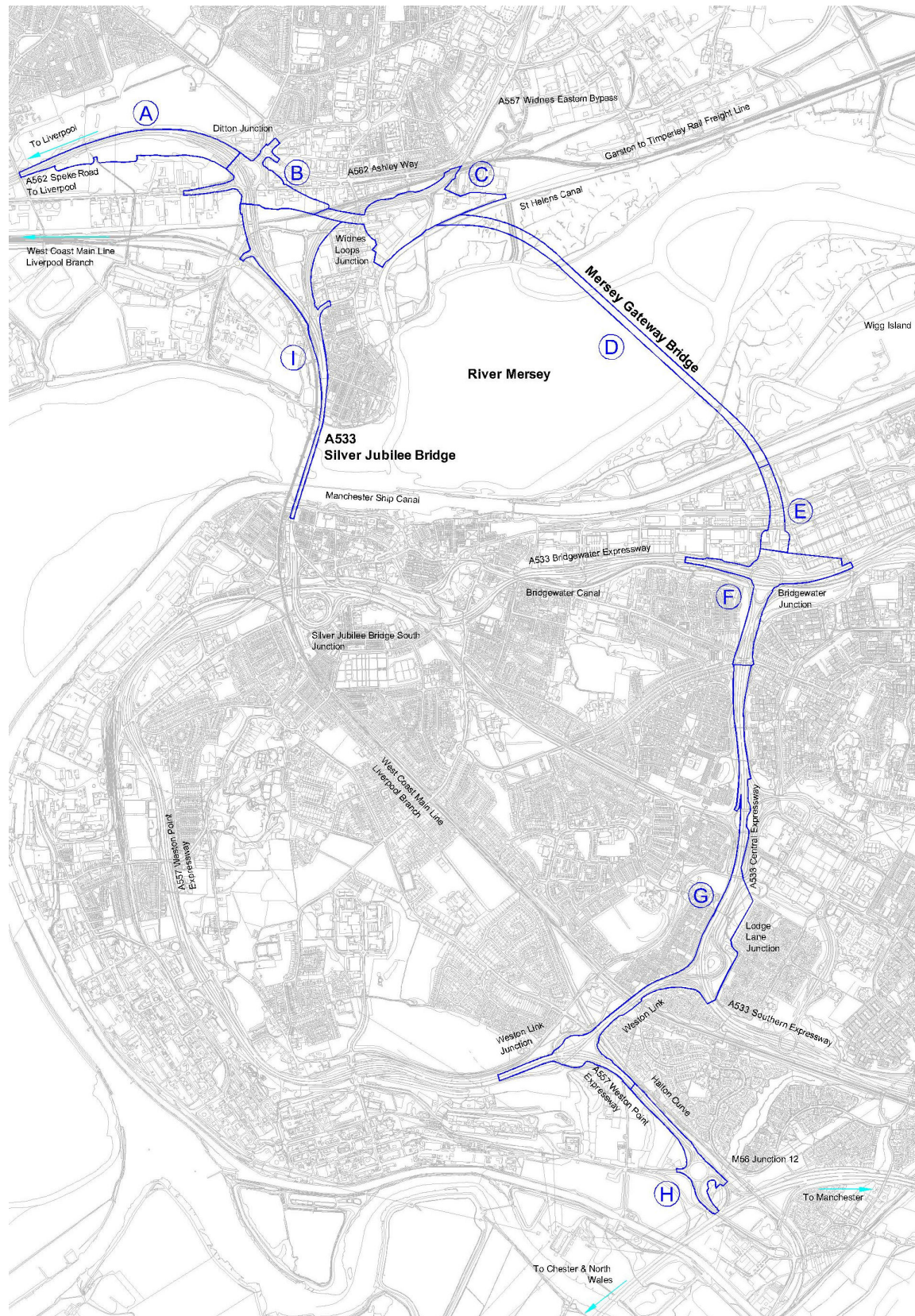
- 5.3 The works that comprise the Project run from the North West of Widnes to a junction with the M56 to the South of Runcorn. They also include the SJB. A scheme has been designed in outline to deliver the objectives of the Project, which is referred to as the "Reference Design". The alignment of the Reference Design is described in greater detail below.
- 5.4 The western extent of the proposed main alignment will be located in Widnes, along the A562 Speke Road to Liverpool, to the west of the existing Ditton Roundabout Junction (Junction of A562 and A533). The

alignment will then head eastwards along the line of, and to the south of, Speke Road towards the Ditton Junction. It will then progress, via an embankment, across land currently occupied by industrial units along Ditton Road and over the Garston to Timperley rail freight line, before crossing the alignment of the existing A557 Widnes Eastern Bypass (via a multi-span viaduct), the Catalyst Trade Park and the western corner of the Thermphos Chemical Works.

- 5.5 A new junction (the “Widnes Loops Junction”) will be formed with the A557 at this location. The alignment will then continue south eastward over the St Helens Canal, Widnes Warth Saltmarsh, the River, Astmoor Saltmarsh and Wigg Island, before turning south over the Manchester Ship Canal and Astmoor Industrial Estate. The alignment will then connect into the existing road network in Runcorn at the Junction of the A533 Bridgewater and Central Expressways with the A558 Daresbury Expressway (the Bridgewater Junction).
- 5.6 The route will continue south along the Central Expressway (A533) towards the junctions of the Central/Southern Expressways and the Weston Point Expressway/Weston Link (known respectively as the Lodge Lane Junction and Weston Link Junction). The alignment will finally join the M56 Motorway at Junction 12.
- 5.7 The main application sites for the Project are shown at Appendix 1. The areas shown edged red will comprise works for which planning applications have been made pursuant to the Town and Country Planning Act 1990 - see below. The areas shown edged blue will be the subject of an application under the Transport and Works Act 1992. Together, the areas edged red and edged blue are known as the “Project Area”.
- 5.8 It will be noted that the Project Area is wider than the Construction areas described below. This is because the Project Area includes all land anticipated to be reasonably required at the date of this report for the construction of the Project. This includes not only the land that will be occupied by the works themselves, but also the areas required for construction sites during the construction period. The final extent of these areas will be settled in due course when the final form of the Transport and Works Act 1992 Application is determined. However, all of the land that will be comprised in the final Project Area will be *necessary* for the purposes of the Project.
- 5.9 For the purposes of understanding and describing the works the structural, highway and construction works for the Project have been split into a number of parts (known as “Construction Areas”) (A to I as shown below on Figure 1). The construction areas include the following:
 - Area A – Main Toll Plazas;
 - Area B – Ditton Junction to Freight Line;

- Area C – Freight Line to St Helens Canal including Widnes Loops Junction;
- Area D – Mersey Gateway Bridge (the "New Bridge");
- Area E – Astmoor Viaduct;
- Area F – Bridgewater Junction;
- Area G – Central Expressway, Lodge Lane Junction and Weston Link Junction;
- Area H – M56 Junction 12; and
- Area I – Silver Jubilee Bridge and Widnes De-linking.

Fig1: Mersey Gateway Project Construction Areas



- 5.10 The following section of this Report provides a summary of the highway and structural design for the Project within each of these construction areas.

Area A - Main Toll Plaza

- 5.11 The Main Toll Plaza provides the location of where tolls may be collected for crossing the New Bridge. As the Project must provide for barrier tolling technology it is necessary to provide an area sufficiently large for vehicles to slow, wait and pass through barriers without having a detrimental effect on traffic flows. Toll plazas are situated on the North side of the Mersey only, because this minimises land-take, allows concentration of necessary resources and means that this type of work can be restricted in the extent and location of any of its effects. The toll plaza will require approximately four hectares of land to accommodate the northbound and southbound tollbooths and will be at or just above existing ground level. No major earthworks are envisaged because the land at this location is already relatively flat. Where the Toll Plaza is above ground then fill will be imported. Tolling structures will be required, which are likely to comprise canopies providing sufficient headroom over tollbooths and their equipment for normal traffic use.
- 5.12 Extended link roads to the north and south of the Main Toll Plaza carriageway that bypass the tollbooths will be provided to allow access from Speke Road to Ditton Junction for vehicles not wishing to use the New Bridge. The northern edge of the north link road will coincide with the northern edge of the existing southbound carriageway of Speke Road.
- 5.13 Stewards Brook and a public footpath pass beneath the existing Speke Road to the west of the proposed tolling areas. This brook is contained within a culvert which will need to be extended in length to the south to accommodate the increased width of the carriageway at that location. The public footpath will be diverted around St Michaels Road. Balancing ponds may be formed to the south of the new carriageway on either side of Stewards Brook to control the drainage water outfall flow rate into the brook.

Area B – Ditton Junction to Freight Line

- 5.14 Ditton Junction will be changed from a roundabout to a signal-controlled junction. The new carriageway will increase in level on an embankment as it approaches the new grade separated junction and will be taken over the new ground level link, between Ditton Road and Moor Lane South, on a new, two span bridge. The southbound on-slip and the northbound off-slip will also feature toll collection facilities.
- 5.15 An embankment of up to 9m high will be formed. This crosses land currently occupied by industrial buildings and a scrap metal yard and it

is assumed that these areas will require treatment (owing to contamination) prior to construction of the embankment.

- 5.16 Ditton Road is a long established corridor for services and many of these will need to be diverted to accommodate the revised highway alignment. These will include diversions of electricity, gas, water, sewage and telecommunications mains. The Scottish Power Manweb electricity substation adjacent to the Anglo Blackwell compound on Ditton Road will require relocation.

Area C – Freight Line to St Helens Canal

- 5.17 The following new structures and earthworks will be required in this section of the works:
- The Freight Line Bridge - a single-span bridge over the Garston to Timperley Rail Freight Line.
 - Victoria Road Viaduct - a high level, multi-span viaduct connecting the Freight Line Bridge to the edge of the Widnes Loops Junction including the crossing of Victoria Road.
 - Two bridges over the new Widnes Loops Junction carriageways.
 - Embankments carrying the new carriageway at high level.
 - A bridge to carry the Widnes Loops Junction southbound on-slip over itself.
 - Toll plazas connecting the Mersey Gateway to the Widnes Eastern Bypass.
 - The St Helens Canal Bridge - the high level bridge crossing the potential development corridor to the north of the St Helens Canal and the crossing of the St Helens Canal itself, which would then land on the north abutment of the Mersey Gateway Bridge.
- 5.18 This area forms the link between the New Bridge and the existing A557 Widnes Eastern Bypass that connects with Junction 7 of the M62 to the north. It will be formed primarily by substantial earthworks. The new road between the Freight Line and the Widnes Loops Junction will be carried on a multi-span reinforced concrete structure. The structures within the Widnes Loops Junction will either be portal or box structures in reinforced concrete constructed within the earthworks.
- 5.19 The new carriageway will be taken over the St Helens Canal on a new, reinforced concrete structure, integral with the north abutment of the New Bridge. It will be formed at a height sufficient to permit a further structure to be constructed under it to carry a future light rapid transit system (or similar) at a level to match the possible running surface within the New Bridge and still preserve the required headroom of 5m for craft that may at some future time use the canal.
- 5.20 During construction of the New Bridge, it is expected that the St Helens Canal area will form the main reception/transition area for the main bridge units that will form the decks. As such, it is assumed that it will

be necessary temporarily to infill the canal (maintaining its drainage water transfer function) to provide a working area. On completion, the canal will be reinstated with some minor changes to the alignment.

- 5.21 A corridor for the Trans-Pennine Trail cycle and footpath will be maintained throughout the works.
- 5.22 Upon completion of the Project a landscaping scheme will link the new earthworks with the leisure facilities offered by Spike Island, the St Helens Canal and the Trans-Pennine Trail.

Area D – Mersey Gateway Bridge

- 5.23 The New Bridge will have a total length of around 2.13km from abutment to abutment. The New Bridge will consist of approximately 550m of approach spans from the north abutment to the edge of Widnes Warth Saltmarsh, and 580m from the edge of Astmoor Saltmarsh, over part of Wigg Island, over the Manchester Ship Canal and onto the south abutment within the Astmoor Industrial Estate.
- 5.24 The New Bridge over the Estuary itself will consist of 1,000m of cable-stayed bridge, consisting of up to four spans supported by three towers. The towers will be circular with a diameter of about 10m at water level, but will taper and include architectural features throughout their height.
- 5.25 Typical span lengths of the approach viaducts are 70-100m with an overall deck depth of around 6m. Both approach viaducts are twin, separate structures supported on their own independent substructure. There will be a total of 30 piers on the saltmarshes. Each pier will be of reinforced concrete of about 2m by 5m and the height would vary between 12m (north) and 23m (south) to suit the vertical profile of the deck.
- 5.26 The three towers of the cable-stayed spans are assumed to be concrete below deck level and steel above. The overall height of the towers will be around 120 -140m above the River level. The decks of the cable-stayed spans will be twin parallel decks, similar in form to the approach viaducts, connected at positions of cable stay attachment. The cable stays are arranged in pairs in a harp (i.e. parallel) configuration.

Area E - Astmoor Viaduct

- 5.27 The new carriageway crosses the Astmoor Industrial Estate at a height of approximately 24m above existing ground level. The area will need to be cleared of existing light industrial buildings. On completion of the works, the area below the viaduct may very well be available for future development.

- 5.28 The area between the south abutment of the New Bridge and Bridgewater Junction will comprise a high-level, multi-span viaduct called Astmoor Viaduct. This will cross the existing industrial park at considerable height, linking the high level crossing of the Manchester Ship Canal with the new crossing of Bridgewater Junction.
- 5.29 This elevated structure will vary in width up to a maximum of 60m before the southbound slip road splits off onto a separate alignment. The structure splits again at the point where the northbound on-slip road merges with the main line. The main line of the New Bridge will remain at high level while the two slip roads will reduce in level to the south to allow the slip roads to tie in with the roundabout at Bridgewater Junction.
- 5.30 The northern end of Astmoor Viaduct will land on the southern side of the south abutment of the New Bridge. The south abutment of the Astmoor Viaduct will be approximately 85m wide and will be at three levels. The abutment wall will retain the end of the embankment up to Bridgewater Junction.
- 5.31 The viaduct will be 340m long and will comprise 12 spans; 20m end spans and 30m intermediate spans. The deck will be supported by reinforced concrete plate piers, approximately 2m long by 5m wide, with four separate piers at each bent (line of support).

Area F – Bridgewater Junction

- 5.32 Like the Widnes Loops Junction, the Bridgewater Junction is a complex of structures and slip roads that provide grade separation and access to and from the Central Expressway (running north to south) and the Daresbury/Bridgewater Expressways (running east to west). The existing route through Daresbury/Bridgewater Expressway will be closed and brought into the new roundabout.
- 5.33 A two-level interchange is proposed with east-west movements at the lower level and the new road linking to the Central Expressway at the higher level. The lower level will contain the gyratory system, linking slip road movements. The upper level structure is likely to be a five-span steel and concrete viaduct. Similar construction materials will be used for the construction of the new slip road bridges over the Bridgewater Canal. The existing bridges over the Bridgewater Canal will be removed. However, the existing bridges over the Daresbury/Bridgewater Expressway will be retained, although they will no longer span a live carriageway.
- 5.34 The construction can be phased to coincide with routine winter closures of the canal. Retaining walls are also proposed so that adjacent slip roads at different levels to the main carriageway can be

kept tight within the junction without the need for an embankment therefore limiting land take.

- 5.35 Traffic management of the existing traffic flows during the construction phase will affect construction methods and materials. A major feature of the works in this area will be the requirement for demolition of the existing structures. Otherwise, the works are essentially self-contained and can therefore be undertaken independently from the other work areas.
- 5.36 The five-span high level viaduct will be about 150m long and 27m wide. The substructure will be of piled foundations and reinforced concrete piers. The superstructure will be of prefabricated steel or prestressed concrete beams to allow erection to fit in with the phased traffic management regime that will be required to maintain traffic flows during the works.
- 5.37 High abutment structures will be required at both ends of the New Bridge. The south abutment will be on the south bank of the Bridgewater Canal.
- 5.38 The two existing slip road bridges will need to be replaced with two new slip roads bridges on the new alignment of the slip road off the new roundabout. These will be single span bridges with prefabricated steel or pre-stressed concrete beams used to form the decks over the canal.
- 5.39 The existing highway alignment will be re-configured to incorporate the New Bridge and to change the priority of the existing expressways. The free flow link between the Bridgewater and Daresbury Expressways will be removed and replaced by linking into the new roundabout that will be formed at the centre of the junction.
- 5.40 The embankments between this junction and the Central Expressway will be modified for the alignment of the New Bridge and the re-aligned slip roads. This tie-in between the new carriageway and the existing Central Expressway will be at Halton Brow.

Area G – Central Expressway, Lodge Lane Junction and Weston Link Junction

- 5.41 Improvements will be required to the alignment of the Central Expressway to bring it up to current geometric standards and to manage its interface with the New Bridge. These should not involve significant earthworks and will be undertaken generally within the existing highway boundary.
- 5.42 The distance between existing junctions along the Central Expressway is too close to meet current merging and weaving standards. The current carriageway configuration will be modified so that the alignment

passes through this corridor with connections only at Bridgewater Junction and Lodge Lane Junction. This will be achieved by converting the existing hard shoulders into distributor lanes with no direct connection to the New Bridge at Halton Brow and Halton Lea Junctions. The existing hard shoulders will need to be strengthened to carry full highway loading and road markings and barriers will be added to prevent merging movements.

- 5.43 Existing footbridges will be replaced and/or reconfigured. To the south of the Halton Lea Junction the existing busway bridge will be replaced with a new bridge on an altered alignment.
- 5.44 Lodge Lane Junction will be modified to change the priority of traffic flow from the Southern Expressway to the Weston Link. The junction will be modified to make provision for dual two lanes of through traffic from the Central Expressway to the Weston Link with single lane slip roads for traffic movements to and from the Southern Expressway. These works will comprise the construction of a new single span bridge, along with modifications to the earthworks and highway alignment.
- 5.45 Weston Link Junction will be modified to change the priority of traffic flow from the northbound to the southbound section of the Weston Point Expressway. These works will use most of the existing junction layout. However, a new slip road will be constructed on the north side of the existing Weston Link Slip Road to allow traffic to slip onto the New Bridge from the northern section of the Weston Point Expressway.

Area H – M56 Junction 12

- 5.46 The existing roundabout to the north of the M56 Junction 12 will be modified to include a signal controlled link directly across the centre of the existing roundabout for the main line of the new highway, leaving the outer roundabout segments for local turning traffic and for eastbound access to the M56 Junction 12. The works will comprise carriageway realignment and the installation of new traffic signals. A new retaining wall will be required to support the carriageway realignment on the south side of the roundabout.

Area I – Silver Jubilee Bridge and Widnes De-linking

- 5.47 The opening of the Project will result in a significant reduction in traffic flow on the SJB. This will allow the downgrading of the carriageway on the existing bridge from two lanes in each direction to a single lane in each direction. This in turn will release space on the deck of the bridge to re-introduce footpaths and to provide a dedicated cycle path. These works will require the re-configuration of the deck layout and will involve kerbing, re-surfacing and the provision of new road markings.

- 5.48 The substandard footpath cantilevered on the eastern side of the SJB could then be closed, although its structure would be retained to support services.
- 5.49 A tolling plaza will be constructed on the existing carriageway of Queensway approximately 330m to the north of the SJB. The embankment and viaduct linking to the Widnes Eastern Bypass will be removed. The link to Ditton Junction will be downgraded to comprise just the existing slip road. The main carriageway and structures will be removed between the Queensway tollbooths and Ditton Junction.
- 5.50 The main link between the SJB and Ditton Junction (after passing through the tolling plaza) will be along the existing northbound slip road. This would be a two-lane single carriageway. A new signal controlled junction will be needed to replace the one-way off and on slips. The remainder of the existing dual carriageway to Liverpool will be closed to traffic and demolished.

6.0 OTHER POWERS

- 6.1 It can be seen from the preceding section of this report that the works comprised in the Project are both extensive and complex. In addition to authority to carry out these works, the project comprises certain other elements that are not works. These also require statutory authority and include:
- The New Bridge will cross four watercourses - the St Helen's Canal, the River Mersey, the Manchester Ship Canal and the Bridgewater Canal. This will interfere with public rights of navigation and requires specific authorisation;
 - Changes will be required to the highway network - including public rights of way on foot, cycle or horseback - and to certain private rights of access;
 - The compulsory acquisition of land needed to build the project and rights of land to allow it to be built and/or maintained;
 - Powers to make charges or levy tolls, including arrangements to set them, revise them, collect them and take enforcement action should tolls be unpaid (including creating summary criminal offences, which are prosecuted in the Magistrates' Court);
 - Authorising the making of bylaws;
 - Applying and disapplying legislation - for instance in relation to compulsory acquisition of land, tolling/road user charging and the carrying out of works in the River Mersey; and
 - Making provision for the grant of a concession or other arrangement to secure the construction, operation and maintenance of the Project.
- 6.2 It is anticipated that the Project will be procured as a Design Build Finance and Operate (DBFO) scheme. This means that an organisation, known as a concessionaire, will be responsible for the

detailed design and construction of the scheme. The concessionaire will also have to obtain finance that allows it to construct, operate and maintain the scheme for a defined period. They will repay the finance that they have raised over the period of the contract that they have agreed to, known as the concession period. For schemes of this nature the concession period is typically 30 to 40 years. Although the DfT is contributing funding to the Project, the scheme will be funded mainly through the Private Finance Initiative (PFI). This means that the concessionaire will have to raise the money through private finance methods, such as a loan from a bank, supported by PFI credit payments from the DfT.

- 6.3 The finance for the Project would rely on revenue recovered from users of the Project through tolling and road user charging. To ensure robust revenue forecasts and to ensure that the Project will ease local congestion it is proposed that tolls / charges will be levied for use of both the New Bridge and the SJB. The tolling / charging regimes will also provide a mechanism to manage demand, so that free flow traffic conditions are maintained on the New Bridge. This is intended to achieve demonstrable service reliability and standards.

7.0 APPLICATIONS AND ORDERS

- 7.1 In order to obtain authority to carry out the works described above and to secure the additional powers described the applications and orders described in this section of this Report are needed. For this purpose, the works can be divided into two broad categories:

- Main Works - these are shown on the plan at appendix 1 edged blue; and
- Remote Works, including SJB - these are shown on the plan at appendix1 edged red.

Main Works

- 7.2 The statutory authority in relation to these works will be sought as follows:
- 7.2.1 As the Main Works will include the New Bridge they will interfere with navigation. This requires specific statutory authority pursuant to s3 Transport and Works Act 1992. In order to promote an order under that section (a "TWA Order") a local authority like the Borough Council must first obtain authority to do so by way of a resolution of the full Council, passed by a majority of members eligible to vote. It is recommended to the Executive Board that it should propose such an application to the full Council. The application will be determined by the Secretary of State for Transport.

- 7.2.2 The Main Works will also interfere with three other waterways and a railway line, all of which requires special powers. The TWA would confer such authority.
- 7.2.3 The Main Works will require planning permission. However, in this case it is not necessary to make an application to the Borough Council as local planning authority in the normal way. The Secretary of State may confer deemed planning permission pursuant to s90(2A) of the Town and Country Planning Act 1990 at the same time as making a TWA Order.
- 7.2.4 The works will require the acquisition of land owned by third parties and the TWA Order would confer powers of compulsory acquisition in respect of land and rights over and in land.
- 7.2.5 The New Bridge must be the subject of tolls as described above. This would be secured by the TWA Order as well. Subject to members approval in this meeting, officers will continue to work up proposals in accordance with the Strategic Outline Business Case for the project (being considered by members at the Mersey Gateway Executive Board meeting on 7 April - report attached at Appendix 2), subject to legal and financial advice.
- 7.2.6 The changes to the highway network required within the Main Works area would be authorised by the TWA Order.
- 7.2.7 The TWA Order will contain extensive additional provisions designed to secure the construction, maintenance and operation of the Main Works as part of the Project.

Remote Works and SJB

- 7.3 The statutory authority in relation to these works will be sought as follows:
 - 7.3.1 Planning applications were made in respect of the Remote Works and SJB on 31 March 2008.
 - 7.3.2 A Listed Buildings Consent application was made in respect of works to the Grade II listed Silver Jubilee Bridge on 31 March 2008.
 - 7.3.3 The SJB must be the subject of tolls as described above. This would be secured by a scheme and order made under Part 3 of the Transport Act 2000 - a Road User Charging Order. The relevant provisions would comply with the Strategic Outline Business Case for the project (being considered by members at the Mersey Gateway Executive Board meeting on 7 April - report attached at Appendix 2). Subject to members approval in this meeting, officers will continue to work up proposals in accordance with that strategy and subject to legal and financial advice.

- 7.3.4 Compulsory Purchase Orders will be needed to secure third party property required for these works. This is explained in a separate report that is before this meeting.
- 7.3.5 Where the existing highway network and private accesses are affected by these works Side Road Orders will be required under s14 Highways Act 1980. This is explained in a separate report that is before this meeting.
- 7.4 In relation to both sets of works, certain land owned by the Council will be needed that is or may be public open space. To ensure that this can be used for the purposes of the Project it is necessary to *appropriate* the land. This means that instead of the land being held by the Council for one purpose, it will instead be held for another - that of the Project. Again, this is explained in a separate report.

8.0 POLICY IMPLICATIONS

- 8.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

9.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 9.1 The implementation of Mersey Gateway will have significant benefits for all Council priorities.

10.0 RISK ANALYSIS

- 10.1 The specific risks are reported in a detailed project risk register linked to the Council's corporate risk management regime.

11.0 EQUALITY AND DIVERSITY ISSUES

- 11.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

12.0 REASON(S) FOR DECISION

- 12.1 The recommended decisions are required to support the delivery of Mersey Gateway.

13.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

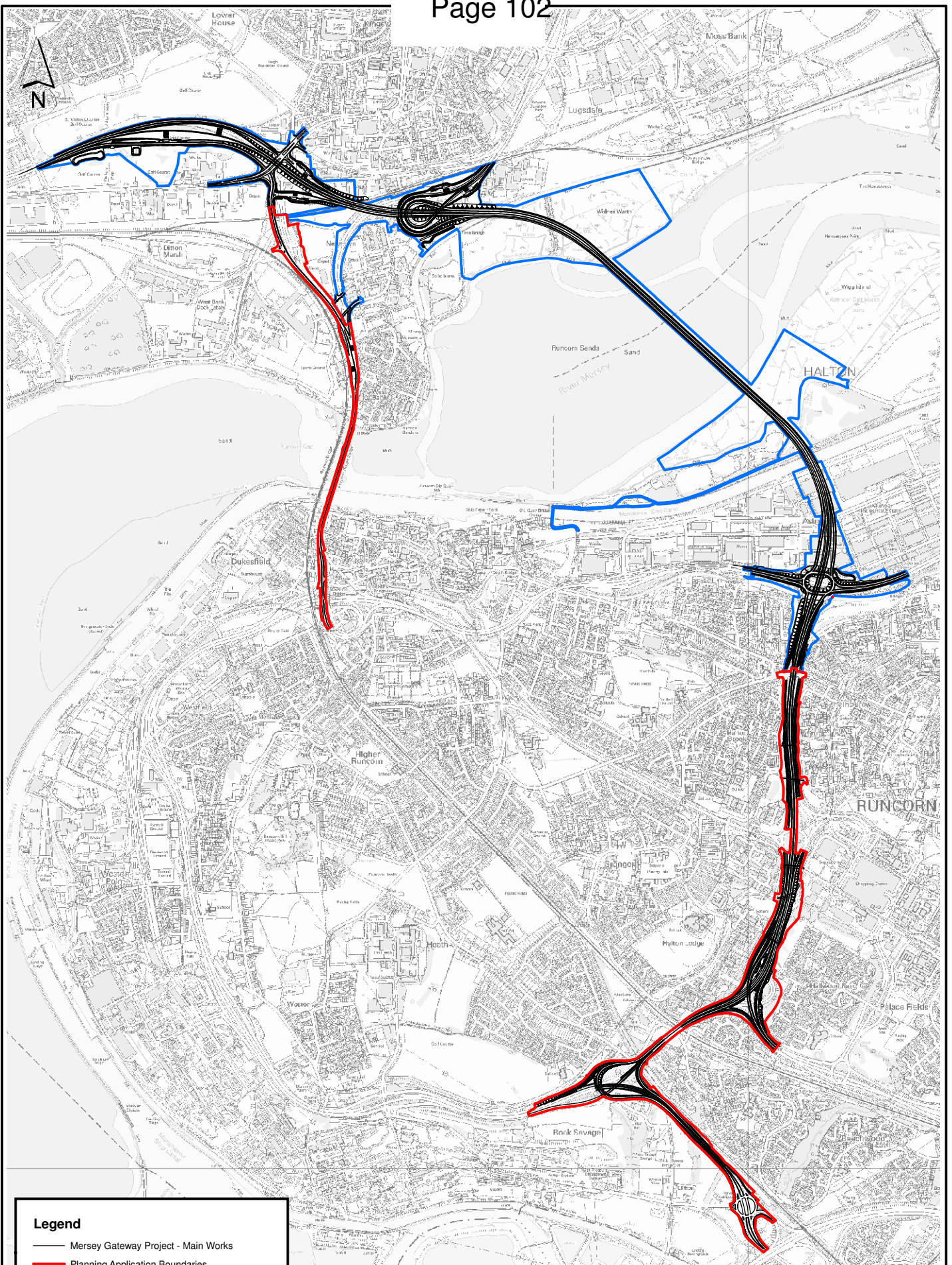
- 13.1 Alternative options for securing the powers to construct, maintain and operate, including tolling, the MG project have been assessed and rejected.

14.0 IMPLEMENTATION DATE

14.1 The recommended decisions are required before the next phase of the statutory process takes place in May 2008.

15.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

15.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.



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Report Title
**ENVIRONMENTAL STATEMENT
 NON TECHNICAL SUMMARY**

Report Number
MG_REP_EIA_008

Figure Title
**THE MERSEY GATEWAY
 PROJECT**

Figure Number
1.1

REPORT: Mersey Gateway Executive Board

DATE: 7 April 2008

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Mersey Gateway Strategic Outline Business Case

1.0 PURPOSE OF REPORT

1.1 This report provides an update of the business case that was submitted to the DfT in July 2005 to reflect the considerable developments in the scheme since that time. The information reported provides a summary of the Mersey Gateway Strategic Outline Business Case that has been prepared by the Mersey Gateway Project Team and accepted by the Mersey Gateway Officer Project Board.

2.0 RECOMMENDED: That Members

i) Note that Mersey Gateway still benefits from policy support at National, Regional and Local levels.

ii) Agree to the additional project objective “*To restore effective network resilience for road transport across the River Mersey,*” to align the project aims with the Eddington recommendations.

iii) Agree the principal elements of the tolling proposals which are designed to maximize the opportunity to deliver the project within the funding limits and to provide a best value option for funding toll discounts and a Mersey Gateway sustainable transport programme.

iv) Note that the current financial analysis results show that the project remains on course to be delivered within the funding limits agreed with Government, with toll levels based on the current Mersey Tunnels charges.

v) Note that the value for money parameters required by Government as a funding condition are satisfied but the headroom available to satisfy the condition has been reduced.

3.0 SUPPORTING INFORMATION

THE STRATEGIC CASE

3.1 The planning process for Mersey Gateway will test the extent to which the project proposals fit with planning and economic policies expressed at national, regional and local levels. At the national level the Government’s most recent statement of its transport policy is in the White Paper ‘*Towards a Sustainable Transport System*’ – the Government’s response to Eddington and Stern. The White Paper

sets out the challenge for transport in a world faced with climate change and associated economic considerations. The White Paper acknowledges that congestion is increasing on many motorways and strategic rail and road routes. The motorway boxes are examples of road networks particularly under pressure and links connecting the M62 and the M56 and forming the route across the Runcorn Gap (including the SJB) features in the top category. Network resilience (described as the ability of travel networks to return to normal service patterns following incidents or disruptions) is also a key consideration that has a significant effect on reliability.

3.2 Eddington stresses the importance of reliable transport and network resilience for business but similar requirements apply to ensure that effective civil contingency plans are in place. Mersey Gateway would provide the additional road capacity required to restore network resilience for road river crossings between the Mersey Tunnels and M6 at Thelwall. These benefits to the regional road network are reflected in the Highways Agency expressed support for Mersey Gateway. To ensure the potential operational benefits are realised the following additional project objective has been proposed in the SOBC.

- To restore effective network resilience for road transport across the River Mersey.

3.3 The need to combat climate change is also being embedded in Government policy. The White Paper referred to above also foreshadows the approach intended by Government to limit carbon products in transport. The Mersey Gateway tolling proposals combined with the outputs from the on-going Mersey Gateway Sustainable Transport Study (commissioning of the study was approved by the MGEA in January) will deliver carbon benefits by removing congestion without inducing additional traffic and by improving travel choice for Halton residents.

3.4 The project is supported by the North West Regional Assembly and features as a scheme of Regional and Sub-Regional Significance in the emerging Regional Spatial Strategy. There is no other transport project in the North West Region in the planning stage which offers such strong support to local policies and objectives, which would serve to meet local, regional and national objectives and which serves both the local, regional and national highway networks. Mersey Gateway continues to benefit from strong support in the Regional and Sub-Regional economic programmes.

3.5 At a local policy level the promotion of Mersey Gateway in a formal planning sense relies on a few key policies in the adopted Halton Unitary Development Plan (April 2005). The Programme Entry funding approval by the Department for Transport in March 2006 enabled the supporting policy for Mersey Gateway to be developed in more detail and brought up to date. These supporting policies will be embraced in the next iteration of the Community Strategy, the Corporate Plan and the Local Development Framework. To understand the wider issues and opportunities

arising from Mersey Gateway and to consider how best to capture the benefits arising, the Council have commenced preparation of a Mersey Gateway Regeneration Strategy. The outcome of the Regeneration Strategy will also inform the Councils priorities for physical investment and urban renewal. Local consultation on regeneration options is currently taking place and during the summer it is planned to put final proposals in the public domain to inform the consideration of the Mersey Gateway formal Planning Applications

- 3.6 As part of the development of a sustainable and integrated transport system for the Borough, the Council has commissioned a Mersey Gateway Sustainable Transport Study. The key objective of the first phase of investigation was to identify and assess public transport options which would be likely to be commercially viable and practically affordable and which would also be complementary to, and be supported by the Mersey Gateway Project as a whole. In summary, the report recommended that a bus based transit system utilising new as well as existing infrastructure and facilities would be the most achievable and affordable way forward and enable step change improvements to be delivered in the short to medium term. The report recognised that the development of light rail should not however be precluded but this should be seen as an option for the longer term. Consequently the Mersey Gateway scheme now includes passive provision for LRT infrastructure to be provided in the future, supported by the potential for a lower deck to be constructed in the New Bridge providing for access and egress through the bridge abutments..
- 3.7 The Mersey Gateway Sustainable Transport Study has progressed to more detail since it was reported to this Executive Board in January 2008. Potential schemes that will deliver the required improvements to bus services, and cycling and walking facilities have been identified. The Study is on-going and is based soundly on the relief of SJB and the Mersey Gateway Regeneration Strategy. A series of focused public consultations and group interviews have been undertaken to understand the views of Halton's residents on public transport in Halton now and in the future with the Mersey Gateway Project.
- 3.8 The Sustainable Transport Study is aimed at delivering service improvements in 2015. As such there is a long lead time to put in place the delivery process. The current requirements are for proposals to be developed sufficiently to inform the consideration of the Planning Applications for Mersey Gateway. A series of draft strategy elements have been developed from which specific proposals will emerge and be evaluated. These will be developed, tested against the consultation responses and prioritised but they provide a clear statement of the Council's intent to maximise the opportunities provided by Mersey Gateway to improve integrated and sustainable transport. Examples of the schemes under consideration are:-
- Creation of a Sustainable Transport Corridor across the Silver Jubilee Bridge

- Connections between SJB and Widnes and Runcorn main service and retail centres.
- Creation of a Halton Transit Network under a single service brand name.
- Quality Partnership or Contracts with bus operators
- High Frequency Strategic Bus Corridor for Local Services
- Design and Access Specifications for Public Transport Interchange Hubs
- Enhancement of the Local Distributor Bus Network
- Door to Door Service
- Halton Hopper upgrade
- Regeneration of the Runcorn Busway
- Expansion of the Real Time Information for Public Transport
- Cycling and Walking Core Network

3.9 The above options have considerable potential to increase travel choices and to reduce the impact of tolls for local trips. In addition, around thirty percent of Halton residents do not have access to a car or van. Many of these are in deprived social and economic groups. Although tolling the Mersey Gateway will not have a direct impact on travel options for the non-car ownership group, any benefits in sustainable transport access will extend to this large group. Mersey Gateway presents a step change in the prospects for delivering sustainable transport options for Halton residents. The proposed concession arrangements (see below) include provisions for Halton Borough Council to share in the toll revenue, where the revenue passed to the Council will be used to support toll discount schemes and would also provide funding for the preferred sustainable transport programme.

TOLLING STRATEGY

3.10 The Council has established a tolling policy that is intended to allow successful delivery of Mersey Gateway within funding limits agreed with Ministers. The principal objectives of tolling are:

O7. To operate a toll concession scheme, within the limits of affordability, so as to mitigate the impact of tolls on local users who are currently able to use the SJB free of charge, many of whom are frequently crossing the river and some fall within social inclusion target groups;

O8. To manage demand to ensure the delivery of transport and environment benefits, by maintaining free flow traffic conditions on the Mersey Gateway and SJB and delivering priority for public transport on the SJB; and

O9. To transfer demand risk to the Concessionaire for the duration of the concession, by allowing the operator to manage that demand through the toll charged, within the constraints of the legal powers and the regulations agreed in the Concession Contract, consistent with the objective of protecting local users.

- 3.11 In addition to facilitating the investment required to deliver the new bridge, the tolling regime will provide a lever to manage demand, so that free flow traffic conditions are maintained on the new link, thereby locking in the delivery of the projected service reliability and standards throughout the concession. The removal of through traffic from SJB will provide an opportunity to re-establish the existing bridge for local transport use so that the sustainable transport and environmental benefits are delivered. The new traffic model forecasts support the projected benefits from tolls as future traffic levels are suppressed by the tolling charges. The lower traffic levels with tolling prevent any general increase in traffic noise and air pollution (including carbon green house gases) across the Borough that would otherwise occur without the scheme.
- 3.12 Affordability considerations, coupled with demand management and sustainable transport objectives, dictate that most or all private car and commercial cross-river traffic between Widnes and Runcorn must be subject to tolls. This includes traffic across the previously free-to-use SJB. Its proximity to the new MG means that if left untolled it would be impossible to prevent substantial revenue leakage and maintain free flow traffic conditions thereby jeopardising the affordability position and the sustainable transport objectives explained above. The proposed statutory process is to secure tolling powers for MG using the Transport and Works Act and to apply for a Road User Charging Scheme under the Transport Act 2000 for SJB.
- 3.13 The Council envisage the initial toll levels matching the levels charged at the Mersey Tunnels, although during the bidding process prospective operators will have the opportunity to submit variant proposals that may prove more attractive for the Council. The funding agreement with Government assumes that toll revenue will be used to counter unexpected inflation and cost increases. Thus some flexibility in managing the revenue, or revenue projections, from tolls is required both prior to concluding the concession agreement and during the concession period. The statutory process means that it is necessary for the Council as promoter to set the regulatory boundaries for toll charging. The tolling proposals will be drafted to allow the affordability risk to be managed leading up to financial close and thereafter to provide the concessionaire sufficient flexibility and scope to manage demand and its revenue so that it can offer the Council the best value bid.
- 3.14 The Council announced its commitment to prioritising toll discounts for local residents in the results of public consultation published in November 2007. Any discounted or concession scheme for toll charging will need to be constructed so as to be both affordable and acceptable within the terms of UK and EU law in respect of discriminatory pricing and State Aid. One way of providing protection for local users would be to incorporate a discount toll mechanism in the concession agreement, most likely to be based on frequency of use but potentially also linked to the place of residence in the case of private vehicles. The drawbacks with such a proposal are that the cost of the discount scheme would be for bidders to determine and the agreed terms for the discount scheme would be fixed for the concession term. This presents considerable uncertainty for bidders to deal with in estimating the number of users qualifying for discounts and the Council would face potentially expensive change terms should modifications to the discount scheme be required, which is a likely scenario at some stage in the concession period.

- 3.15 On best value terms an alternative scheme for delivering discounted toll levels is preferred. The toll levels required to finance a commercial bid, on top of the PFI Credit subsidy agreed with Government will determine the overall project revenue required to support a bid. In addition to presenting the overall project revenue required to finance their bid, bidders will also have to take into account the extent of toll revenue share they are prepared to offer the Council. The Council would use their share of toll revenue to fund discounts on tolls for local residents or frequent users through a separate concession scheme run by the authority and to provide revenue support for public transport in line with the sustainable transport objectives of MG. This approach is likely to raise the maximum revenue available for mitigating the impact of tolls on local residents and the Council would have flexibility to choose how to spend its revenue share throughout the concession period. The downside is that the funding available to support any discount scheme will only be known initially when commercial bids are return and confirmed when actual toll revenues are received.
- 3.16 It is proposed that bidders (probably in their Standard Bid) should be asked to assume that toll levels are set initially at levels matching those at the Mersey Tunnels, increasing thereafter in line with inflation. It is further proposed that they be told to assume that a fixed level of central government funding is available for the project. It is proposed that bidders should then be asked to bid the level of economic interest in the toll revenue which they are prepared to make available to HBC. This arrangement produces a banded system of project revenues as shown in fig 1.

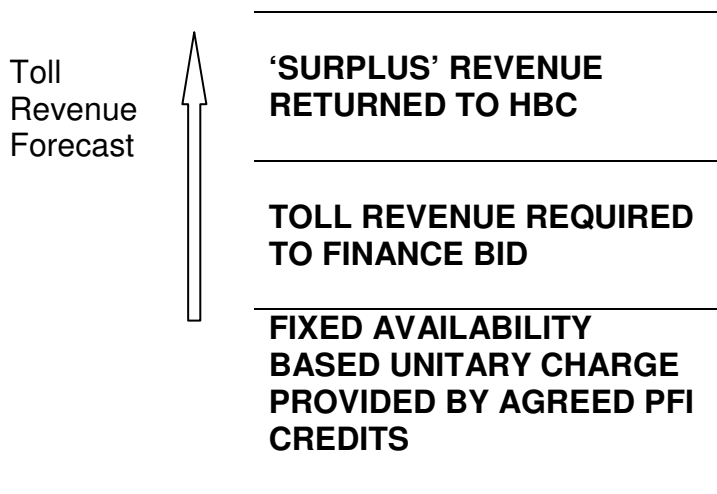


Fig 1. – Project Revenue

- 3.17 The above project funding arrangement has been modelled in the financial analysis reported below.

THE FINANCIAL CASE

- 3.18 The purpose of the Financial Case is to demonstrate that the scheme is based on sound costings and revenues, and that the projections are in keeping with the funding agreement with Government. A review of the financial case has been

undertaken using the financial model produced for the Programme Entry bid but updated with revised input values and assumptions.

3.19 The Scheme Cost Estimate and Quantified Risk Assessment (QRA) have been revised in full by the project team to take account of all changes since Programme Entry. The headline scheme cost results are in table 1.

	Current Assumption (at March 2007 Prices)
Construction Costs	£362,524,000
Maintenance Costs	£21,279,500
Operating Costs	£179,681,581
50%ile Risk	£20,000,000
Optimism Bias	23.5%

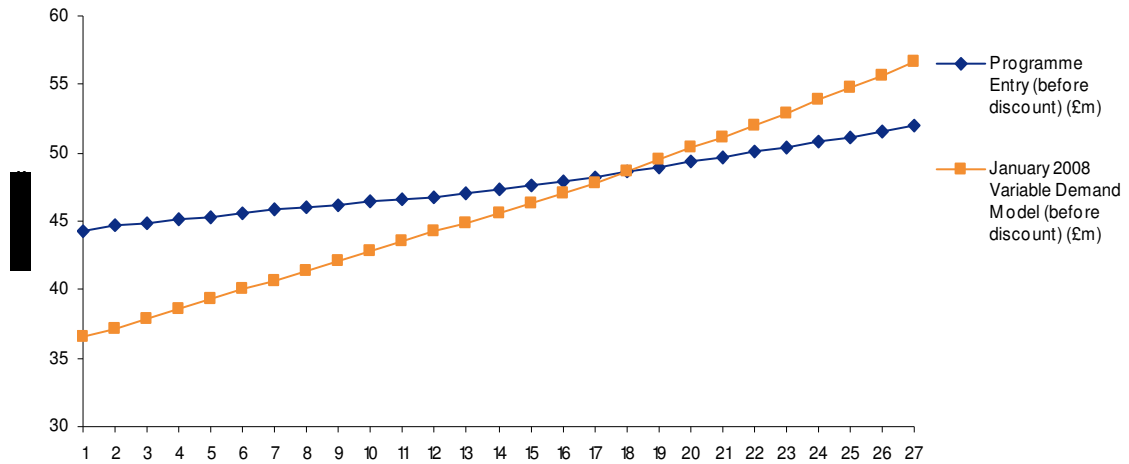
Table 1: Scheme Cost and Risk

3.20 The current traffic forecasts are the product of a very detailed modelling exercise utilising the latest variable demand forecasting techniques and prudent underlying assumptions. The modelling has followed DfT guidance and has been subject to DfT oversight at all stages of development. The traffic forecasts underpin the toll revenue projections and the current results are considered to be much more robust than was the case at programme entry because:-

- Projections show trips being suppressed by toll charges where the level of suppression is reduced as alternative routes become congested
- Underlying growth is modest (at between 1 and 2%)
- Local evidence of cross river travellers paying toll charges equivalent to Mersey Tunnels.

3.21 The graph below presents the current revenue forecasts alongside the forecasts used to support the programme entry submission. It should be noted that to reflect the greater uncertainty attached to revenue projections made to support the programme entry bid only 75 percent of the revenue projections shown in the graph below were used in the PE bid

Toll Revenue - Programme Entry vs January 2008



3.22 The PFI Credit agreed with Government will be used to supplement the current toll revenue projections. For the purposes of the business case financial analysis the term over which the £123m of PFI credit support is received has been determined to best meet the requirements of the project. The result of this calculation is an assumption that the project receives the PFI credit support over a period of 15 years, resulting in circa £12.5m pa in 2011 prices. In net present value terms this annual support does not exceed the £123m PFI Credit award.

3.23 The comparison of current financial assumptions compared with the programme entry bid is given in table 2.

	PFI credit requirement (total)	Unitary charge (Nominal p.a)	Present Value (at 3.5% real to 2011) of			
			Unitary charge	Toll Revenue	Const'n costs	Operating costs
Case Description	£ million	£ million	£ million	£ million	£ million	£ million
Programme Entry	123	11.9	103	633	358	176
Revised Base Case (Jan 2008) for SOBC	123	12.5	103	746	440	122

Table 2: PFI Financial Analysis

3.24 Although the project team are confident that the risk allowances in the financial model are robust, financial risks do remain that could translate to affordability risks in the future. The most significant of these are:

- The ability to effectively match the support from Government to the needs of the project;

- The treatment of toll revenue forecasts by potential concessionaires and lenders;
- The currently assumed Composite Trade tax relief may not be achievable in practise. This has resulted from the abolition of the Industrial Buildings Allowance relief from 2011 as announced in the 2007 budget. This issue is outside the control of the Council and has been discussed with DfT. Should this risk materialise then HBC would wish to discuss with DfT options for making good the funding shortfall that might result. All current financial modelling assumes that Composite Trade treatment is achieved.
- The scale of the proposed Mersey Gateway Project is such that relatively small changes in key parameters such as capital cost, inflation and senior debt interest rate can have a significant impact on the toll revenue required to fund the project

3.25 The current base case financial analysis shows that the revenue received by the project over the contract life is significantly greater than the total requirement and therefore the project is affordable in overall terms. Should the project be delivered with the current financial assumptions confirmed then the Council revenue share (as indicated in the proposed funding structure in Fig 1) available to support toll discounts and to fund the sustainable transport programme would be £190 million cash outturn over the 30 year concession term (equivalent to £52 million net present value at 2011).

THE VALUE FOR MONEY CASE

3.26 The purpose of the Value for Money Case is to demonstrate the likely benefits and disbenefits of the scheme against its likely costs. One of the DfT funding conditions is a requirement for the value for money of the scheme to “be re-assessed against the Department’s value for money criteria in the light of the economic results from the new traffic model before the scheme progresses to public inquiry. It should also be noted that the Department reserves the right to re-consider its offer of funding for the Mersey Gateway if the scheme is re-assessed as offering worse than “medium” value for money. The minimum Benefit Cost Ratio for qualifying as medium value for money is 1.5:1. The current economic results reported in draft to DfT show the project to remain as high value for money with a BCR of just over 2:1. It should be noted that this BCR is lower than the Programme Entry submission (circa 2.8) and hence the headroom to withstand any downward adjustment by DfT has been reduced.

4.0 POLICY, RESOURCE AND OTHER ISSUES

4.1 The Strategic Outline Business Case establishes the resource requirements for the next stage plan that will progress the project through the planning process and procurement, culminating with the start of construction in 2011. A resource plan is in preparation and will be reported to the Mersey Gateway Executive Board in May.

5.0 KEY RISKS

5.1 The key risks identified in the Strategic Outline Business Case are covered in section 3 above.

6.0 EQUALITY AND DIVERSITY ISSUES

6.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

7.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

7.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation and Logistics Department.