

To Traffic Penalty Tribunal

Appeal to Traffic Penalty Tribunal on grounds of Procedural impropriety
Doc 1 - Background to the Mersey Gateway scheme

This is one of a series of documents prepared by Scrap Mersey Tolls (SMT). They are intended for use by anyone who has made a representation to Merseyflow, and then received a Notice of Rejection who now wishes to appeal to the Traffic Penalty Tribunal on the grounds of 'procedural impropriety'.

Note that these documents include clickable web links.

1. The Tribunal have made some statements about the scheme which SMT assume were based directly or indirectly on information from Halton Borough Council (HBC). In particular there are paragraphs 2 to 5 of [the Review decision of Mr Solomons dated 17th May](#).
 2. Paragraph 2 says ".. In the early part of the 21st century it was noted that traffic flows across that 4 lane bridge exceeded 90,000 vehicles per day, leading to severe congestion and long queues. It was therefore decided to build a new bridge, to be known as the Mersey Gateway. The Mersey Gateway is a spectacular feat of engineering..."
 3. The paragraphs also include "...the papers that I have seen include a copy of a Minute of a meeting of the Council on 11th December 2013 in which it resolved for the Leader of the Council to write to the Government expressing the Council's anger and frustration at the requirement to impose tolls...However it appears that central government was not to be moved and so the Council has felt obliged to proceed with a charging arrangement. "
 4. The genesis of this bridge goes back long before the 21st century and over many years there were studies and discussions about the best location for a new crossing, who would be responsible for the scheme and how it would be financed. ([Scheme Development and Appraisal Reports - CD/201 to 216 - on the Inquiry pages of Mersey Gateway site.](#))
 5. Mr Solomons referred to a minute of 11th December 2013, but contrary to the impression that minute might give it seems that as early as November 2001 HBC had assumed that the new bridge would be tolled and were working with Merseytravel towards the tolling of all Mersey crossings (see paragraphs 7 and 8 of [NAAT Proof of Evidence to the 2009 Public Inquiry](#))
 6. By the time of the 2009 Public Inquiry the plan was that HBC would be wholly responsible for the scheme and that it would be a Design-Build-Finance-Operate scheme with a PFI consortium to be paid through tolling of both the new and old bridges. At that time it was also intended that tolls would be collected through the use of toll booths.
 7. There are various features that make this scheme unique-
 - a) It is the first in the UK to involve having to pay for a previously free crossing.
 - b) The aim was to REDUCE traffic crossing the river at this point.
- The average daily traffic seems at one point to have reached 85,000 a day (HBC said this in an email on 20 Nov 2004). HBC predicted that this traffic would rise to 94,000 by 2015 if nothing was done, in fact the traffic using the crossing fell and by 2016 was down to 69,400 a day. Not

surprisingly with the tolling of the crossing the authorities have managed to achieve a further fall in traffic which only averaged 62,500 a day for the period from the bridge opening up to the end of June. The fall would have been even larger if it was not for nearly 40% of the bridge users, including nearly all of the residents of Halton, being exempt from paying anything other than an admin fee.

c) It was built in a location that would not give the highest economic benefits, would require higher spending on link roads, cause higher disruption during the construction and have a higher negative environmental impact on the residents of Halton.

d) All that was needed was a low level bridge complementing the existing bridge. Instead they built a major high level bridge, largely routed over sandbanks, and they are substantially reducing the capacity of the bridge (Silver Jubilee) that was already there.

e) In cash terms the Government is providing more money for a privately financed tolled bridge that it would have cost them if the scheme had been for a publicly financed untolled bridge.

8. Two aspects make the scheme *almost* unique.

One of them is the penalty system. There is only one other crossing that has such penalties. That is the Dartford Crossing and the system there is well known for its problems and for the large number of penalties that are issued. The number of penalties on the Gateway is less than at Dartford, but even so there were 93 thousand penalty notices issued in September 2018 and about 20% of the total crossing income to HBC comes from PCNs (['Dashboard' figures for July to September 2018 on Mersey Gateway site.](#))

The other almost unique aspect is that there is discrimination between car drivers, depending on where the driver lives. The only other crossing where there is discrimination is Dartford, though there are few users of that Crossing who live in the exempt area. In the case of the Mersey Gateway about 40% of car drivers do not have to pay the toll because they are Halton residents. It has been claimed that HBC bears the cost of the residents discount, this is not so. HBC makes no financial contribution to the scheme.

This discrimination also means that the penalty system mainly affects people who are not residents of Halton. The tolls and penalties are in effect a charge for not happening to live within the Halton boundary.

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