



---

# **Report to the Secretary of State for Transport**

**by Martin Whitehead LLB BSc (Hons) CEng MICE**

**an Inspector appointed by the Secretary of State for Transport**

**Date: 5 July 2013**

---

## **TRANSPORT CHARGES & C (MISCELLANEOUS PROVISIONS) ACT 1954**

### **ORDER FOR THE REVISION OF CLIFTON SUSPENSION BRIDGE TOLLS**

**Inquiry held on 29 to 31 May 2013**

**Contents**

	<i>Page</i>
Case Details .....	2
1. Preamble .....	2
2. Description of the Site and its Surroundings .....	4
3. Legal Submissions .....	4
4. The Case for the Trustees of the Clifton Suspension Bridge .....	6
5. The Cases for the Supporters .....	12
6. The Cases for the Objectors .....	13
7. Response by the Trustees of the Clifton Suspension Bridge .....	25
8. Inspector's Conclusions .....	30
9. Recommendation .....	36
A. List of Appearances .....	37
B. Documents List .....	38

**CASE DETAILS:****File Ref: DPI/Z0116/13/4****Order for the Revision of Clifton Suspension Bridge Tolls**

- The application, dated 1 May 2012, was made by the Trustees of the Clifton Suspension Bridge (Trustees) pursuant to section 6 of the Transport Charges &c (Miscellaneous Provisions) Act 1954 (1954 Act) for an Order to revise the maximum tolls authorised to be charged on the Clifton Suspension Bridge (the Bridge), near Bristol.
- The purpose of the Order is to allow the Trustees to properly carry out the working, maintenance and other costs and expenses incurred in connection with the Bridge.
- The Order, if made, would authorise the Trustees to increase from 50p to £1.00 the maximum toll charge for a single journey across the Bridge for each motor vehicle of any description and for each vehicle drawn by a horse or other animal and for each motorcycle; and to reduce from 5p to Nil the maximum toll charge for a single journey across the Bridge for each pedestrian, pedal cycle, handcart, mechanically propelled invalid carriage or animal.
- The application was published on 1 August 2012, and there were 155 objections outstanding to it at the commencement of the local Inquiry.

**Summary of Recommendation: That an Order be made as proposed.****1. PREAMBLE*****Formalities***

- 1.1 I have been appointed pursuant to section 6(5) of the 1954 Act to hold a public local Inquiry into the Trustees' application and objections thereto, and to report with a recommendation to the Secretary of State for Transport (SofS).
- 1.2 The Inquiry was held at Ashton Court Mansion, Ashton Court Estate, Long Ashton, Bristol BS41 9JN. It sat for 3 days on 29 to 31 May 2013 inclusive. I made unaccompanied site visits to the Bridge and nearby roads on the afternoon of 28 May 2013 and early evening of 30 May 2013 and an accompanied site visit to the Bridge and nearby roads on 31 May 2013 at about 1200 hours, after closing the Inquiry.
- 1.3 At the Inquiry the Trustees confirmed that they had complied with all the statutory formalities in respect of the Inquiry. They indicated that they had made the application available on the website on 22 April 2013, as agreed with the Department for Transport (DfT), they had provided updated financial information to the DfT on 30 April 2013 and this, and the Statement of Case, had been placed on the website, at the Bridge Visitor Centre and in Clifton Library on 1 May 2013. Although some of the Objectors had stated that there had not been an access link on the website on 2 May 2013<sup>1</sup>, I am satisfied that it had been remedied in sufficient time to ensure that none of the parties' interests had been prejudiced.

---

<sup>1</sup> OBJ/2/2 Section 3

### **Representations**

- 1.4 There were 75 objections to the application received within the statutory period (ending on 12 September 2012) and a further 83 objections after this period with 3 of these dated after the opening of the Inquiry<sup>2</sup>. None of the objections has been withdrawn. At the Inquiry, 4 of the Objectors gave evidence. There was one expression of support for the proposed revision to the tolls and another party gave evidence in support of the application at the Inquiry.
- 1.5 The main grounds of objection, based on those given in writing<sup>3</sup> and recognising that there are overlaps between them, are:
- 1) The damage to the environment caused by vehicles using neighbouring roads, including residential streets, to avoid the Bridge.
  - 2) The impact of the tolls on the character of Leigh Woods, with particular regard to parking.
  - 3) The cost of travelling to work, shops, schools and other facilities, particularly to residents of Leigh Woods.
  - 4) The use of the tolls to pay for other things than the maintenance of the Bridge, including a Heritage and Learning Centre.
  - 5) There are already sufficient funds to pay for the future maintenance of the Bridge.
  - 6) Other users, such as pedestrians and cyclists, should be charged for using the Bridge rather than increasing the toll for motor vehicles.
  - 7) There are other ways to fund the maintenance of the Bridge, such as Government grants or the National Lottery.
  - 8) The affordability of the increased cost to local people at a time of recession.
  - 9) The introduction of reduced charges for card users and residents of Leigh Woods and Abbots Leigh.
  - 10) The impact on those having to travel to work in Bristol that have no other choice but to use the Bridge.
  - 11) The impact on highway safety and traffic congestion on the surrounding road networks due to vehicles avoiding the Bridge.
  - 12) There are ways to reduce expenditure, such as reducing the times of lighting the Bridge.
  - 13) The justification for the increased tolls.
  - 14) The inefficient method of collecting tolls causing queuing.
  - 15) The increase would reduce the number of vehicles using the Bridge and thereby reduce the amount of money raised by the increase.

In addition, the National Alliance Against Tolls has objected on the grounds that the application is invalid and hence the Inquiry should not be held.

---

<sup>2</sup> INQ/2: List of Objectors

<sup>3</sup> OBJ/1

### ***This Report***

- 1.6 This report sets out the gist of the submissions made at the Inquiry and in writing (sections 4, 5, 6 and 7), together with the legal submissions made (section 3), my conclusions (section 8) and my recommendation (section 9). Lists of those appearing at the Inquiry (appendix A) and of Inquiry documents (appendix B) are attached.

## **2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The Bridge carries the B3129 classified road over the Avon Gorge and has a 4 tonne weight restriction. It links Clifton, which is part of the City of Bristol, with Leigh Woods and other settlements in the District of North Somerset. The River Avon can also be crossed at Cumberland Basin, which is about 1 km upstream of the Bridge but at my accompanied site visit the journey taken by road was measured at about an additional 3.5 miles (5.6 km), and at Shirehampton near Avonmouth, which is several kilometres downstream where the river is crossed by the M5 motorway.
- 2.2 At my site visit, I observed that there are no parking restrictions on the roads in Leigh Woods, which are used for on-street parking. I also observed the alternative routes between Leigh Woods and Clifton to using the Bridge<sup>4</sup>. These routes cross the River Avon at Cumberland Basin Bridge on Brunel Way. The main route uses Bridge Valley Road to climb the hill into Clifton. An alternative route to descend the hill from Clifton includes Granly Hill, which is mainly residential, partly one-way and includes traffic calming. An alternative route up the hill to Clifton includes Clifton Vale, which is a steep, narrow residential road with a sharp bend.

## **3 LEGAL SUBMISSIONS**

The material points are:

### ***The Legal Submissions for the National Alliance Against Tolls (NAAT)***<sup>5</sup>

- 3.1 The Inquiry should not be held as the Trustees do not appear to have formally applied to the Minister for the advertised changes to the tolls.
- 3.2 The public notice of application in August 2012<sup>6</sup> clearly does not match the May 2012<sup>7</sup> application. The significant differences are:
- The notice has a class (2) for 'Motorcycles' which is not in the original application, and is not even a class in the existing toll schedule.
  - The notice reduces the toll for what is now Class 2, (but which in the notice is referred to as Class 3), to nil, but the application itself says that the toll for pedestrians, pedal cycles etc though 'currently not levied' will 'remain unchanged'. The Trustees have not complied with the requirements.

---

<sup>4</sup> OBJ/46/10

<sup>5</sup> OBJ/60/13 Page 1 Para 1 and Page 3 Paras 15 to 18

<sup>6</sup> TCSB/12 Document 6

<sup>7</sup> TCSB/1 Section 9

- 3.3 It follows that nothing should be done until the Trustees give a new notice of a toll change that is either in line with their actual May 2012 application or such amended application that they may wish to make.
- 3.4 NAAT pointed this situation out to the DfT on the 7 May 2013<sup>8</sup>. The DfT said that the application was in effect changed because the DfT had suggested changes including the two cited above. There is no documentation of this, but in any case a toll increase application is supposed to come from the owners of a crossing and not the DfT, and the documents that the Trustees have submitted to the Inquiry do not include any evidence that they ever formally applied to the DfT for the toll changes that were advertised in August 2012.

***Response of the Trustees of the Clifton Suspension Bridge to the Legal Submission<sup>9</sup>***

- 3.5 There is no prescribed form of application and there is even no requirement that it should be in writing.
- 3.6 The documents submitted, which effectively comprise the application, make it clear what the Trustees are applying for and what they intend to achieve by the application ie a £1.00 toll<sup>10</sup>. On considering these papers, which include a draft public notice, the DfT suggested a form of advertisement that was acceptable and reflected what the Trustees were trying to achieve. The only substantive change suggested by the DfT was to impose a nil charge on pedestrians and cyclists, as was the actual position in respect of collection and the intended position in relation to future collection. Although the notice states that the current toll charged for pedestrians and cyclists is 5 pence, this is currently not collected<sup>11</sup>.
- 3.7 The purpose of the advertisement is to allow people to make comments and to give their views. The people have done this both in writing and at the Inquiry. There has been no claim of prejudice to anyone, which is what the publication requirements are designed to avoid.
- 3.8 The SofS has the ability to grant an Order in the form he sees fit. Section 6(2) of the 1954 Act states that the Minister may make such order as he thinks fit of *'all or any of the said charges, whether or not the subject matter of the application'*. Therefore, there is no basis on which the application can be considered invalid.

---

<sup>8</sup> OBJ/60/14 E-mails between NAAT and DfT 07/05/2013 to 09/05/2013

<sup>9</sup> TCSB/15 and TCSB/16 Page 2 Para 2.2

<sup>10</sup> TCSB/1 Document 1 Economic Case Pages 3 and 11

<sup>11</sup> Oral evidence given by Mr Baines in response to a question from the Inspector

#### **4 THE CASE FOR THE TRUSTEES OF THE CLIFTON SUSPENSION BRIDGE (Trustees)<sup>12</sup>**

The material points are:

##### ***The Principles governing the application***

- 4.1 The application is based upon the Economic Case for an Increase in the Cash Toll dated November 2010<sup>13</sup>, which was submitted to the two Councils within whose administrative boundary the Clifton Suspension Bridge falls (Bristol City Council and North Somerset Council), and an Addendum to the Economic Case dated April 2012.
- 4.2 The Clifton Suspension Bridge Act 1952<sup>14</sup> (1952 Act) constituted the Clifton Suspension Bridge Trust (Trust), incorporated the Trustees and conferred powers and duties upon the Trustees in relation to the Bridge. The sections of the 1952 Act that are most relevant to this application are:
- (a) Section 40(1) imposes a duty on the Trustees to maintain the Bridge in proper repair and working order.
  - (b) Section 40(2) allows the Trustees to improve, renew, extend or replace the Bridge or contribute towards the cost of such improvement, renewal, extension or replacement.
  - (c) Section 41 recognises that the roadway over the Bridge is a public highway.
  - (d) Section 43(1) gives the Trustees the power to levy and demand in respect of the use of the Bridge such tolls as they think fit in order to discharge their powers and duties with regard to the Bridge, as outlined under the Act.
  - (e) Section 53(2)(a) outlines how the toll money should be applied. This refers to the working and establishment expenses and the cost of maintenance and repair of the Bridge and of the collection, recovery and disposal of tolls, payment of interest on any money borrowed and in providing a reserve fund by setting aside such monies the Trustees think reasonable, so the fund formed amounts to one which the Trustees consider to be sufficient to carry out the purposes for which the fund is authorised to be applied.
- 4.3 Section 6(1) of the 1954 Act contains a statutory power to increase tolls. This enables the Trustees as an independent statutory undertaking to apply for revision of the charges.
- 4.4 The general test contained in Section 6(2) of the 1954 Act is that the Minister must be satisfied that 'under the circumstances then existing it is proper to do so'.

---

<sup>12</sup> TCSB/2 and TCSB/16

<sup>13</sup> TCSB/1

<sup>14</sup> TCSB/8

- 4.5 Section 6(3) of the 1954 Act indicates that, in assessing whether an order should be made, the Minister must have regard to the financial position and future prospects of the Trust, and must not revise charges in such a way as would be likely to result in the Trust receiving an annual income either substantially less or substantially more than adequate to meet such expenditure on the working, management and maintenance of the Bridge and such other costs, charges and expenses as are reasonably chargeable to revenue, including reasonable contributions to any reserve, contingency or other fund. So in assessing whether the Order should be made, consideration must be given to the Trust's current financial position as well as its future prospects.

### ***The Economic Case***

- 4.6 The income of the Trust is derived from the toll. The use of the Bridge is generally in decline<sup>15</sup> and the number of users of the Bridge has decreased to about 3.15 million per annum. Costs have significantly increased, in particular the cost of the essential maintenance programme which includes a number of major projects<sup>16</sup>.
- 4.7 Based on the projected use of the Bridge and projected expenditure, if no toll increase is made it is expected that there will be ongoing deficits every year, with expenditure exceeding income. The Trust receives no external support and has limited reserves. The main reserve is an Emergency Repair Fund (ERF) which is held to deal with significant and unforeseen costs and which should not be used towards revenue deficits.
- 4.8 The current financial position of the Trust is supported in the projections and accounts. The projections contain the actual figures for 2012. These show that income from the tolls (through both cash and PAYC<sup>17</sup> cards) was £1,393,000. If you add income from the Visitor Centre and the investment income (which was derived from interest on the monies held by the Trust), that gives a total income for 2012 of £1,736,000.
- 4.9 The expenditure for the same period (comprising management and Bridge running costs, including wages, and maintenance costs) came in at £1,923,000. However, if you also take into account the 2012 investment gains (ie the increase in the capital value of investments and pension fund losses), this resulted in a net surplus for 2012 of £212,000.
- 4.10 At the end 2012 the designated reserves stood at about £8.0 million<sup>18</sup>. This comprises £5.2 million for the ERF, £2.1 million put aside for the approximately £10 million required for major maintenance projects and £700,000 put aside many years ago for a new Visitor Centre. The remaining reserves (labelled free reserves in the accounts) are there to fund any short term deficiencies in income as and when they arise. There is currently approximately £400,000 of free reserves. In response to the comments made by Mr McGoldrick<sup>19</sup> in relation to these monies, Mr Baines<sup>20</sup> said in

---

<sup>15</sup> TCSB/2 Graph in Document 8

<sup>16</sup> TCSB/2 Document 12

<sup>17</sup> 'Pay As You Cross'

<sup>18</sup> TCSB/2 Document 11 2012 Draft Accounts Page 8

<sup>19</sup> Mr McGoldrick gave evidence as Co-ordinator for the National Alliance Against Tolls



- evidence<sup>21</sup> that the £2.1 million allows the major projects to get started now. On the £400,000 of free reserves, Mr Baines said that it was effectively a small level of working capital which is needed to allow the Bridge to operate.
- 4.11 The Trust's position is currently sound as it made a small surplus on income, it has a reserve pot to dip into (£400,000) for any deficiency in toll income or other day to day expenditure, it has put aside an ERF of £5.2 million, and has also earmarked just over £2 million for the major maintenance projects required.
- 4.12 With regard to future prospects, the draft accounts suggests that, during the year ended 2012, toll income reduced to just under £1.4 million, which was anticipated and related directly to the reopening of Bridge Valley Road. The accounts also record that special project costs increased in 2012 as part of the planned engineering and refurbishment work which is now necessary to maintain the Bridge and preserve it for future generations<sup>22</sup>.
- 4.13 With no increase in the toll, the Trust will lose money in every one of the next 10 years. This would mean that the Trustees would need to draw on their reserves and, in particular, the ERF to such an extent that it would endanger the viability of the Trust and Bridge operation if a substantial uninsurable event and/or repair were necessary<sup>23</sup>. Support for that position is to be found in the projections<sup>24</sup> and the accounts<sup>25</sup>, which indicate a deficit of £571,000 in 2013. These include an investment income which is from the ERF and other funds and is shown to reduce in future years due to the need to spend the reserves<sup>26</sup>.
- 4.14 The traffic volumes graph<sup>27</sup> shows that since 2001 there has been a significant and continuing decline in the number of vehicles crossing the Bridge from approximately 4.5 million to just under 3.15 million in 2012. This is considered to be due to a number of factors including the recession, alternatives such as Park and Ride, fuel and motor inflation and the general promotion of sustainable transport<sup>28</sup>. 2010 and 2011 saw a slight increase in those figures as a result of the closure of Bridge Valley Road<sup>29</sup>. This was a temporary position as it has reopened.
- 4.15 In terms of projecting forward, it is considered that on the basis of the current toll the number of users will continue to fall but not as starkly. That is why a fairly steady and modest drop has been projected resulting in just over 2.5 million crossings per annum, which is a reduction of about half a million crossings over the next 10 years<sup>30</sup>. However, if no change is made to

---

<sup>20</sup> Mr Baines gave evidence as Clerk to the Trustees

<sup>21</sup> Oral evidence given at the Inquiry by Mr Baines

<sup>22</sup> TCSB/2 Document 11 Draft 2012 Accounts page 2

<sup>23</sup> TCSB/6 Para 5.2

<sup>24</sup> TCSB/2 Document 10

<sup>25</sup> TCSB/2 Document 11

<sup>26</sup> Oral evidence given in Chief by Mr Baines

<sup>27</sup> TCSB/2 Document 8

<sup>28</sup> TCSB/1 Document 1 Section 1 Page 4

<sup>29</sup> Oral evidence given in Chief by Mr Anderson

<sup>30</sup> Explained in oral evidence given in Chief by Mr Anderson

the toll and expenditure remains as projected, there will be a cumulative deficit over 10 years of over £7.5 million.

- 4.16 If a £1.00 toll is introduced, it is considered that the vehicle drop off would inevitably be higher than if the toll remains as it is. An additional 25% drop off in 'cash tolls' has been built into the figures and a 5% reduction on PAYC users has also been applied<sup>31</sup>. These are considered very much worst case scenarios<sup>32</sup>. The increased cost to PAYC users would be nominal which is why only 5% has been applied. In contrast to leaving the toll as it is, in all cases the cumulative 10 year position would result in a swing of about £500,000 each side of breakeven (assuming expenditure remains as projected).
- 4.17 A 70 pence toll has also been looked at<sup>33</sup> and similar adjustment has been made in respect of this toll, but with less of a drop off envisaged for cash users because 70 pence would be more attractive than £1.00<sup>34</sup>. A number of permutations have been worked through resulting in a 10 year cumulative deficit of between £1,728,000 and £2,877,000 as against projected expenditure. This deficit would occur notwithstanding that under a 70 pence toll, PAYC cards would also be increased. A £1.00 toll would avoid meaningful increases to the PAYC cards thus protecting the regular users, which is the stated intention of the Trust<sup>35</sup>.
- 4.18 A £1.00 toll would enable the Trust to run and look after the Bridge without using its cash reserves. It would also allow regular users of the Bridge to continue to benefit from significant discounts.

### ***Future Expenditure***

- 4.19 The points to note are that:
- (a) Included are wages (the Bridge operates 24 hours a day 365 days a year and employs 24 staff)<sup>36</sup>; Bridge running costs such as electricity, safety systems such as the weighbridge and CCTV; pensions, Bridge and other insurances<sup>37</sup>. These are going to remain fairly constant by their very nature and, in terms of the projections, only build in limited inflationary rises and will be the same whether a toll is 50 pence, 70 pence or £1.00<sup>38</sup>. The same is true of investment and pension gains and losses and, again, these remain the same in all projections. This is taken as zero because it is not possible to interpret the Stock Market<sup>39</sup>.
  - (b) There are significant major maintenance projects scheduled over the next 10 years, which indicate an expenditure of between £375,000 in 2020 and £1,617,000 in 2016<sup>40</sup>. Although these will remain the same under each toll projection, they are the item of expenditure which

<sup>31</sup> Oral evidence given by Mr Baines and TCSB/2 Document 10 permutations

<sup>32</sup> Oral evidence given in Chief by Mr Anderson and Mr Baines

<sup>33</sup> TCSB/6 Para 5.3

<sup>34</sup> Oral evidence given in Chief by Mr Baines

<sup>35</sup> TCSB/6 Para 5.4

<sup>36</sup> TCSB/3 Para 2.3

<sup>37</sup> TCSB/1 Document 1 Page 8 Section 4

<sup>38</sup> TCSB/6 Para 6.3

<sup>39</sup> Oral evidence given in Chief by Mr Baines

<sup>40</sup> TCSB/2 Document 10

underpins the application<sup>41</sup>. The projects given in the latest list<sup>42</sup>, which was updated in September 2012, are stated by Mr Anderson<sup>43</sup> as all being *'required and comprise of essential items of maintenance'*<sup>44</sup>. Mr Anderson stated that list Items 1 to 17 and 24 onwards are all directly related to the Bridge and Items 18 to 23 are indirectly related to the Bridge in that they are required to manage the Bridge and therefore all relate to the Trust's responsibility in relation to the Bridge<sup>45</sup>.

- (c) The projects are informed by an annual comprehensive risk assessment carried out by Flint and Neill. Flint and Neill, as the Trust's civil and structural engineers, draw upon information collected through inspections, tests, investigations, maintenance work, research and technological developments in order to identify and prioritise risks and to recommend on how best to mitigate and manage those risks<sup>46</sup>. The latest risk assessment was carried out a few months ago and the latest list of projects has been checked against that risk assessment and still stands<sup>47</sup>. The projects listed on the 10 year maintenance schedule are included out of necessity<sup>48</sup>. Where items do not consist of direct works to the Bridge, they are items which are needed in terms of the operational use of the Bridge and there becomes a point when you need to decide whether you keep patching up the infrastructure or you replace it. That point has come<sup>49</sup>.
- (d) Mr Baines confirmed that the position if you excluded list items 18 to 23 (which it seems are the only items which the Objectors are suggesting arguably rank behind the others) would not avoid the necessity for an increase in the toll<sup>50</sup>.
- (e) In terms of cost estimates, Mr Rees has confirmed that the levels of planned expenditure are reasonable estimates<sup>51</sup> and that budgets have been refined as better information has become available and programming amended to align with the findings of the risk assessment<sup>52</sup>. Mr Rees said that effectively there is a backlog of maintenance and, provided the Trust continues with its diligent approach to the inspections and the maintenance, then, apart from unforeseen events (which the ERF is designed to cover if monies are not available) there should not be another maintenance problem in ten years. On this basis, £1.00 would be enough.
- (f) The test is not one of necessity. It is simply one of maintenance and ensuring that the money is being spent within the terms of the 1952

---

<sup>41</sup> TCSB/6 Para 6.1

<sup>42</sup> TCSB/2 Document 12

<sup>43</sup> Mr Anderson gave evidence as Bridge Master for the Bridge

<sup>44</sup> TCSB/3 Para 2.5

<sup>45</sup> Oral evidence given at the Inquiry by Mr Anderson

<sup>46</sup> TCSB/5 Para 2.2

<sup>47</sup> Oral evidence given in Chief by Mr Rees

<sup>48</sup> TCSB/5 Para 4.1

<sup>49</sup> Oral evidence given in Chief by Mr Rees

<sup>50</sup> Oral evidence given in Chief by Mr Baines

<sup>51</sup> TCSB/5 Para 4.2

<sup>52</sup> TCSB/5 Para 2.7

Act. In this respect none of the works fall outside of the terms of the legislation. The Trust, on the basis of professional advice and detailed and informed analysis on a regular basis, have put together a detailed programme of works<sup>53</sup>, all of which are designed to ensure the Bridge is maintained properly and that the Trustees are fulfilling their statutory duty. This even includes the running costs of the illuminations, which would fall as an 'improvement' within the 1952 Act, as would several other items of expenditure which were looked at.

- 4.20 What this all means financially is that, if the current toll remains, over the next 10 years the annual loss is likely to be between £291,000 and £1,260,000<sup>54</sup>. If the application is approved, that annual figure would fall between a loss of £591,000 and profit of £673,000 in any year<sup>55</sup>. Essentially over the ten year period the Trust would break even, which would not result in the Trustees receiving income substantially less or substantially more than is required. It should result in them receiving adequate income to allow the Trust to fulfil its duties in respect of the Bridge.

### ***The Proposed Increase***

- 4.21 The toll is currently 50 pence per crossing. The proposed increase is to £1.00. PAYC cards are available for regular users of the Bridge. These are charged at rates varying from £25 for 50 crossings (a convenience only card at 50 pence per crossing), through to £43 for 100 crossings (43 pence per crossing), £150 for 400 crossings (37.5 pence per crossing) and £325 for 1000 crossings (32.5 pence per crossing). If the application is approved, PAYC card prices will be increased to £50 for 100 crossings (50 pence per crossing), £170 for 400 crossings (42.5 pence per crossing) and £350 for 1000 crossings (35 pence per crossing). The convenience only card will be increased to £30 which will mean each crossing will cost 60 pence. Pedestrians and bicycles are not charged.
- 4.22 In accordance with section 53(2)(a) of the 1952 Act<sup>56</sup>, the Trustees have provided for a reserve fund which is to cover any extraordinary claims or happenings, the cost of renewing or improving the Bridge or providing new structure or substitution. It is not considered appropriate to use the reserve fund in respect of the annual revenue required in order to maintain and manage the Bridge.
- 4.23 For the reasons outlined above as amplified in the Economic Case for an increase in the toll, it is considered that an increase from 50 pence to £1.00 in respect of motor vehicles or vehicles drawn by a horse or other animal should be made.

### ***Conclusions***

- 4.24 Evidence has been produced outlining the position of the Trust and its finances in connection with the Bridge. This evidence supports the fact that an increase is required if the Trust is to properly carry out its duty of

---

<sup>53</sup> TCSB/2 Document 12

<sup>54</sup> TCSB/2 Document 10 first table

<sup>55</sup> TCSB/2 Document 10 second table

<sup>56</sup> TCSB/8

maintaining this significantly important structure and transport Bridge in proper repair and working order, without running at a loss and without depleting its reserve fund.

- 4.25 Nothing has been produced to the Inquiry which undermines that evidence or justification for an increase. It is therefore requested that an Order is made by approving the application.

## **5 THE CASES FOR THE SUPPORTERS**

The material points are:

### **Supporter appearing at the Inquiry**

#### ***Mr David Redgewell***

- 5.1 Although he has suggested that he is a representative of South West Transport Network, David Redgewell accepted that he was representing himself at the Inquiry. He supports the £1.00 increase for motorised vehicles and the reduction to nil for pedestrians and cyclists.
- 5.2 The proposed increase in the toll is considered to be affordable. The issues of congestion and parking around the Bridge are local issues that need addressing by North Somerset Council in the form of parking restrictions.
- 5.3 The Bridge is not allocated any funding other than through tolls and is a Grade 1 listed structure. Therefore, the Trustees need to raise the tolls to maintain the Bridge. Many visitors from around the world visit the Bridge and the Mayor of Bristol wishes the area to become a 'World Heritage Site'.
- 5.4 The toll provides relief to traffic congestion in Clifton and there are alternative river crossings over the Avon at Avonmouth and Cumberland Basin on the A370. Leigh Woods also has a 15 minute bus service into Bristol City Centre and Bus Station.
- 5.5 Charges should not be made for sustainable users who enjoy walking and cycling into North Somerset to access Ashton Court Estate, which has been donated to the City of Bristol. This supports the aims of the Mayor of Bristol with regard to cycling. The Mayor is also proposing to introduce congestion charges in Bristol and residential parking in Clifton, which are out to public consultation.

### **Supporter not appearing at the Inquiry**

#### ***Linda Stubbs***

- 5.6 Linda Stubbs has lived in Clifton for 50 years. She is disabled and does not own a car. She agrees that the toll should be raised. An increase by 20 or 30 pence would cause queues with people trying to find the cash. £1.00 is a small price to pay for using this most historic feature. If it does increase, it should be stipulated that it will remain at £1.00 for at least 3 to 4 years.

## 6 THE CASES FOR THE OBJECTORS

### Introduction

6.1 I have summarised the main points raised by Objectors under topic headings in paragraph 1.5 above. All of these points were represented at the Inquiry by individual Objectors who gave evidence. I have summarised these points under the cases given by those Objectors. I have not attributed points to individuals, but I have referenced the original objections<sup>57</sup> and all the documents are before the SofS. In doing this, I have included the matters raised that appear to me to be material to the decision on the proposed increase in tolls and I also have set out some related matters that are not directly relevant to that decision but on which the SofS may wish to be informed.

### Objectors appearing at the Inquiry

The material points are:

#### ***The Leigh Woods Society (TLWS)- Objector 46<sup>58</sup>***

- 6.2 The Leigh Woods Society has existed for nearly 19 years and aims to 'further the interests of the residents of Leigh Woods and to preserve and protect the amenities of the area for the benefit of such residents'. It has claimed that its current membership stands at 112 households (194 members) out of 276 households which represents 40% of potential membership.
- 6.3 Leigh Woods is physically defined by the Avon Gorge and the National Trust Burwalls Wood to the east, Leigh Woods National Trust woodland to the north, Ashton Court Park to the west and south and Rownham Hill and Mead to the south. It is therefore a well defined area all covered by the postcode BS8 3P\*. It stands at 80 to 90 metres above sea level and has no facilities within its boundaries other than an Anglican Church. It would not exist without the Bridge. All services for Leigh Woods residents, including schools, post office, shops, bank, doctors, and dentists, are to be found across the Bridge. The nearest post office is 0.8 miles (1.3 km) away in Clifton, the next nearest not crossing the Bridge is 2.2 miles (3.5 km) away (and 80 metres vertical height) in North Street, Bedminster, or in Failand, 3.3 miles (5.3 km) away. The nearest doctor is 0.7 miles away, in Clifton or 3.5 miles in Pill. The nearest dentist is 0.9 miles (1.1 km) away in Clifton or 2.4 miles (3.8 km) in Coronation Road, Bedminster (and 80 metres vertical height). This illustrates how residents of Leigh Woods depend on crossing the Bridge for everyday needs and in so doing are frequent and valued toll payers.
- 6.4 In choosing to live in Leigh Woods, the residents accept the toll and the fact that such an historic structure needs care and maintenance. However, many residents came to Leigh Woods before 2000 when the annual season ticket was an accepted annual household expense. The cost of using the PAYC system in 1999 was a steady £25 per year, in 2000 it was £100 for the year, a 400% increase, or £120 for 4000 crossings. By the middle of 2000 the Trustees had removed both these high use options and the remaining 1000

---

<sup>57</sup> INQ/2

<sup>58</sup> OBJ/46/8

crossings card cost £80. In 2003, the cash toll increased 50% from 20p to 30p. In 2005, 1000 crossings cost £120, a 50% increase over 5 years. In October 2006 a public Inquiry considered the Trustees' request to increase the toll from 30p to 50p, a 67% increase. This was implemented in January 2007. In 2010, 1000 crossings cost £325, a 170% increase over 5 years and over 400% increase in 10 years.

- 6.5 The Trustees, in requesting a 100% increase in maximum toll to £1.00, are suggesting that the 1000 crossings card will go up to £350, an 8% increase, and thereafter only increase by inflation. Many of these long term residents are pensioners and the income from pensions over the last decade or so has made the financial burden of needing to frequently cross the Bridge not inconsiderable. For those residents who are of working age, the need to frequently cross the Bridge is often even higher due to travelling to work and children needing to access schools or outside interests.
- 6.6 When the toll rose to 50 pence per crossing in 2007, Leigh Woods started to become an unofficial Park and (bicycle) Ride as people left their cars parked along the roads to go to work or, at weekends, shoppers going into Clifton and visitors coming to the Bridge. The raising of the toll would make this situation very much worse with the likelihood that commuters would start parking on both sides of the roads leaving them one way at a time. The new Visitor Centre would require more parking and problems have already been caused with coaches attempting to access the existing small Visitor Centre.
- 6.7 The Trustees' actions impact on local residents and their quality of life as above and also during the many necessary maintenance projects. TLWS suggest, to show good will to local residents the Trust should put an ongoing uplift of 20% on the number of crossings on one card per Leigh Woods household or give other concessionary cards to the residents, easily found by the unique Leigh Woods post code of BS8 3P\*. It would not be giving undue preference to Leigh Woods residents, as the Trust's employees and disabled users already enjoy concessions<sup>59</sup>.
- 6.8 The Trust has a difficult task in ensuring the continued structural integrity of the Bridge and is under pressure to take on the promotion of the Bridge as an icon. The latter burden is not for the toll payer to shoulder. The Trust needs to find partners to fund extras like tourist facilities. The Heritage Lottery Fund grant of £595,000 is a step in the right direction but it covers barely a third of the cost of the new Visitor Centre while the ongoing drain on resources of running costs again falls on the toll payer. The 'ring fenced' £1.5 million came from reserves built up by toll payers. TLWS has found no examples of any other toll which supports benefits for tourists rather than Bridge users.
- 6.9 The higher the toll, the less people would use the Bridge and the Trust's income would start to fall. The other approaches to this problem are to prioritise spending with the essential engineering requirements coming first, and possibly only, and also to seek alternative funding. The Bridge represents an essential part of the area's and the Nation's road

---

<sup>59</sup> Oral evidence given at the Inquiry by Mrs Buss

infrastructure, and its tourist/iconic nature adds considerably to the local area's attractions.

6.10 There are the following additional points and observations:

- From the 10 year income and expenditure schedules, the £1.00 toll is the most effective but would reduce the 'net income' from current users who do not have change and place a £1.00 in the machine. However, the schedule shows a gradual shift from cash to Annual Tickets/PAYC from 2012 which impacts the overall income. It is likely that the shift would be more rapid and would affect the cumulative cash position. As such, this should be considered in the Trust's plans to avoid any further funding crises.
- The plans assume an inflationary increase only for Bridge card users. The Trust should commit to maintaining the availability of existing cards and with maximum annual increase of inflation for a minimum period, for example 5 years (ie that the Trust stands behind its projected figures if it is so confident of them). The Trust should attempt to keep any annual expenditure below the inflation level or at the same price as the previous year, through more efficient and effective management of its operations and maintenance and the timing and costs of projects.
- If the usage projections and underlying assumptions put forward by the Trust are wrong, the charges for cards would likely change.
- The Trust should consider a discounted card for a larger number of crossings than at present, for example 2,000 or 3,000.
- The forecasts assume that there is no increase in staff and running costs from the new Visitor Centre. This should be confirmed and additional products and services income from the Centre should be encouraged provided the costs are held.
- There is reference in the business justification to running costs increasing, particularly wages, National Insurance, pensions and external fees. Given the rest of the country is subject to no salary increase or at best inflationary increases, the Trust should be expected to keep running cost increases to this level. Where resources are from external parties, fees and costs should be negotiated to a similar pattern or lower given the financial state of the Trust.
- If any resulting changes in income/expenditure still generate a future deficit there needs to be a change in the financial support from North Somerset and Bristol City Councils, as the Bridge is a major artery for Bristol City (as well as a key tourist attraction) and should not be left to decline and become a relic.
- TLWS encourage the Trustees to find Bristol and North Somerset benefactors who might leave an annual legacy to keep this icon in the condition it is today. In addition, if they have not been approached then the Tourist Board may wish to contribute to the running costs of the Visitor Centre in return for some more general information being held there and made available to tourists/visitors to Bristol.



- 6.11 TLWS request the Government to prevent the Trustees from increasing the toll fee by more than the rate of inflation year on year for those users who pay by pre-payment card, and obtain written confirmation from the Trustees that future annual increases be restricted to less than the prevailing rate of inflation, as they have stated. The Trustees must also be held to account in strategically planning their expenditure so that the promotion of such things as tourism is not funded from toll revenue which should be deployed for essential engineering works<sup>60</sup>.

***The National Alliance Against Tolls (NAAT)- Objector 60***

- 6.12 The National Alliance Against Tolls (NAAT) was formed in 2004 by groups protesting against existing tolls in England, Scotland and Wales. Some of NAAT's reasons for opposing tolls are:
- tolls are an additional burden on top of the other taxes that all road users pay;
  - tolls are regressive as they take no account of ability to pay or the size of a car;
  - tolls are unfair as how often you are affected by tolls depends on where you live;
  - it is often the case, as it is here, that most of the jobs and the facilities for shopping, leisure, higher education and hospitals tend to be concentrated on one side of a crossing;
  - tolls are expensive to collect;
  - tolls can result in queues to pay and also cause some drivers to detour on to a longer route which may cause more congestion and create more vehicle emissions; and
  - tolls reduce the positive agglomeration economic benefits that should have arisen from the building of the crossing.
- 6.13 Below is what NAAT believe the current position to be for all 20 tolled road crossings:
- Government owned crossings with the return toll for a car -  
Dartford 400 pence (free overnight from 22.00 to 06.00)  
Severn 620 pence (currently operated under a concession)
  - Local authority owned with the return toll for a car -  
Cleddau 150 pence  
Humber 300 pence  
Itchen 120 pence (100 pence off peak and weekends etc)  
Mersey 320 pence

---

<sup>60</sup> OBJ/46/9

Tamar 150 pence

Tyne 320 pence

- Privately owned with the return toll for a car -
  - Aldwark (Ure) 80 pence
  - Batheaston to Bathampton (Avon) 100 pence
  - Cartford (Wyre) 80 pence
  - Clifton (Avon) 100 pence
  - Dunham (Trent) 72 pence
  - Kingsland (Severn) 40 pence
  - Penmaenpool (Afon Mawddach) 120 pence
  - Pont Briwet (Traeth Bach) 50 pence (a day)
  - Rixton and Warburton (Manchester Ship Canal) 48 pence
  - Swinford (Thames) 10 pence
  - Whitchurch (Thames) 80 pence
  - Whitney on Wye 100 pence

Out of the above 20 tolled crossings, the Clifton Suspension Bridge is currently the joint 10th highest toll. The increase that the Trustees have applied for would make it the 6th highest car toll for a crossing in Britain.

- 6.14 With regard to the support from the Councils, Bristol City Council has told NAAT that the decision to support the increase was taken by its *'Executive Member for Strategic Transport at his Executive Briefing on 22 December 2010'* and that the decision was later confirmed by his successor *'in consultation with the Local Ward Councillors'*. It does not say who the Local Ward Councillors were and there seems to be no record of any of this apart from the letter sent to the Trust on 10 August 2011. North Somerset Council has told NAAT that only two of its members were consulted. Its message to NAAT includes: *'All communication with the Trust has expressed concerns about the increase in charge including the letter you are referring to. At no stage has support for the increase in tolls been expressed'*.
- 6.15 As the Bridge is part of the road network and the Trust has stated that if it had to be permanently closed to vehicle traffic there would be severe consequences for Bristol's transport network, it should be financed from the taxes collected from roads users<sup>61</sup>. The Government collects about £1 billion a week from roads users and it and the local authorities together only spend about one seventh of this amount on roads.
- 6.16 Though the Bridge is a road, it seems that much of the expenditure is not on essential repair and upkeep of it as a road. It is on activities that are related

---

<sup>61</sup> TCSB/1 Document 1 Economic Case page 15

to the Bridge being regarded as a 'major tourist attraction and icon of Bristol, the south west and Brunel'. The Trustees say that one of its aims is to provide a service to tourism<sup>62</sup>. One example of this is the cost of illuminations. At the time of the last Inquiry the Trust was spending £900,000 on its latest illumination scheme.

- 6.17 Much of the 'maintenance' expenditure seems to be spent on the appearance of the Bridge and what seems to be almost like industrial archaeology. It can also be inferred from what the Trust says that the cost of any work will be higher because the Bridge is located in 'one of the top ten Sites of Special Scientific Interest (SSSIs)'<sup>63</sup>. The Trustees also say that being a 'Grade 1 listed structure' as well as being in an SSSI '*placed a very significant additional cost burden on the Trust*'<sup>64</sup>. The following two of the four maintenance objectives that it lists<sup>65</sup> seem not to be essential to the Bridge as a crossing: 'Conservation of the historic fabric of the Bridge' and 'Sympathetic improvements to ancillary fixtures, facilities, buildings and spaces'.
- 6.18 The financing of the non road aspects of the Bridge should be from general taxes via the local authorities or Government, or from private or quasi private sources that support heritage activities such as the National Lottery. Following the 2006 Inquiry, NAAT asked the Big Lottery Fund, the Millennium Fund and the Heritage Fund for details of any applications from the Trust. The first two had not received any application but the Heritage Fund had received one application at the beginning of 1998 for £960,000 towards the cost of works that did not seem to be essential and would not be a priority. The Trust withdrew it. One application to the Heritage fund was made in November 2011 and, so far, it has paid out £38,400 to the Trust, with another £595,000 promised, but even with this most of the 'heritage' activity will have been financed by drivers.
- 6.19 Once the maximum toll is increased, whatever the current intentions of the Trustees may be, there is nothing in law to stop the Trust from increasing the prepaid tolls to any amount as long as it does not exceed the new maximum. In fact the current rate for a prepaid card covering just 50 crossings is priced the same as the 'cash' toll, though the Trust says that it will also discount that.
- 6.20 The Clifton Suspension Bridge Act 1986 (1986 Act) authorises the Trustees to '*provide or assist in the provision of a museum in the vicinity of the said Bridge*'. The Trust will have spent substantial amounts (though the figure cannot be identified) over the last twenty years or so on its museum/Visitor Centre and plan to spend more. Though such sums are supposed to be repaid under the 1986 Act, it is most unlikely that they ever will be and the Trust should not in effect be financing this and other activities related to tourism from a toll increase. As the toll was actually reduced from 1 January 1987, it seems that around that time the Trust thought that it had surplus

---

<sup>62</sup> TCSB/1 Document 1 Economic Case page 16

<sup>63</sup> TCSB/1 Document 1 Economic case page 2

<sup>64</sup> TCSB/1 Document 1 Economic case page 4

<sup>65</sup> TCSB/1 Document 1 Economic case page 8

cash, and could use (on a temporary basis, as it had to be eventually repaid) some of that surplus.

- 6.21 There is some confusion for outsiders, as the Trust at one stage in its accounts had two separate assets. One was the old Visitor Centre and the other was the 'Bridge Centre'. At some time after 2004, the Trust stopped identifying either of the centres within its overall assets figure. The 1986 Act says that the Trust has to identify within the accounts the expenditure on the 'museum' and its 'incidental facilities'. The purpose of this is likely to be that the Trust needed to show how much money wearing its 'museum' hat it owed to its 'crossing' hat and which at some point would have to be repaid. The Trust is not complying with the 1986 Act and you cannot tell how much the Trust wearing its 'museum' hat owes to the 'crossing'.
- 6.22 The Trust's accounts for 2003, 2004, and 2007 to 2011 and the draft accounts for 2012 show sundry odd items and appear to breach the terms of the 1986 Act with regard to the requirement to identify the expenditure on and income from the museum/Visitor Centre.
- 6.23 What appears to be a failure to comply with the requirements of Section 3.3 of the 1986 Act seems to be compounded by another apparent failure of the Trust. The 1952 Act requires the Trust to prepare accounts each year and to send copies of the accounts to *'the Minister and to the clerk of each appointing local authority not later than the first day of May in the year following that to which they relate'*<sup>66</sup>. The DfT has indicated that it only gets copies of the Trust's accounts when the Trust are applying for a toll increase, and that *'there is no requirement, or reason for the DfT to see copies of financial accounts on a regular annual basis when it is not applying to the Department to raise toll charges.'* Though the DfT may not bother about what the 1952 Act says, the fact remains that the Trust seem not to be complying with a requirement which presumably was there to help protect the users of the Bridge.
- 6.24 The Trust should not be 'ring-fencing' the money that it wants to use for its planned Visitor Centre. Whatever it may suggest, the proposed toll increase, as well as paying for some expenditure which is probably not essential to the maintenance of the Bridge as a crossing, will also be indirectly funding its 'Heritage and Learning Centre'.
- 6.25 The Trust has very substantial funds and its programme of what seem to be exceptional works (though some seem not to be essential) should be financed from these funds, at least until it can be demonstrated that the funds will really go below a reasonable level. The draft accounts for 2012 show that the Trust had funds of nearly £8.5 million as against gross expenditure of just over £1.9 million. It says that 'Unrestricted Funds: Designated and General' amount to £8.0 million and shows a further £413,000 in 'General Funds' and £60,000 in 'Capital Funds'. The Financial projections supplied by the Trust seem to completely ignore the existence of these funds. Also, the 10 year programme of projects (adding up to £9.1 million before inflation is added) includes unallocated amounts of £1.49 million for 'Contingency' and £800,000

---

<sup>66</sup> TCSB/8 Document 2 section 50 and subsection 2 of the Clifton Suspension Bridge Act 1952

- for 'Future Projects'. It seems that at least up to the end of 2012 the Trust did have enough money to meet its commitments.
- 6.26 According to the draft 2012 account, the Trust's investments at the end of 2012 were worth just under £8.3 million of which 'Listed Investments and Unit Trusts' were just over £7.65 million. Since the end of 2012, the Stock Market has continued to rally and NAAT estimate that it will have added around another £750,000 to the Trust's funds.
- 6.27 The Trust is wrong to assume that there would be a replacement of the Bridge and that this future bridge should be paid for by the money taken from past and current users of the existing bridge. The local authority and the Government would decide on these matters.
- 6.28 In terms of covering risks that are not covered by its insurance, it could at that time appeal for help from the local authorities or the Government or various bodies such as the Heritage Fund. In the unlikely situation that major spending is necessary, and the Trust have no funds left and no one will help, then the Trust have the power to borrow<sup>67</sup>.
- 6.29 The Trust has in the past provided financial projections which turned out to be far worse than the actual position. The years that are directly comparable (as they do not include the effect of the January 2007 toll rise) show that the Trust gave figures for funds that were too low and that the discrepancy increased over the years. The projections that the Trust gave to the Inquiry in September 2006 showed that it would have funds at the end of December 2006 of £3.6 million. The actual figure seems to have been £7.5 million.
- 6.30 The Trust is not collecting the 5 pence toll from 'pedestrians, pedal cycles, carts, carriages and animals', and according to the notice intends to stop being able to do so. It says that it is not worth bothering to collect 5 pences, but if the toll for cars had not been increased at various times, then perhaps it would not be bothering to collect those either. Also the Trust make no attempt to charge these users when the Bridge Master says that there are '*many hundred thousands of visitors a year and this requires additional resources to keep the Bridge clean and tidy and also to supervise and attend to visitors' needs*'<sup>68</sup> and also there is a letter from the Heritage Fund which says '*To walk across your bridge must rank among one of the great heritage experiences to be had in the UK*'<sup>69</sup>.
- 6.31 Part of the Bridge staffing is there to protect the pedestrians and cyclists or to protect the Bridge from them, and there will be items of specific expenditure, such as the £260,000 that the Trust has in its maintenance programme for 'Footway Waterproofing'.
- 6.32 The Trust is managed by 12 Trustees, 10 of them are referred to as 'Resident Trustees' but it seems unlikely that many of them will live in the area where people are more likely to be frequent users.

---

<sup>67</sup> TCSB/8 Document 2 Section 51 of the Clifton Suspension Bridge Act 1952

<sup>68</sup> TCSB/2 Document 13 Para 5.4

<sup>69</sup> TCSB/2 Document 7

- 6.33 There is an implication that as the Bridge at Clifton (opened in 1864) is historically important or is an 'icon' there is a justification for tolling it. There are thousands of other ancient bridges only a very few of which are now tolled (though most of them were originally). Nearly all of the toll bridges that were not part of a turnpike have also been 'detolled' at some time over the last 120 years or so. The anomaly with the Bridge at Clifton is not that it is historical and an 'icon', it is that there is still a toll.
- 6.34 The 'Disabled Concession' that the Trust is offering 'to qualifying local residents'<sup>70</sup> is ultimately paid for by those car drivers who have to pay the tolls.
- 6.35 The Trust says in its press release to justify the toll rises of February 2012<sup>71</sup> that the Bridge was '*built in the age of the horse and carriage and (is) now subject to the weight and movement of twenty-first century road traffic*'. The wheels of horse drawn carriages in the 19th century were likely to do more damage to the road surface than the tyres of a car in the 21st century.
- 6.36 The Trust has submitted a statement from Mr Rees, Flint & Neill, consulting civil and structural engineers, to provide 'support for the proposed increase in the cash toll'<sup>72</sup>. By implication they endorse the financial projections of the Trust which have consistently been below what the funds turned out to be. The consultants are experts on bridges, not on finances. How bridge maintenance (including any major unexpected event) is funded, is not an engineering issue.
- 6.37 The day to day cost of collecting the tolls is an unnecessary cost for a normal highway. The Trust accounts do not give a breakdown, but the Trust projections show that for 2013 it expects to spend £291,000 on 'Management Costs and Expenses' and £559,000 on 'Wages and Staff Costs' and £218,000 on 'Bridge Maintenance Running Costs'<sup>73</sup>. NAAT think that the bulk of the first two figures will directly or indirectly be related to toll collection rather than maintenance. This is partly confirmed by the submission which says that the 'Trust employs 24 staff - a Bridge Master, 3 staff on maintenance, 3 on administration and 13 on toll duties, and a Visitor Services Manager with 3 part-time staff'<sup>74</sup>. In addition to this in its separate schedule of 'Maintenance Projects' there is in 2013, £106,000 for a 'New Toll System'. The Trust also refer to the 'burden' of the 'Trust's local authority linked final salary pension scheme'<sup>75</sup>. In all probability most of the Trust employees benefiting from this scheme will be directly or indirectly involved in tolls. Over the years many millions of pounds must have been spent on the collection of tolls, costs that might not exist if the Bridge, as with almost all other private bridges, had at some time been taken over by the authorities.

---

<sup>70</sup> TCSB/1 Document 1 Economic Case Page 13

<sup>71</sup> TCSB/12

<sup>72</sup> TCSB/4

<sup>73</sup> TCSB/2 Document 10

<sup>74</sup> TCSB/1 Document 1 Economic Case Page 8

<sup>75</sup> TCSB/1 Document 1 Economic Case Page 5

**Mr David Newman- Objector 2**

- 6.38 Mr Newman is a private individual who has lived in Leigh Woods for the past 29 years and states that, until, the toll was increased by 66 per cent in 2006, he regularly crossed the Bridge up to 8 times a day for business purposes.
- 6.39 The perception of bridge-users and local residents is that the Trust is a very cosy 'gentleman's club,' who meet in private, make decisions without scrutiny and then present them to the DfT and bridge-users as 'a fait accompli'. Their meetings should be advertised, they should be open to the public, and the Trustees should include members of the public and regular bridge-users (from both Bristol and North Somerset) and local Councillors, who will pay more than lip-service to the Trust.
- 6.40 The Trust has failed bridge-users in its recent financial management and in its financial planning for the future. It has lost money on the Stock Market when it should have employed a 'stop loss' system to preserve its financial assets. Its 'financial projections' have been hopelessly inadequate. For example, in December 2006 when the toll increase to 50 pence was approved, the Trustees projected 'ongoing expenditure of around £400,000 a year on major maintenance projects'. In the Trust's words: '*This proved inadequate with annual expenditure around £700,000 from 2008 to 2012*'.
- 6.41 Any application by the Trustees for an increase in tolls should be considered in the light of the Trust's very substantial assets of close to £9.5 million, which should include an increase in its December 2012 asset figure of £8,472,606 due to investments.
- 6.42 If the proposed increase is allowed, the toll will have increased from 20 pence to £1.00 in ten years, which is 500% at a time when inflation in the same period has risen by 26%. The new toll barriers installed by the Trustees in 2012 allow a £2.00 coin which may turn out to be an unwelcome reality, sooner rather than later.
- 6.43 The Trustees have been aware for over five years that they have been facing an 'ultimate financial tsunami' whereby rising maintenance costs are threatening to overwhelm its sole source of income, which is the toll income from bridge-users. Yet, they have apparently made no attempts to devise alternative solutions to supplement their income. They have not approached local or central government for financial assistance; they have failed to use the Internet, such as selling online memorabilia, educational material, souvenirs, etc, worldwide; they are planning to spend £700,000 of toll fees generated from bridge-users on a new Visitor Centre but, do not intend to charge an admission fee; and they refuse to charge a toll for pedestrians and cyclists crossing the bridge. Pedestrians have been charged in the past and it would be possible to install automatic toll-collecting barriers. The number of recreational cyclists crossing the Bridge has increased massively with thousands crossing it annually to Ashton Court, which now provides one of the UK's top cyclo-cross, mountain-biking facilities.
- 6.44 The Trustees have submitted a letter from North Somerset Council's Head of Highways and Transport, Colin Medus, sent in October 2011<sup>76</sup>. He warned

---

<sup>76</sup> TCSB/1 Section 4

the Trustees that *'The Council remains concerned that insufficient consideration has been given to displaced traffic or switching to Pay As You Cross as a result of increasing the charge from 50 pence to £1.00'*; that the Trust *'may be underestimating the reduction in traffic volumes on the Bridge and diversion to other routes and the amount of income received'*; and that the Council are *'concerned about the potential increase in demand for parking in Leigh Woods'*. The roads in Leigh Woods now resemble a commuter car park with drivers unwilling to pay the current toll parking their cars in the Leigh Woods residential area all day and walking across the Bridge to work. This will be greatly exacerbated if the proposed toll increase occurs.

- 6.45 Another exacerbating factor is that the Mayor of Bristol has announced within the last two months that he intends to introduce a Residents' Parking Zone in Clifton by June 2014, which would not only dramatically decrease the volume of bridge crossings, but also dramatically increase the number of commuters and shoppers parking in Leigh Woods and walking across the Bridge. This is referred to in a letter from Mr Stanley in the Bristol Post on 19 April 2013<sup>77</sup>.
- 6.46 People living in Clifton, Leigh Woods, Bower Ashton, Abbots Leigh, Pill, Easton-in-Gordano, Portishead, Clevedon and the wider North Somerset area use the Bridge on a daily basis for business, taking children to school, banking and visits to doctors, dentists and opticians. Leigh Woods, Bower Ashton, Abbots Leigh and Easton-in-Gordano are rural communities without their own shops, and therefore residents are forced to cross the Bridge to reach shops, schools, banks and medical facilities in Clifton. Many of these people are elderly or retired and the proposed toll increases would have a totally disproportionate effect on their already limited financial resources.
- 6.47 Following the 66% toll increase in January 2007, the Trust spent £800,000 on a new lighting scheme, which is not part of the Bridge maintenance.
- 6.48 The Trust is planning to spend £900,000 (plus a £595,000 Heritage Lottery Fund grant) on a new Heritage and Learning Centre and maintenance yard improvements in 2013/14. When the sole, stated object of the Trust is the 'maintenance' of the Bridge and its sole income comes from tolls, this £900,000 must have been raised directly through tolls and should be spent on maintenance of the Bridge and not on a Heritage and Learning Centre.
- 6.49 The Trust's documents show that £173,005 had already been spent on the Visitor Centre project between 1999 and 2010. In the Trust's 2011 document, it states: *'The Trust has a long-standing commitment to replace the original Visitor Centre, and has designated a sum of £1.5 million of reserves for a Visitor Centre when a suitable site is found and the financial climate is appropriate'*. It states that this sum of £1.5 million has been 'ring-fenced' in its reserves for some years to build a Visitor Centre. At the current time of recession, it is extremely hard to conceive when the financial climate would be more inappropriate for the Trust to commence building a new Visitor Centre in September 2013, expending £900,000 which has clearly been raised through crossing tolls.

---

<sup>77</sup> OJB/2/3



- 6.50 If the Trust did charge an admission fee for the circa 64,000 annual visitors to the proposed Heritage and Learning Centre, this would generate additional money towards the maintenance of the Bridge, without taking into account revenue generated from the sale of souvenirs, memorabilia, etc, and fees for Bridge tours.
- 6.51 The 1986 Act requires that sums expended by the Trust on a Visitor Centre be recorded in the Trust's annual accounts and made good as soon as reasonably possible, at any event within 60 years from its date of application, together with interest. With £173,005 already expended between 1999 and 2010, and a further £700,000 proposed to be spent between 2013/14 plus interest, and taking into account the projected ongoing losses and no plan in place to charge an admission fee to the Visitor Centre, the whole project appears to be an act of financial suicide.
- 6.52 The Trust should shelve its current plans to spend £700,000 on the proposed new Visitor Centre and maintenance yard improvements and redirect the 'ring-fenced' £700,000 from toll income into the maintenance of the Bridge. There is no urgent need for a new Visitor Centre.
- 6.53 If bridge-users decided to boycott the Clifton Suspension Bridge, it would force the Trustees and Bristol City and North Somerset Councils into thinking of alternative solutions to fund the necessary maintenance and repair of the Bridge. The local post office at Pill on the North Somerset side, some 4 miles (6.4 km) from the Bridge are placing advertisements to encourage people to avoid it<sup>78</sup>.
- 6.54 The proposed increase in tolls would have a dramatic and detrimental impact on traffic flow on the A4 Portway, the A369, the Long Ashton bypass, the Cumberland Basin, and in Clifton, Hotwells, Bower Ashton, Leigh Woods, Abbots Leigh, Pill and the wider North Somerset area. Motorists would stop crossing the Bridge and the A4 Portway and the A369 major routes in and out of Bristol from the M5 motorway would seize up in gridlock. Drivers boycotting the Bridge would add to the already dangerous pressure on the inadequate 'rat runs' through narrow, uphill, residential streets with cars parked on both sides with a risk to safety. These 'rat runs' include Clifton Vale, Sion Hill, Granby Hill, Ambra Vale, Hope Chapel Hill, Joy Hill, Constitution Hill, Jacobs Wells Road and roads leading from the top of Bridge Valley Road.

***Mr Ian McKay- Objector 25<sup>79</sup>***

- 6.55 Mr McKay is a local resident. He has suggested that he has professional experience of planning and forecasting the capital and operating costs of historic and other large constructions. He believes that the economic and business case for the proposed increase has not been made and as such the application should be rejected.
- 6.56 The financial information, costs and assumptions do not include sufficient information on the projected capital and operating costs beyond 2018. The business case should include an on-going annual provision for major works

---

<sup>78</sup> OJB/2/4

<sup>79</sup> OBJ/25/5

after 2018. If the costs were at the level of previous years, the proposed toll increase would not be enough to sustain the costs of maintaining and operating the Bridge to the required standards. A rolling 20 to 25 year perspective of the potential capital and maintenance costs should be developed by the professional experts and shared with the Trustees.

- 6.57 It is clear that more income is needed but it should not be based solely on a toll increase. Additional financial support is needed from Bristol City and North Somerset Councils, as they have an obligation to keep the arterial road network open, or from central Government funding or a private or commercial benefactor or legacy.
- 6.58 The application should be refused and the Trustees asked to address the longer term viability of the toll increase and future costs and a plan of action to gain additional income from other sources. The business case should demonstrate that it has been subject to a full risk and sensitivity analysis, addresses the key strategic issues satisfactorily, spans a sufficient period and will not warrant a further application within that strategic period.

### **Written Objections**

- 6.59 All the material points raised by Objectors in their main grounds for objection that are summarised in paragraph 1.5 have been covered by the Objectors who appeared at the Inquiry.

## **7 RESPONSE BY THE TRUSTEES OF CLIFTON SUSPENSION BRIDGE<sup>80</sup>**

The material points are:

- 7.1 NAAT try to object to all applications. Mr McGoldrick confirmed that it is the fact that the Bridge is tolled which is the issue, rather than the increase. He accepts that objections which recommend either abolition of the toll or that motorist taxation should meet the costs of the Bridge would require a change in the law. They are therefore inappropriate considerations for this Inquiry.
- 7.2 In terms of the possibility of other funding streams, Mr Baines confirmed that the chances of securing this would just about be nil and Mr McGoldrick agreed this would be unlikely. In any event, one off funding activities would not resolve the issue and there is nothing to secure any borrowing<sup>81</sup>. Charging admission for the Visitor Centre has been found in the past to be counter productive, as it would put people off using it, which would reduce the income from sales of souvenirs through the shop and the educational benefits<sup>82</sup>. Essentially the Act provides the mechanism to fund the Bridge and that is through the levy of a toll.
- 7.3 With regard to funding the Visitor Centre, monies had been put aside many years ago to fund it. The Lottery has recently awarded the Trust almost £600,000 which now enables this facility to be built and will be used to fund an additional member of staff on a 3 year contract<sup>83</sup>. Although some of the residents consider that this facility should not be built, this view is not shared

---

<sup>80</sup> TCSB/16

<sup>81</sup> Oral evidence given in Chief by Mr Baines

<sup>82</sup> Oral evidence given by Mr Anderson to a question by the Inspector

<sup>83</sup> Oral evidence given in Chief by Mr Baines

by the local Council, who has granted planning permission, or by the Lottery Fund, which has granted the money and which recognises the benefits such a centre can bring<sup>84</sup>. The provision of a Visitor Centre is recognised by statute (referred to as a museum) as being something the Trustees have the power to provide<sup>85</sup> and the Trustees consider it an important feature in connection with the Bridge. Although the Trust has the power to use the toll monies towards the provision of a Visitor Centre, it is not doing so and monies generated by the toll increase, if it is approved, would not be applied towards that Visitor Centre<sup>86</sup>. In the unlikely event that it would be used, it would need to be repaid<sup>87</sup>. The issue raised as to whether this requirement might be waived by the Charity Commission, is not of any relevance to the application. The current position is that there is an Act of Parliament<sup>88</sup> which requires repayment of such monies and it needs to be assumed that it will stand unless a formal change is made.

- 7.4 The reserve fund is required under the obligation placed on the Trustees under section 53 of the 1952 Act<sup>89</sup>. The size of that fund is entirely a matter for the Trustees<sup>90</sup>. Section 53(3) of the 1952 Act states that the reserve fund shall be available to answer any deficiency at any time happening in the income of the Trust or to meet any extraordinary claim or demand at any time arising against the Trustees in respect of the Trust or for payment of the cost of renewing, improving or extending the Bridge or any part of the works forming part of the Bridge or the cost of providing a new structure etc.
- 7.5 It has been established that a reserve fund exists which currently sits at approximately £5.2 million as an Emergency Repair Fund (ERF). Mr Anderson believes that this is the minimum it should be and it should probably be about £10 million<sup>91</sup>. Mr Rees said it should be sufficient to cover one or two uninsurable and unforeseen events<sup>92</sup>. He gave the example of a 'strap defect' which would cost several millions if it became an issue and commented that there is a need for the ERF due to the way the Bridge is owned and structured and what it does do is to allow the Trustees to act quickly if a catastrophic event occurred. These reserves should not be used to fund the maintenance and management of the Bridge for a number of reasons, including that capital funds should not be used to pay for revenue deficits else such deficits would go on indefinitely<sup>93</sup> and drawing down the fund would reduce investment income and would use monies designed to be used for unforeseen expenditure<sup>94</sup>. Essentially, depleting such funds is dangerous<sup>95</sup>. By having such a fund, what the Trust is doing is acting responsibly to avoid relying on other unidentifiable sources to have to bail it

---

<sup>84</sup> TCSB/2 Document 7

<sup>85</sup> TCSB/11

<sup>86</sup> TCSB/6 Para 2.3

<sup>87</sup> Confirmed in oral evidence given in Chief by Mr Baines

<sup>88</sup> TCSB/11 Document 5 section 2(a)(ii)

<sup>89</sup> TCSB/8 Document 2 section 53

<sup>90</sup> TCSB/8 Document 2 section 53(2)(a)

<sup>91</sup> Oral evidence given in Chief by Mr Anderson

<sup>92</sup> Oral evidence given in Chief by Mr Rees

<sup>93</sup> TCSB/6 Para 6.5 (d)

<sup>94</sup> TCSB/6 Para 6.5 (d) and (e)

<sup>95</sup> TCSB/6 Para 6.5 (a)

out. Mr McGoldrick's view that this is the Government's or someone else's problem cannot be considered to be a responsible approach. The projections do not envisage toll monies being used to increase the fund. As Mr Baines said, he is hoping that it will grow on the basis of investment values<sup>96</sup>. Therefore this application is not being made to grow these monies.

- 7.6 In terms of regular users, the current PAYC cards, for the most regular users, allow crossings to be made for 32.5 pence per crossing<sup>97</sup>. If the toll application is approved, the Trust is proposing to increase this to 35 pence a crossing<sup>98</sup>. That will represent a 65% discount on that crossing. It is nominal and Mrs Buss confirmed that, on the basis that these cards do stay low and only rise with inflation, this is acceptable to herself and her residents. As an additional and new initiative, the Trust is intending to introduce a discount convenience card which means that even those users who do not cross that regularly can cross at 60 pence (a rise of 10 pence against the current toll)<sup>99</sup>.
- 7.7 The SofS does not have any power to ensure that there is a commitment that the Trust does not put the PAYC cards up by more than inflation. The proposal is to increase the maximum toll and this is a concession by the Trustees. It is voluntary in much the same way as Mr McGoldrick pointed out happens on other bridges<sup>100</sup>. Also, it is not necessary. Mr Baines could not give any cast iron guarantees, as he is not the Trust and it is not possible to say what may be required in the future. However, he did explain very clearly the intention of the Trust, which is equivalent to as good a commitment as can be given. The whole basis of the application is made on trying to keep those cards as low as possible. It states what price they will go up by, which is fairly modest. The projections have all been prepared on this basis. The press releases from 2010 and all the evidence are on the basis of the prices being kept low. The minutes of the Trustee meetings also reflect this. The previous card increases are historical and Mr McGoldrick accepted<sup>101</sup> that the last toll application was not based in any way on keeping these cards low and no commitment was made at that time to do this. There has only been one increase since 2007 (in 2009 when the 1000 crossing card and the 400 crossing card only went up by 2.5 pence)<sup>102</sup> and there is therefore no reason to suggest this will change. If there is the opportunity, the Trust would most likely reduce the PAYC costs.<sup>103</sup>
- 7.8 The parking demand in Leigh Woods is due to a variety of reasons<sup>104</sup>. Neither Bristol City Council's (BCC's) City Transport Group nor North Somerset Council's (NSC's) Highways and Transport officers have objected to the proposed increase<sup>105</sup>. NSC did highlight that it might result in an increase in demand for parking in Leigh Woods and Mr Anderson has agreed to liaise with NSC and monitor this. He has also given his view on how this might be done,

---

<sup>96</sup> Oral evidence given in Chief by Mr Baines

<sup>97</sup> TCSB/6 Para 4.3

<sup>98</sup> TCSB/6 Para 5.5

<sup>99</sup> TCSB/6 Para 5.7

<sup>100</sup> Oral evidence given at the Inquiry by Mr McGoldrick in reply to a question

<sup>101</sup> Oral evidence given at the Inquiry by Mr McGoldrick in reply to a question

<sup>102</sup> Oral evidence given in Chief by Mr Baines

<sup>103</sup> TCSB/6 Para 6.4

<sup>104</sup> Oral evidence given in Chief by Mr Anderson

<sup>105</sup> TCSB/1 Section 4

recognising this needs to be agreed with the Council<sup>106</sup>. The parking issue is not of itself a reason for not approving the application. If there were to be a major parking problem created in Leigh Woods as a result of this increase or any other matter which might cause people to park in Leigh Woods, the Council would presumably have objected and it has powers available to deal with that if it is considered necessary.

- 7.9 Claims that raising the toll would divert traffic to other highways may turn out to be correct to some degree, although Mr Anderson does not expect this to be significant given the cost of PAYC cards<sup>107</sup>. However, there is no firm evidence that this will happen and, again, those in charge of transport and highways at BCC and NSC have not objected.
- 7.10 In terms of the suggested 'Leigh Woods Resident' discount card<sup>108</sup>, it is considered there would be difficulties in issuing and policing such cards. Mr Anderson confirmed that the current crossing system cannot operate on a geographical basis. Also, where do you draw the line – Leigh Woods? Abbots Leigh? Failand? Clifton? Nailsea? Wider? <sup>109</sup> There is also a question over whether the Trustees actually have the power to do this in any event<sup>110</sup>. Trust employees are covered expressly by the 1952 Act. Disabled users are covered by other legislation. It could well be seen as giving one class of person undue preference and would also be highly unusual. Mr McGoldrick said the only other bridge which has a geographical element to it is Dartford<sup>111</sup>. It is the Leigh Woods users who are amongst the most frequent users<sup>112</sup> and, therefore, they are the people who would be getting the biggest discounts through the PAYC cards
- 7.11 The recession might contribute to the fall in Bridge crossings, but it does nothing to help alleviate the Trust with the various liabilities it has in relation to the Bridge. Even at £1.00 a crossing, the cost is still comparable (and in some cases less than) a number of other tolled bridges<sup>113</sup> and yet it is probably one of the most important and difficult bridges to maintain due to its age and the heritage aspects<sup>114</sup>.
- 7.12 A £1.00 toll, as with the 50 pence toll, also ensures that delays are minimised as in the majority of cases it is expected that a single coin would be used. The more coins used the longer the coin machines take to count them which causes the delays<sup>115</sup>. For any other toll (eg 70 pence) this would be an issue. Mr Anderson said that this is not the reason for a £1.00 toll but it is a factor<sup>116</sup>.

---

<sup>106</sup> Oral evidence given in Chief by Mr Anderson

<sup>107</sup> Oral evidence given at the Inquiry by Mr Anderson

<sup>108</sup> TCSB/1 Document 1 Section 1 Page 13

<sup>109</sup> Oral evidence given in Chief by Mr Anderson

<sup>110</sup> TCSB/8 Document 2 Section 43(3)

<sup>111</sup> Oral evidence given at the Inquiry by Mr McGoldrick

<sup>112</sup> OBJ/1

<sup>113</sup> TCSB/1

<sup>114</sup> Oral evidence given in Chief by Mr Rees

<sup>115</sup> TCSB/6 Para 5.8

<sup>116</sup> Oral evidence given in Chief by Mr Anderson

- 7.13 Charging pedestrians or cyclists would itself be likely to provoke huge objection<sup>117</sup>. In any event, it is considered that putting this in place would be impractical. It would require separate systems for pedestrians and bicycles and would require further man power<sup>118</sup>. The cost of collecting and banking these tolls would also make it impracticable<sup>119</sup>. This is something which is reviewed frequently by the Trust and it is considered inappropriate, particularly given the local authority's position on promoting sustainable transport and alternatives to the car. When the local authorities were consulted, they did not suggest this<sup>120</sup>. It is therefore not proposed that these are collected and, in view of this, the proposed Order suggests that the toll in respect of pedestrians and cyclists is formally removed.
- 7.14 With regard to the need for the various items of expenditure to be incurred, the objections are subjective, are based on no evidence (and are certainly not based on a detailed risk assessment and consideration by professionals responsible for the Bridge). It is unsatisfactory to rely on the assertions of the public as to what do or do not consist of projects which should be carried out, as they are not qualified and do not have the experience or knowledge or information in front of them<sup>121</sup>. Also, each member of the public will have a different view and no one will ever agree on what is required.
- 7.15 It is the statutory duty of the Trustees to maintain the Bridge in proper repair and working order<sup>122</sup>. Mr McGoldrick accepted<sup>123</sup> that the wording of the legislation does not restrict this duty to the Bridge 'as a crossing' or 'as a road' and, whatever the position in 1952, it is a Grade I listed structure and a major tourist attraction.
- 7.16 The Clifton Suspension Bridge Trust is a charity<sup>124</sup>. It is not a company which can make and distribute profits. The only way the Trust can carry out its duties in relation to the Bridge is to ensure that it generates enough revenue through its tolls to cover its costs. Realistically, there are no other funding streams open to it<sup>125</sup>. The Acts outline how the Bridge is to be funded. It is from the tolls. In context, Mr Baines referred to the fact that it costs him £75 to fill up his car with fuel, £13 to park at Cabot Circus and about £3 to park along most roads in Bristol City Centre for a short time. The proposal would be to add 2.5 pence to regular users in order to look after 'one of the most historic bridges in Britain', which the Charity is responsible for. If the application is refused then the concessions will need to be removed<sup>126</sup>. This will result in the regular users having to pay more, precisely what the Trust wants to avoid and what almost every Objector to the application wants to avoid too. Granting the £1.00 toll protects those users.

---

<sup>117</sup> Oral evidence given in Chief by Mr Anderson

<sup>118</sup> Oral evidence given in Chief by Mr Anderson

<sup>119</sup> TCSB/6 Para 5.9

<sup>120</sup> Oral evidence given in Chief by Mr Anderson

<sup>121</sup> Oral evidence given in Chief by Mr Anderson

<sup>122</sup> TCSB/8 Section 40

<sup>123</sup> Oral evidence given at the Inquiry by Mr McGoldrick in reply to a question

<sup>124</sup> TCSB/6 Para 2.1

<sup>125</sup> Oral evidence given in Chief by Mr Baines

<sup>126</sup> Oral evidence given in Chief by Mr Baines

## **8 INSPECTOR'S CONCLUSIONS**

8.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in square brackets [ ] to earlier paragraphs where appropriate.

### **Context**

8.2 The main legal principles governing the application are given in Section 6(3) of the Transport Charges &c (Miscellaneous Provisions) Act 1954, as outlined at the Inquiry by the Trustees. **[4.5]** These are to:

- have regard to the financial position and future prospects of the undertaking; and
- not make any revision of charges which would be likely to result in the undertaking receiving an annual revenue either substantially less or substantially more than adequate to meet such expenditure on the working, management and maintenance of the undertaking and such other costs, charges and expenses of the undertaking as are properly chargeable to revenue, including reasonable contributions to any reserve, contingency or other fund and, where appropriate, a reasonable return upon the paid up share capital of the undertaking.

### **Legal Submissions**

8.3 Whether or not the application is valid under the 1954 Act is a matter of law. The relevant Acts do not provide for a prescribed form of application and do not state that any application to the Secretary of State (SofS) should be in writing. **[3.1, 3.5]**

8.4 The documents submitted to the SofS that effectively form the application include a draft notice. The SofS has suggested the amendments to that notice and has the power to grant an Order in the form that he sees fit under section 6(2) of the 1954 Act. **[3.2, 3.6, 3.8]**

8.5 The amended notice that includes changes to the draft notice to reduce the maximum toll for pedestrians, pedal cycles etc from 5 pence to nil has been advertised. Although the notice as advertised states that the current toll charge is 5 pence, the Trustees have stated that this is correct but it is not collected. **[3.2, 3.7]**

8.6 The changes to the notice from that given in the application do not prejudice the interests of any of the parties. Therefore, it is my opinion that there is nothing in law that makes the application or the Inquiry invalid. **[3.4, 3.8]**

### **Main issues**

#### ***The Financial Position of the Trust***

8.7 At the end of 2012, the Trust had reserves at about £8 million, comprising about £5.2 million for an Emergency Repair Fund (ERF), £2.1 million for major maintenance projects and £700,000 for the proposed new Visitor Centre. Additional reserves to fund any short term deficiencies in income amount to about £400,000. The income for 2012 is given as £1,736,000 against an expenditure of £1,923,000 but, taking account of investment

gains, the Trust reported a net surplus of £212,000. **[4.10]** A deficit of about £571,000 is projected in the current year. **[4.13]**

- 8.8 Although some Objectors have questioned the amount of the reserves and how they should be used, it is clear that the reserves should be sufficient to cover any losses that the Trust might make in the current year. **[6.25, 6.26, 6.28, 6.41, 7.5]** As such, and based on the accounts and projections provided by the Trustees, I find that the financial position of the Trust is currently sound. **[4.11]**

***The Future Prospects of the Trust***

- 8.9 The future prospects of the Trust without the Order include the following:
- (a) Toll income, including that from annual tickets/PAYC cards, which is projected to reduce due to the continuing decline in the number of vehicles crossing the Bridge, as a result of such things as the recession, inflation and measures by Bristol City Council to promote Park and Ride and sustainable transport. **[4.14, 4.15]**
  - (b) Investment income, which is projected to decrease due to a reduction in reserve funds. Investment gains and losses have not been included as they are too unpredictable. **[4.13, 4.19, 6.26]**
  - (c) The Visitor Centre is not intended to be financed by tolls, but if it is necessary to do so the money would need to be repaid. **[7.3]**
  - (d) Recurring costs of operating the Bridge, which are projected to remain fairly constant, taking account of inflationary rises. **[4.19(a)]**
  - (e) A programme of maintenance projects, which range from £375,000 per year to £1,617,000 per year over each of the next 10 years. All of these are considered by the Trust as being necessary and are either directly related to the Bridge or are required to manage the Bridge under the Trust's responsibilities. No other expert engineering evidence has been provided to demonstrate that these projects are not needed, even though Objectors have suggested that some are not directly related to the maintenance of the Bridge. **[4.19(b) to (f), 6.16, 7.14]**
- 8.10 The Trust estimates that under the current situation with the expenditure as projected above, it would have an annual loss ranging from £291,000 to £1,260,000 and a cumulative deficit over 10 years of over £7.5 million. **[4.15, 4.20]** Although an Objector has questioned the projections in that they do not allow for sufficient expenditure in years 2018 to 2022, he has not provided any details of other possible expenditure and the Trust's expert has indicated that a drop off in expenditure on major maintenance projects is due to clearing a maintenance backlog. **[4.19(e), 6.55 to 6.58]** No Objectors have provided alternative costs for the maintenance, even though some have queried the need for the projects and that the Trust has in the past over estimated its costs. **[6.16, 6.17, 6.29, 6.47]** Therefore, if the Order is not made, the future prospects of the Trust would be financial decline, with the risk that it would not be able to finance future major maintenance projects in order to protect the structural integrity of the Bridge, which is the most important function of the Trust. **[4.2]**



***The Trust's Income from the Proposed Revision to the Toll***

- 8.11 In determining whether the proposed revision to the toll would be in accordance with the legislation, I have considered whether it would make the Trust's annual revenue either substantially less or substantially more than adequate to meet its required expenditure, as detailed above.
- 8.12 Taking account of a resulting reduction in vehicle use of the Bridge and the 10 year programme of maintenance projects, the projections indicate that the proposed increase in the toll to £1.00 and the cost of concessionary cards for regular users would result in the Trust's accounts effectively breaking even over the projected 10 year period. **[4.20]**
- 8.13 Over the 10 year period the Trust's reserves are projected to remain fairly constant, even though it has expressed a desire to increase its ERF. The amount held in this reserve fund is at the discretion of the Trust and the 1952 Act requires such a fund to be made available to meet specified works, including the possible renewal of the Bridge. I am satisfied that the funds should not be depleted to fund the regular maintenance or management of the Bridge, as it would not address a continuing revenue deficit, would reduce investment income and potentially put at risk essential maintenance. **[4.10, 4.22, 6.25, 6.27, 6.41, 7.4, 7.5]**
- 8.14 The effect on the annual revenue of reducing the toll for pedestrians and cyclists to nil would not be significant as the maximum 5 pence toll is not collected. It would be impractical to collect the maximum toll for pedestrians and cyclists, even though it has been collected in the past, as it would require separate systems for pedestrians and bicycles and additional staff to implement it. It has also not been shown to result in additional net income and would be contrary to local authority and Government aims of promoting the use of sustainable transport and alternative means to the car. **[5.5, 6.30, 6.31, 6.43, 7.13]**
- 8.15 The £1.00 toll would provide sufficient additional funding to allow the Trust to provide reduced rates for regular users, by the use of cards, as with the current situation. Although there is no guarantee that the cost of these cards would not be put up above inflation, the projected expenditure takes account of the proposed reduced increase in their cost and there is no foreseen reason why they would need to go up above inflation within the next 10 years. One of the reasons for the proposed increase in the maximum toll, rather than a 70 pence toll, is given by the Trustees as to enable them to avoid meaningful increases to the PAYC cards and thus protecting regular users. **[4.21, 6.4, 6.5, 6.10, 6.19, 7.6, 7.7, 7.16]**
- 8.16 With regard to having a lower toll, the Trust has looked at a 70 pence toll. It has forecast, using a number of different permutations that include greater increases to the PAYC cards, a cumulative 10 year deficit of between £1,728,000 and £2,877,000 against projected expenditure. It would also be likely to result in increased delays due to the extra number of coins that would be required for the machines. **[4.17, 5.6, 7.12]**
- 8.17 Based on the above, I conclude that the proposed revision to the toll would not result in the Trust's annual revenue being either substantially less or substantially more than adequate to meet its required expenditure identified

in the 1954 Act. As such, it would meet the requirements of the 1954 Act in this respect.

## **Objections**

### ***Environment, Highway Safety and Congestion [1.5 (1) & (11)]***

- 8.18 The potential result of the increase in the toll would be a reduction in the use of the Bridge and increases in traffic on other routes to avoid the Bridge. However, this has not been quantified and motorists may well be deterred from using the alternative routes during peak times due to the additional distance that they would need to travel, the congestion on these routes and the problems with negotiating the roads. **[2.1, 2.2, 4.14, 6.54, 7.9]**
- 8.19 Heavy Goods Vehicles already have to use alternative routes due to the weight restriction on the Bridge. In view of the measures that are being taken by Bristol City Council to reduce car use and promote the use of sustainable transport, traffic in Clifton could well reduce in future years. As such, I have been given insufficient evidence to demonstrate that the proposed increase in the toll would cause any significant environmental or highway safety and congestion problems on the surrounding road network. **[2.1, 4.14, 5.4, 5.5, 6.54, 7.9]**

### ***Impact on the Character of Leigh Woods [1.5 (2)]***

- 8.20 The roads in Leigh Woods do not have any parking restrictions on them and are used for parking cars, which has an effect on the character of those roads. I have not been provided with any accident details or surveys to show that the existing car parking has caused any significant problems to highway safety or convenience. However, the number of Objections on this basis indicates that it is a significant concern of the residents. **[1.4, 1.5, 2.2]**
- 8.21 The proposed increase in the toll, and the proposed new Visitor Centre, could result in an increase in on-street parking in the area. However, North Somerset Council's Highways and Transport Officer has not objected to the Order. Furthermore, the Council has powers to deal with on-street parking if it considers it to be necessary. On this basis, and bearing in mind that parking is already a concern in the area, I do not consider that this matter is sufficient reason to not make the Order. **[6.6, 6.44, 6.45, 7.8]**

### ***Affordability and Impact on Travelling to Bristol [1.5 (3), (8) & (10)]***

- 8.22 I accept that the alternative route for motorists to using the Bridge for those living in Leigh Woods to travel to Clifton would be significantly further and that a £1.00 toll would increase the financial burden on those needing to use the Bridge to access their work, schools, shops and social activities. However, the Trust has justified the £1.00 maximum toll by suggesting that it would allow it to keep the increases for concessionary (PAYC) cards to within inflation. **[2.1, 6.3]**
- 8.23 Whilst there is no guarantee that the cards would be kept at these prices, the Trust has allowed for this in its financial projections, it has no reason to increase its funding beyond that required to carry out its obligations under the Acts and excessive increases in the costs of these cards could well be counter-productive with reduced revenue due to regular users not crossing

the Bridge. As such, I am satisfied that the proposed increase in the PAYC cards would not cause any unacceptable hardship for regular users of the Bridge and the £1.00 toll would be comparable with tolls on other bridges. **[6.3, 6.4, 6.5, 6.13, 6.42, 6.46, 7.11, 7.16]**

***Use of Tolls and Reduction on Expenditure [1.5 (4) & (12)]***

8.24 Many Objectors have suggested ways of reducing the expenditure on the Bridge, including not funding or finding other ways of funding the Visitor Centre and maintenance yard, the new toll houses and the illumination of the Bridge. I am satisfied that the Trust has provided sufficient evidence to justify its 10 year maintenance programme that includes items that are required for the management of the Bridge maintenance and the preservation of the Bridge as a Grade 1 listed structure. These are not outside the terms of the Act. **[6.11, 6.16, 6.17, 6.24, 6.47, 6.48, 6.51, 7.14, 7.15]**

8.25 The funding for the Visitor Centre would not come from the toll increase, as it would be funded from the Lottery Heritage Fund and monies that have previously been put aside. The projected expenditure shows that it is intended to be self funding over the 10 year period and any toll money that has been used for the Visitor Centre should be repaid within 60 years under section 2(b)(ii) of the 1986 Act. **[6.10, 6.20, 6.21, 6.22, 6.48, 6.49, 6.51, 6.52, 7.3]**

***Sufficiency of Existing Funds and Justification [1.5 (5) & (13)]***

8.26 Based on the evidence provided, including the accounts, I am satisfied that the Trust has managed its finances prudently. It has also justified its previous investments and means of income, and its decisions to not make any allowance for income from future investments and to not use its reserves to fund on-going capital expenditure. **[6.25, 6.26, 6.27, 6.29, 6.37, 6.41, 7.4, 7.5]**

8.27 Whilst many Objectors have questioned the Trust's justification for the proposed increase in the toll, for the above reasons, I am satisfied that it has provided sufficient justification in accordance with the relevant Acts. **[8.7 to 8.17]**

***Tolls for Pedestrians and Cyclists [1.5 (6)]***

8.28 Although pedestrians and cyclists could be charged the maximum toll of 5 pence, the Trust has chosen not to collect these tolls. I am aware that the tolls have been collected in the past, but the impracticalities and additional costs of collection make it unviable. Furthermore, it would go against Government and local authority policies to promote sustainable means of transport. **[5.5, 6.30, 6.31, 6.43, 7.13]**

***Other Sources of Funding [1.5 (7)]***

8.29 The 1954 Act does not require the Trust to use other sources of funding towards the maintenance of the Bridge. Whilst Objectors have suggested many other means that could be used to raise funds, including the use of borrowing, many of these would be one-off and would not make a significant contribution towards reducing the projected annual deficit. **[6.8, 6.10, 6.28, 6.43, 6.57, 7.2]**

8.30 In terms of charging an admission fee for the Visitor Centre, I have not been provided with sufficient details to show that this would generate significant additional funds. Whilst it is currently not recognised in the Acts as a source of funding, charging admission could well be counter productive, as it could reduce revenue from sales of goods and souvenirs, which the Trust has allowed for in its projections. The Trust confirmed at the Inquiry that it already sells merchandise through the Internet. **[6.43, 6.50, 6.51, 7.2]**

***Concessions and Discounts [1.5 (9)]***

8.31 Existing concessions for Trust employees and the disabled are covered by legislation. Section 43(3) of the 1952 Act does not allow the Trustees, in fixing the tolls, to show any undue preference to any person or class of persons. As such, the Trust may not have the legal powers to give concessions to any group of people, such as the residents of Leigh Woods. However, as they would mainly be regular users, they would benefit from the PAYC cards, the cost of which the Trustees have suggested would not rise above inflation. Furthermore, it is not obvious which group of people should be entitled to concessions, as it could extend to others that have to regularly use the Bridge. **[6.3, 6.4, 6.5, 6.7, 6.10, 6.11, 6.34, 7.6, 7.7, 7.10]**

***Collection of Tolls [1.5 (14)]***

8.32 With regard to objections about delays due to the collection of tolls, the Trust has recently installed new toll machines which should be more efficient and reduce delays. The proposed £1.00 toll should also be relatively quick to collect at the machines as it would be likely to involve a single coin, which should minimise delays. **[5.6, 6.10, 6.42, 7.12]**

***Reduced Use of the Bridge [1.5 (15)]***

8.33 Whilst the increase in the toll would be likely to result in a reduction in the use of the Bridge by motorists, I am satisfied that the Trust has taken account of this reduction in its projected income. Furthermore, the projections of the use of the Bridge indicate that there would be a reduction whether or not the tolls would be increased, due to other factors such as Council policies to promote sustainable transport. The proposed concessionary cards, including the PAYC cards, should ensure that the number of regular users of the Bridge would not fall as much as those who pay by cash. Therefore, I find that this matter has been adequately considered by the Trustees in their application and would not make any significant difference to the justification for the toll increase. **[4.14, 4.15, 6.9, 6.53, 7.11]**

***Other Matters Raised***

8.34 I am satisfied that sufficient time has been given for interested parties to examine the evidence presented to ensure that they have not been prejudiced. Whilst a greater level of public consultation by the Trust should be encouraged, there is nothing to show that it has failed to comply with its legal duties and obligations, and a representative from the Trust has attended local meetings. Matters regarding the removal of tolls and funding the Bridge by other means, including from the Government and the accountability of the Trustees to the local authorities, the Government and the public are not

relevant to this Inquiry. [**1.3, 6.12, 6.15, 6.18, 6.22, 6.23, 6.32, 6.33, 6.37, 6.39, 7.1**]

### **Overall Conclusions**

- 8.35 For the above reasons, I have found that the proposed Order would be necessary to ensure that the future prospects of the Clifton Suspension Bridge Trust would be suitably protected and that the Order would not result in the Trust receiving an annual revenue that would be substantially less or substantially more than adequate to meet its expenditure in accordance with section 6(3) of the 1954 Act. Therefore, I conclude that, having regard to the present financial position of the Trust, the proposed revision to the tolls is necessary to enable it to fulfil its statutory obligations and that the Order should be made.
- 8.36 Should the Secretary of State find in favour of the legal submissions by the National Alliance Against Tolls, and therefore disagrees with my recommendation, he can either decide to re-advertise with the terms of the original application and draft notice and hold another Inquiry, make an Order based on the terms of the original application and draft notice or require the Trustees to re-apply.

## **9 RECOMMENDATION**

- 9.1 I **recommend** that the Secretary of State makes an Order pursuant to section 6 of the Transport Charges &c (Miscellaneous Provisions) Act 1954 to implement the proposals contained in the application as published on 1 August 2012.

*M J Whitehead*

INSPECTOR

---

**APPENDIX A: LIST OF APPEARANCES****For The Trustees of the Clifton Suspension Bridge:**

Gary Soloman <i>He called</i>	Partner, Burges Salmon LLP
David Anderson BSc CEng MICE	Bridge Master, Clifton Suspension Bridge
Edward John Rees BEng ACGI MSc DIC CEng FICE	Director, Flint and Neill Ltd, Consulting Engineers
Timothy John Baines BSc FCA	Partner, Crowe Clark Whitehill, Accountants, and Clerk to the Trustees

**Supporter:**

David Redgewell	Local Resident
-----------------	----------------

**Objectors:**

Ian McKay [ <i>Objector 25</i> ]	Local Resident
David Newman [ <i>Objector 2</i> ]	Local Resident
Leigh Woods Society [ <i>Objector 46</i> ]	Represented by Kate Buss, Chair
National Alliance Against Tolls [ <i>Objector 60</i> ]	Represented by John McGoldrick, Co-ordinator

**APPENDIX B: DOCUMENTS LIST****Inquiry/procedural documents**

- INQ/1 Attendance lists (days 1-3)  
INQ/2 List of Objectors

**The Trustees of the Clifton Suspension Bridge**

- TCSB/1 Application/Economic Case (Document 1)  
TCSB/2 Statement of Case and attached Documents 7 to 13  
TCSB/3 Statement of David Anderson  
TCSB/4 Summary of Statement of David Anderson  
TCSB/5 Statement of Edward Rees  
TCSB/6 Statement of Timothy Baines  
TCSB/7 Summary of Statement of Timothy Baines  
TCSB/8 The Clifton Suspension Bridge Act 1952 (Document 2)  
TCSB/9 The Transport Charges etc (Miscellaneous Provisions) Act 1954 (Document 3)  
TCSB/10 The Clifton Suspension Bridge Act 1980 (Document 4)  
TCSB/11 The Clifton Suspension Bridge Act 1986 (Document 5)  
TCSB/12 Newspaper Notices in respect of the Application (Document 6)  
TCSB/13 Newspaper Notices in respect of the Inquiry submitted at the Inquiry  
TCSB/14 Opening statement on behalf of the Trustees submitted at the Inquiry  
TCSB/15 Copy of evidence given orally in response to the legal submission regarding the validity of the application submitted at the Inquiry  
TCSB/16 Closing statement on behalf of the Trustees submitted at the Inquiry

**Supporters**

- SUP/1 E-mail, dated 22 May 2013, from Linda Stubbs  
SUP/2 Statement by David Redgewell submitted at the Inquiry

**Objectors**

- OBJ/1 Letters of Objection from Objectors 1 to 158  
OBJ/2/2 Statement from David Newman  
OBJ/2/3 Extract from Bristol Post, dated 19 to 21 April 2013, submitted by David Newman at the Inquiry  
OBJ/2/4 The Link Magazine, dated April 2013, with advertisement from Pill Post Office, submitted by David Newman at the Inquiry  
OBJ/25/5 Copy of the Statement from Ian McKay, read out and submitted by Ian McKay at the Inquiry  
OBJ/46/6 E-mail, dated 10 September 2012, from Leigh Woods Society objecting to the toll rise  
OBJ/46/7 E-mail, dated 13 May 2013, with attached Statement from Leigh Woods Society

- OBJ/46/8 Amended Statement from Leigh Woods Society, submitted by Kate Buss at the Inquiry
- OBJ/46/9 Public Inquiry Briefing Note read out by Kate Buss at the Inquiry on behalf of Leigh Woods Society
- OBJ/46/10 Copies of Google maps provided by Kate Buss at the site visit
- OBJ/60/11 E-mail, dated 29 April 2013, and copy of objection updated 3 October 2006 from the National Alliance Against Tolls
- OBJ/60/12 E-mail, dated 7 May 2013, from the National Alliance Against Tolls
- OBJ/60/13 Submission in support of the National Alliance Against Tolls
- OBJ/60/14 E-mails, dated 10 May 2013, and attachments from the National Alliance Against Tolls
- OBJ/60/15 E-mail, dated 20 May 2013, and attachments from the National Alliance Against Tolls
- OBJ/60/16 Copies of e-mails regarding the 2006 Inquiry submitted by the National Alliance Against Tolls at the Inquiry
- OBJ/46/17 E-mail, dated 27 May 2013, with attached list of questions for the Public Inquiry, received from Kate Buss after closing the Inquiry