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Dear Sir

CLIFTON SUSPENSION BRIDGE - REVISION OF TOLLS

I am directed by the Secretary of State for Transport to refer to the report of the Inspector, Mr J P Watson BSc FIHT MICE MCMI, who held a public inquiry on 10 and 11 October 2006 into an application by Bircham Dyson Bell (later replaced by Burgess Salmon), on the behalf of the Trustees of the Clifton Suspension Bridge (the Trustees), under the provisions of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (the 1954 Act) to revise the maximum tolls that can be charged for the use of the Clifton Suspension Bridge.

2. The existing and proposed tolls charged are as follows:

<u>Classification of Vehicles</u>	<u>Toll charge for a single journey across the bridge</u>	
	<u>Existing</u>	<u>Proposed</u>
(1) Motor vehicles of any description (except as mentioned in (2) below) and vehicles drawn by a horse or other animal – for each vehicle	30p	50p
(2) Pedestrians, pedal cycles, handcarts, mechanically propelled invalid carriages, horses and other animals – for each pedestrian, cycle, cart, carriage or animal	5p	5p

3. The Secretary of State, in reaching his decision, has considered his obligations under section 6(3) of the 1954 Act that he must

“...have regard to the financial position and future prospects of the undertaking and shall not make any revision of charges which in his opinion 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."

4. The Secretary of State has also considered the various representations for and against the application. The material points of these representations are set out in paragraphs 3, 5 and 6 of the Inspector's report. In summary, these are:

Supporting views presented by Transport 2000

- (a) Tolling is an effective way to maintain the Bridge.
- (b) Tolling deters some cars to the benefit of Clifton and its tourism and high-value shopping.
- (c) Government policy is to apply tolls to new bridges such as the second Severn Crossing, and to bridges funded through the Private Finance Initiative.
- (d) The bridge is an important pedestrian route from the City to the Ashton Court Estate, and to the countryside beyond.

Objections

- (a) The most recent authorised accounts presented in evidence were for the year ending 31 December 2004. As the Clifton Suspension Bridge Trust (the Trust) is giving evidence regarding figures it is expected to be present in the 2005 accounts, it would be improper for a decision to be made on this matter in the absence of authorised accounts for the most recent full year and, therefore, the inquiry should be adjourned until such authorised accounts became available.
- (b) The application and the inquiry were poorly publicised and objectors were not provided with sufficient time to prepare their cases.
- (c) While, there is no justification for charging vehicle drivers for using the Bridge, nor is there justification for the Trust's choice to not charge tolls from those who cross on foot or bicycle.
- (d) The Trust should not levy tolls in order to support a new Visitor Centre or illumination of the Bridge
- (e) The Trust could secure additional funding in other ways without having to increase the toll charge.
- (f) The proposal is for a 66 per cent toll increase, which could cause people in Leigh Woods to face an annual bill of £800 to £1,000 and, in many cases, considerable hardship.

- (g) A concessionary ticket is available to disabled drivers in receipt of the Disability Living Allowance. As this allowance is only available to people under 65 years old, or those in receipt of Attendance Allowance, the Trust should be required to vary its eligibility criteria for the Disabled Drivers concession to include those persons possessing a Disabled Person's (Blue) Badge.

5. The Secretary of State accepts the opinion of the Inspector on the representations made. Full details of the Inspector's conclusions are set out in paragraphs 3 and 8 of his report. In summary these are:

- (a) At the Inquiry, the Inspector noted the Trust's view that the most up-to-date evidence was available to the inquiry and could form the basis for a sound decision. He also noted the Trust's advice that the completion of the 2005 accounts has been delayed by a matter beyond the Trust's control and that it was unknown when the authorised accounts would become available.

The Inspector's view was that any adjournment should be to a particular time and in the circumstances this would be problematic. He also observed that it was for each party to decide what evidence it intended to rely on in support of its case and that the Trust was evidently content for its case to be considered in the absence of the accounts in question. On this basis, the Inspector refused the application for an adjournment.

- (b) The Inspector does not offer a view on the criticism that the application and the inquiry were poorly publicised and objectors were not provided with sufficient time to prepare their cases. The Secretary of State notes these concerns, however he is satisfied that the Trust has complied with the statutory provisions. Section 6(4) of the 1954 Act states that applicants shall publish in such newspapers as the Minister may require a notice stating the general effect of the application and advising

"...that within a period of forty-two days from the date of the first publication of the notice any person with a substantial interest may object to the application by giving notice to the Minister accompanied by the grounds of his objection with a copy to the applicant."

After seeking the Department's approval, the Trust published a notice of its application on 21 October 2005 in two local newspapers - the *Western Daily Press* and the *Bristol Evening Post*. The notice stated that any objections should be submitted by 2 December 2005. The same newspapers were used on 15 September 2006 to publicise the announcement of the inquiry.

- (c) The Inspector notes that there is no financial benefit to be gained from the collection of tolls from pedestrian and cyclist users of the Bridge.
- (d) The potential need for future structural works on the bridge was highlighted. The Inspector notes that the future prospects of the Trust if the Order were not made would be of financial decline, possibly made more severe if major works prove to be needed to the abutments.

- (e) The Inspector notes that the Clifton Suspension Bridge Act 1986 (the 1986 Act) specifically authorises the Trust to provide a museum and sets out a framework for funding such a facility. He notes that it has not been suggested that the proposed Visitor Centre would not be a 'museum' in the terms of the 1986 Act. As to the illuminations, the Inspector concludes that the evidence is that they are a long-standing feature of the Bridge, previously provided at a cost of the Trust and in financial terms, they are now in the past and form part of the Trust's financial position.

The Secretary of State notes that the 1986 Act requires that any sums expended by the Trust on a museum must be repaid as soon as reasonably practicable, at any event within 60 years from its date of application, together with interest.

- (f) The Inspector notes that there is no evidence that additional funding in other ways could be secured in sufficient quantity.
- (g) The Inspector notes that in cash terms the proposal equates to an extra 40 pence per return trip. He concludes that this would be a small increase, either in absolute terms or in comparison to the cost of owning and running a car.
- (h) The Inspector believes that the view that the eligibility criteria for the disabled drivers concession should be varied to include those persons possessing a Blue Badge has merit. He notes that the Trust is already considering such a change to the eligibility criteria.

The Secretary of States notes the Inspector's suggestion that the Secretary of State may wish to encourage the Trust in its consideration. The Secretary of States also notes that there is no statutory requirement for the Trust to provide a discount or exemption on the basis of disability. Thus, the concession offered is a completely voluntary service offered by the Trust.

Successive Governments have taken the view that where an operator of a tolled undertaking is not statutorily obliged to provide an exemption or concession (including for disabled people) but does provide such a service, it is on a completely voluntary basis and, therefore, it is for that operator to decide the terms and conditions under which the service is provided.

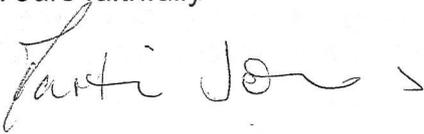
- (i) The Inspector notes other matters raised regarding: criticisms of tolling in general; changing legislation to allow the Bridge to be funded differently; the reconstitution of the Trust; suggestions for the demolition and replacement of the bridge; and the design of the proposed Visitor Centre. The Inspector does not offer a view on these issues as they fall outside the remit of the application and the inquiry.
- (j) The Inspector also notes criticisms of the toll prepayment scheme operated by the Trust. He concludes that this is a matter for the Trust. The proposed toll revision Order like the governing legislation establishes the ceiling for charges.

6. The Secretary of State accepts the Inspector's assessment of: the application; the financial position of the Trust; and the future prospects of the Trust as set out in paragraph 8 of his report.

7. The Inspector concludes that the proposed Order would have a beneficial effect on the future prospects of the Trust, and that if made, would entail the Trust receiving an annual revenue neither substantially less nor substantially more than adequate to meet its expenditure of the types identified in section 6(3) of the 1954 Act. On this basis he recommends that the Secretary of State make an Order to implement the proposals in the Trust's application.

8. On the basis of the evidence before him and having regard to his obligations under section 6 of the 1954 Act, the Secretary of State is satisfied that the proposed toll revision is justified. The Secretary of State has, therefore, decided to make the Order.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Martin Jones', with a stylized flourish at the end.

MARTIN JONES
Head of Roads Strategy Division