



Report to the Secretary of State for Transport

By **J.P. Watson**, BSc FIHT MICE MCI

An Inspector appointed by the Secretary of State for Transport

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372

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TRANSPORT CHARGES &c. (MISCELLANEOUS PROVISIONS) ACT 1954

THE CLIFTON SUSPENSION BRIDGE TOLLS (REVISION) ORDER 2005

Dates of Inquiry: 10 and 11 October 2006

Ref: DPI/05/1/28

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CASE DETAILS

- This Application under Section 6 of the Transport Charges &c (Miscellaneous Provisions) Act 1954 is for an Order to revise toll charges for crossing Clifton Suspension Bridge, near Bristol.
- The Order was published on 21 October 2005, and there were 7 objections outstanding to it at the commencement of the local inquiry.
- The Order would authorise the Trustees of the Clifton Suspension Bridge to increase to 50p the maximum toll charge for a single journey across the Clifton Suspension Bridge for each motor vehicle or for each vehicle drawn by a horse or other animal.

Summary of Recommendation: That the Order should be made.

1 PREAMBLE

1.1 I was appointed on behalf of the Secretary of State for Transport to conduct a public local inquiry in accordance with section 6(5) of the Transport Charges &c (Miscellaneous Provisions) Act 1954.

1.2 I held a public local inquiry at the Avon Gorge Hotel, Sion Hill, Clifton, Bristol on Tuesday 10 October and Wednesday 11 October 2006. I made unaccompanied site visits to the bridge on the afternoon of 9 October and the evening of 10 October 2006. It was agreed by all present at the inquiry that no further site inspection was necessary.

Purpose of the Proposal

1.3 The purpose of the proposal is to allow the Clifton Suspension Bridge Trustees ("the Trustees") to properly carry out the working, maintenance and other costs and expenses incurred in connection with the Clifton Suspension Bridge ("the Bridge").

Number of Objectors

1.4 At start of the inquiry there were seven objections to the Order outstanding. Three further objections were made at the inquiry.

Main Grounds for Objection

1.5 The main grounds for objection to the proposed order were that, in the view of objectors:

- a) The Bridge should be funded from taxes paid by motorists throughout the country, not by tolls.
- b) The Trust should not levy tolls in order to support a new Visitor

Centre or illumination of the Bridge.

- c) The proposed toll increase is not necessary.

Statutory Formalities

- 1.6 The Trustees confirmed that they had complied with all necessary statutory formalities.

Scope of this Report

- 1.7 This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of inquiry appearances and documents are attached. Proofs of evidence and other statements by the parties are identified; these may have been added to or otherwise extended at the inquiry, either during examination in chief or cross examination.

2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The Bridge carries the B3129 road across the Avon Gorge, linking Clifton (a part of the City of Bristol) with Leigh Woods and other settlements in the District of North Somerset. Alternative crossings of the River Avon are available at Cumberland Basin, about 1 km upstream of the Bridge and somewhat further from it by road; and at Shirehampton near Avonmouth, several kilometres downstream, where the river is crossed by the M5 motorway.

3 PROCEDURAL MATTERS

Application for Adjournment

- 3.1 Much of the evidence before the inquiry related to the financial circumstances of the Trust. The most recent authorised accounts presented in evidence were those for the year ending 31 December 2004, and the Trust gave evidence regarding the figures it expected to be present in the 2005 accounts although those were not available at the time of the inquiry.
- 3.2 Mr Newman, an objector appearing on his own behalf, made a submission (Ob/4/4) on the second day of the inquiry to the effect that it would be improper for a decision to be made on the matter before the inquiry in the absence of authorised accounts for the most recent full year, and that the inquiry should therefore be adjourned until such accounts became available.
- 3.3 The Trustees' view was that the most up-to-date evidence was available to the inquiry, that the accounts and financial projections before the inquiry could form the basis for a sound decision, that the completion of the 2005 accounts was delayed by a matter beyond their control and that they did not know when the 2005 accounts would become available. They considered there to be no reason for an adjournment.

3.4 I noted that any adjournment should be to a particular time and in the circumstances that would be problematic. I also observed that it was for each party to decide what evidence it should submit to the inquiry and that the Trustees were evidently content for their case to be heard in the absence of the accounts in question. I refused the application for an adjournment.

Late Availability of Evidence

3.5 The Trust's Statement of Reasons, including the economic case for the Order, had been on deposit since 15 September at the Visitor Centre and I had seen it myself there on my unaccompanied site visit on 9 October. At the beginning of the inquiry, the objectors present protested that the Trust's proofs of evidence had not been made available to them. The Trust explained that they had relied on the Department for Transport ("DfT") to forward material to objectors. Early on the first day of the inquiry the Trust handed to objectors copies of the proofs of evidence of its two witnesses. At the same time Mr Newman tabled a revised version of his evidence (Ob/4/3, superseded by Ob/4/4 on the following day) and written evidence was received for the first time from Mr Scourse (Ob8/1). I then adjourned the inquiry for just over half an hour to allow all parties to read the new evidence. Upon resumption, it was agreed by all present that the inquiry should continue; no party considered disadvantage to have arisen as a result of the way the evidence had been made available.

4 THE CASE FOR THE CLIFTON SUSPENSION BRIDGE TRUSTEES

The material points were:

4.1 Background

4.1.1 The Clifton Suspension Bridge is operated by a charitable trust, established by the Clifton Suspension Bridge Act 1952 ("the 1952 Act", CSB/B/A1). There are twelve Trustees, ten of whom are appointed by the Trust for their technical and business expertise, one appointed by Bristol City Council and one appointed by North Somerset Council. The objectives of the charity are established by legislation, as follows:

- a) Section 40(1) of the 1952 Act establishes a duty of the Trustees to maintain the bridge as transferred to them by the 1952 Act in proper repair and working order.
- b) Section 40(2) of the 1952 Act establishes that the Trustees may improve renew extend or replace the Bridge or contribute towards the cost of such improvement renewal extension or replacement.
- c) Section 3(1) of the Clifton Suspension Bridge Act 1986 ("the 1986 Act", CSB2) allows the Trustees to provide or assist in the provision of a museum connected with the Bridge, and section 3(2) of the

1986 Act allows the Trustees to make such contribution from revenue or reserves derived from the Bridge, providing that such money from revenue is repaid as soon as is reasonably practicable and providing that any such money from the reserve fund is repaid within 60 years of the date of its application. This power is exercised by the Trust in providing a visitor centre.

- 4.1.2 Since the Trust is a charity regulated by the Charity Commission, all its income must be spent on those things for which it is empowered by legislation. All its income is from tolls.
- 4.1.3 The road over the Bridge is a public highway, although not maintainable at the public expense. The Bridge is a Grade 1 listed building and the Gorge beneath it is a Site of Special Scientific Interest ("SSSI") by virtue of plants found there. The Bridge is a well-known feature of the area and its image is under consideration as an icon for the South West region.
- 4.1.4 The Trustees set the toll for use of the Bridge within the constraints set by the Toll Order. The toll in 1981 was 10 pence. This was increased on 1 January 1982 to 20 pence. Five years later the Trustees considered the Trust's reserves to be sufficient and they reduced the toll to 15 pence until 1 January 1995, when falling reserves led to an increase back to 20 pence. In March 2003, by which time retail price index inflation since 1982 was just over 100%, the Clifton Suspension Bridge Tolls (Revision) Order 2003 ("the 2003 Order", CSB/B/A1 Appendix 6) allowed an increase to 30 pence and that was implemented, with reductions offered to regular users.

4.2 The Current Toll Regime

- 4.2.1 Drivers about to cross the Bridge pay the toll at small toll plazas on the immediate approaches to the Bridge. There are two automatic barriers on each approach. Drivers may pay by cash or by Pay As You Cross ("PAYC") pre-payment cards. The cash charge is currently 30 pence. PAYC cards cost between £27 for 100 crossings and £200 for 1000 crossings.
- 4.2.2 It would be impractical to increase the toll in steps of less than 10 pence since to do so would require cash-paying users to provide three or more coins and experience has shown that this causes delay: small coins are often dropped and the coin machine takes longer to count the coins. Traffic delays often result, particularly in the morning and evening rush hours. An increase to 50 pence would reduce the potential for any delays.
- 4.2.3 The current Toll Order allows tolls of 5 pence to be charged for walking or cycling across the Bridge, but the cost of collecting and banking such tolls would be such as to make them not worth collecting.

4.3 Expenditure By The Trust

- 4.3.1 Expenditure by the Trust meets maintenance, staffing, administrative and

other direct costs. Additionally, some toll income is used in accordance with section 53 of the 1952 Act to establish and build up reserve funds which should be available to cover short-term deficiencies in income and to contribute toward the costs of replacing, renewing, improving or extending the Bridge.

4.3.2 The Trustees decided in mid-2002 to apply for a toll increase to the current 30 pence. Since then, the following major increases in expenditure have arisen:

- a) Insurance costs are now very substantially higher than in 2002. The insurance does not cover deterioration of the Bridge other than as a result of accidental damage.
- b) The Bridge stands on abutments principally of masonry but also incorporating iron and timber, both of which may deteriorate in time. No construction records of the abutments are available. It has been known since 1978 that some voids are present in the abutments but the large size of those - up to 6 metres wide and 11.5 metres high - only became apparent as a result of investigations in 2002 and 2003. These chambers are closed but access to them is needed so that they can be inspected and their integrity determined. An access door has been inserted into the Leigh Woods abutment, allowing entry to three chambers, but radar has shown nine more remain closed on that side and there are two further closed chambers in the Clifton abutment. Further investigation is needed. Because of the age, complexity and importance of the structure, and the difficulty of providing a safe working environment, the associated cost is expected to be at least £1 million and, if stabilisation of either abutment was found to be necessary, might reach several million pounds. The Trust would have to meet any such cost.
- c) When it was first built, the Bridge was illuminated and illuminations were again installed on special occasions such as the 1935 Silver Jubilee, the Coronation in 1953 and others. Since the Silver Jubilee in 1977 the Bridge has been permanently lit. A lighting system was installed in 1992, funded by the Trust, and was expected to last for 20 years; but it did not. Nor did it comply with the Construction Design and Management Regulations. It was replaced in 2005 at a cost of about £800,000. The cost was met from the Trust's reserves.

4.3.3 The Trustees also wish to renew the Visitor Centre, currently housed in a temporary structure near the Leigh Woods end of the Bridge. The Bridge is a potential World Heritage site, visited each year by many tens of thousands of people and an improved facility would be appropriate. £1.1 million is identified in the reserves to fund this, in accordance with the 1986 Act. The 2004 accounts show £283,901 to have been spent on a visitor centre in the period from 1999 (CSB/B/A1, appendix 7). The Trust has yet to identify how that actual and projected expenditure would be

repaid to the Reserves. The Trust intends to proceed with the proposed Visitor Centre, although on an indeterminate timescale, and expects it to make a profit.

- 4.3.4 A continuing programme of work is needed to maintain the Bridge, and actual and programmed expenditure on identified individual planned maintenance projects, including the replacement of the lighting and over 25 other projects during the 5 years to 31 December 2008 totals slightly over £2.9 million: an average of over £500,000 per year. The Trust's accounting year coincides with the calendar year. Several of the maintenance projects planned for the period to 2008 had been deferred for operational or other reasons but remained necessary in the long term; the maintenance projects scheduled in the Economic Case (CSB/SOR, section 8) remained necessary but the amount of activity in any particular year differed from that shown.
- 4.3.5 The Trust also meets the routine cost of operating the Bridge, including its day-to-day running costs, staffing, administration, the Visitor Centre and depreciation. In 2003 these recurring costs totalled £843,000 and projections prepared on that basis show the annually recurring costs to increase to slightly more than £1 million by 2008.
- 4.3.6 Administration of the Trust's employees' pension scheme is by Bath and North East Somerset Council. As a result of continuing discussions between the Trust and actuaries appointed by the Council regarding details of the pension scheme, the accounts for the year ending 31 December 2005 had not been signed off at the time of the Inquiry, and so were not before me. The Trust gave evidence drawn from the provisional accounts for 2005.

4.4 The Trust's Income

- 4.4.1 The Trust's income is derived principally from tolls. The number of crossings of the Bridge reached a peak around 2002 when major works were under way on the M5 Avonmouth bridge and the A4 "Portway" road was closed due to a road collapse. Between 4 million and 5 million vehicles used the bridge in that year. More recently, use of the bridge has declined. About 3.82 million vehicles crossed the bridge in 2004, and 3.77 million in 2005. Without the proposed Order, future income from tolls would be about £950,000 per year.
- 4.4.2 The potential for increased use of the Bridge is very limited. Bristol City Council is considering congestion charging and a controlled parking zone, either of which would tend to reduce traffic on the Bridge.
- 4.4.3 The Trust also invests some of its reserves and derives an income from that source. Investment income in 2003 was £197,207 and in 2004, £211,345. Projections prepared by the Trust during 2004 show investment income of £140,000 in 2004, falling to £105,000 in 2008.
- 4.4.4 The Visitor Centre gave rise to a net expenditure of £49,000 in 2003,

projected to fall to £20,000 by 2008. The 1986 Act requires that money spent on a museum (currently termed a visitor centre) from the toll-sourced funds of the Trust should be repaid to those funds in due course, and the Trustees propose to do that by means yet to be identified.

4.5 The Trust's Reserves

4.5.1 The Statement of Reasons identifies that the Trust seeks to maintain reserves at 25% of the value of the Bridge, but that is not now the case. The aim is to maintain sufficient funds to meet the cost of maintaining the Bridge should a major problem arise.

4.5.2 The Trust's current reserves are £6.5 million, largely accumulated over the years from tolls. £1.1 million have been set aside for the proposed Visitor Centre. £4.5 million form an emergency repair fund, £0.4 million are held as a reserve to meet deficits in the Trust's employees' pension fund and £0.5 million are potentially available to meet the cost of some planned maintenance projects. The Trustees' view is that it would be imprudent to run down the reserves to meet the cost of planned maintenance projects.

4.6 Overall Financial Position

4.6.1 Between 2000 and 2004, the Trust broadly broke even, with a new surplus achieved of £102,000. The provisional 2005 accounts show a loss of £637,000, and the 2006 budget a loss of £100,000. In subsequent years, annual losses of about £350,000 are forecast if the Toll remains unchanged.

4.7 Effect of the Proposed Order

4.7.1 The proposed Order would increase the toll income to some £1.448 million per year. Whereas the Trust currently loses money, there would result a net annual inflow to the Trust's reserves which would be sufficiently robust to maintain the financial position of the Trust for some years in the face of generally increasing costs.

4.7.2 If only a lower increase in the toll were allowed, to 40 pence per crossing instead of the 50 pence proposed, the annual loss in the Trust's funds would be reduced initially but this would then be driven up again by the increased costs that are expected in future years.

4.7.3 The proposed Order is therefore appropriate and necessary to secure the financial position and future prospects of the undertaking.

5 THE CASE FOR THE SUPPORTER

The material points were:

5.1 *Transport 2000*

- 5.1.1 Transport 2000 ("T2000"), a national lobbying organisation, was represented at the inquiry by Mr David Redgewell. He also represents T2000 on transport advisory committees of Bristol City Council and North Somerset Council.
- 5.1.2 Tolling is an effective way to maintain the Bridge. It also deters some cars, to the benefit of Clifton and its tourism and high-value shopping. Government policy is to apply tolls to new bridges such as the second Severn crossing, and to bridges funded through the Private Finance Initiative. It is also Government policy to toll the trunk road network. Bristol's Local Transport Plan describes pilot work for congestion charging there. The two unitary authorities linked by the Bridge both support the proposed Order. A reduction in tolls on the Bridge would be contrary to Government policy.
- 5.1.3 The Bridge is an important pedestrian route from the City to the Ashton Court Estate, where large recreational events are regularly held, and to the countryside beyond.
- 5.1.4 Although higher tolls might cause some increase in travel by displacing journeys to other crossings of the Avon, the extent of this would be unlikely to be great since the alternative routes, via the M5 or the A369/Cumberland Basin route, are both regularly congested at peak times and there is no proposal for a new river crossing nearby.

6 THE CASES FOR THE OBJECTORS

The material points were:

6.1 *The National Alliance Against Tolls*

- 6.1.1 The National Alliance Against Tolls ("the NAAT") was formed by groups protesting against existing tolls in England, Scotland and Wales. It is also opposed to toll increases and tolls by other names such as congestion charging and road pricing.
- 6.1.2 The NAAT objects to the Order for the following reasons:
- a) The Government collects far more from road users than is spent on roads. There is no justification for tolls on any road, and certainly

not on what the Trustees admit is a major route.

- b) The process of collecting tolls will tend to cause traffic congestion.
- c) The Bridge should be funded from appropriate Governmental sources, either transport-derived or heritage-related as appropriate.
- d) While there is no justification for charging vehicle drivers for crossing the Bridge, nor is there justification for the Trust's choice to not charge tolls from those who cross on foot or bicycle.
- e) A large part of the Trust's expenditure relates to activities that are not essential for a highway, such as the provision of a visitor centre and of illuminations on the bridge. Costs associated with toll collection should also be unnecessary, and could be avoided if the Trustees asked for the bridge to be taken over by the authorities.
- f) It should not be necessary to insure the Bridge, since if an unfortunate major calamity were to befall it outside assistance should be available.
- g) The reserve funds held by the Trust are unnecessarily large. If major expenditure became necessary, it should be available from other sources of funds.
- h) The financial projections on which the Trust's case rests are unreliable; the projected figures for 2004 differ substantially from the accounts for that year. The accounts for 2005 ought to be available, but are not.
- i) The Trust is largely self-appointed and is not democratic.
- j) The Trust claims the Order to be supported by Bristol City Council and North Somerset Council, but there is no evidence that elected members of either Council were party to the letters of support issued by the officers of each.
- k) The Trust appears to have made little effort to secure external funding.
- m) Although the Trust claims the number of objections to the Order to be small, the Order and the Inquiry were poorly publicised.
- n) The Trust is the only charity that collects tolls from users of a bridge.
- o) Section 51 of the 1952 Act empowers the Trust to borrow money and that avenue could be followed if a catastrophe overtook the

Bridge and no alternative funding was available.

6.1.3 In summary, the Trust's evidence is misleading and out of date. It does not justify the use of toll payers as a "cash cow".

6.2 Mr David Newman

6.2.1 Mr Newman is a private individual who has lived in Leigh Woods, less than a mile from the Bridge, for the previous 23 years. He frequently used the Bridge until January 2006.

6.2.2 A large number of residents in Leigh Woods, Clifton, and the area to the coast at Portishead have been alarmed by the proposed Order and are strongly opposed to the proposed toll increase. Mr Newman explained in clarification that his evidence of this is drawn from conversations he had had in the public house, his preferred newsagents and a nearby copy shop.

6.2.3 The Bridge is an important route to people in Leigh Woods en route to vital services such as doctors and shops, which are not available in Leigh Woods. The proposed 66 per cent toll increase would cause people there to face an annual bill of £800 to £1,000 and, in many cases, considerable hardship.

6.2.4 Objectors were required by the DfT to submit their objections by September 12th, but to do so was impossible because the Trustees' case was not published until September 15th. The availability of the Trustees' Statement of Reasons had been poor.

6.2.5 It is wrong that the Trust's meetings are not public, and that ten of the twelve Trustees have no democratic mandate. The Trust should be re-constituted with a 50-50 balance between experts, the public, and local authority representatives.

6.2.6 In January 2006 the Trust increased the PAYC charge from 12 pence to 20 pence per crossing and, as a result, many Bridge users have stopped using it and transferred to the route into Bristol via the Cumberland Basin, which takes only a few extra minutes and is free of charge. The reduction in crossings was some 50,000 per year. The proposed further increase would be likely to cause a further reduction in patronage.

6.2.7 The proposed Visitor Centre is not essential and the proposed design incongruous. The illumination of the Bridge was unnecessary. It would be wrong to raise the tolls to pay for either or both of these. If the Visitor Centre were shelved the money saved could meet the Bridge's maintenance needs for nearly the next three years.

6.2.8 The Trust's financial position may be assessed as follows:

- a) The cash reserves are £6.5 million.

- b) The cash reserves plus the 2004 toll income, invested at 4.4%, would yield some £326,524 per year.
- c) The estimated 2006 toll income of £950,000 together with the return on investment at b) above amount to an income of £1,276,524.
- d) The Trust's projected total expenditure for 2006 is some £1,067,000 and so there will be a surplus for the year of about £209,524.

6.2.9 The Trust has neglected other possible sources of income:

- a) Tolls could be charged to pedestrian and cyclist users of the Bridge, who might be sold PAYC cards to reduce the cost of toll collection.
- b) Bridge literature and souvenirs could be sold worldwide via an appropriate website.
- c) The silhouette of the Bridge is an iconic image used by many organisations in the area which the Trust should financially exploit.

6.2.10 Bristol City Council's Head of Traffic and Transport has warned (CSB/SOR appendix 2) that the proposed increase would be significant in scale and might incur adverse reaction from the public.

6.3 Mr M. Scourse

6.3.1 Mr Scourse lives near the Bridge and appeared in his own right.

6.3.2 The Bridge is important for many people in Leigh Woods who need services available only on the other side of the Bridge. Frequent users of the Bridge would unfairly have to pay more to finance the non-essential decorative lighting and Visitor Centre. It is also inequitable that the Trustees would not bear the financial consequences of their decisions; they receive free passes for use of the Bridge.

6.3.3 At least one half of the Trust should be frequent paying users of the Bridge. All free passes should be cancelled. The tourist board should be approached with a view to contributing to the cost of the illuminations and the Visitor Centre.

6.4 Mr Hamish Hall

6.4.1 Mr Hall appeared on behalf of the Limbless Association, by which he is authorised to act autonomously in such matters, and on behalf of the Leigh Woods Society, a residents' society, the secretary of which he had consulted upon learning on 10 October 2006 of the inquiry.

The Limbless Association

- 6.4.2 The Trustees make available to disabled drivers a concessionary ticket but restrict its availability to those in receipt of the Disability Living Allowance, which is only available to people under 65 years old, or to those in receipt of Attendance Allowance, which is an inappropriate way to assess mobility difficulties. The concession is thus effectively made unobtainable for disabled drivers over 65 years old. The Trust's form is appended to document Ob/9/1.
- 6.4.3 The Disabled and Blind Persons Chronically Sick and Disabled Persons Act 1970 charges local authorities with the responsibility of issuing what are now known as Blue Badges in appropriate cases, thus granting several concessions including dispensation of tolls on National bridges.
- 6.4.4 The Secretary of State should require the Trustees to vary their eligibility criteria for the Disabled Drivers concession on the Bridge to include those persons possessing a Blue Badge.

The Leigh Woods Society

- 6.4.5 The Society was surprised to learn of the inquiry, which had been poorly publicised.
- 6.4.6 A larger PAYC discount should be made available for Leigh Woods residents.

6.5 Mr John Hendrikz

- 6.5.1 Mr Hendrikz lives near the Bridge and appeared in his own right. He is a chartered electrical engineer, now retired.
- 6.5.2 The toll machines at the Bridge were not very reliable and this had undermined confidence in the Trustees.
- 6.5.3 The route into Bristol via the A369 and the Cumberland Basin was often congested.
- 6.5.4 Voids in the abutments were to be expected since they are founded on basalt, which is prone to movement and so light, hollow abutments were appropriate. Movement of the cliff-face should be assessed. It appeared necessary to spend money, as the Trustees proposed, on the assessment of the abutments.
- 6.5.5 The old lighting system on the Bridge could have been repaired and money saved.

6.6 Further Points Of Objection Made in Written Representations

- 6.6.1 Mr Thrift (Ob/5/1) is of the view that, if the cost of the Bridge is to be borne entirely by the motorist then the existing structure should be recorded and then replaced with a modern structure. Alternatively, another road crossing from the south to Bristol could be provided, or a former railway could be reinstated so that car travel could be reduced.
- 6.6.2 Mr Harris (Ob/7/1), a resident of Clifton, repeats various points made by parties who appeared at the inquiry. Additionally, he questions the Trustees' investment practices, mentions the cost of rectifying an effect of the last repainting of the Bridge on the SSSI in the gorge below, and argues that the PAYC discount should be ended. He considers that the Trust should be reconstituted or, if that view is not supported, the proposed increase should not be approved because it would be insufficient to fund the reserves (at the Trust's stated target of 25% of the insured value of the Bridge, that is, £8.75 million) particularly if they are to continue with their proposals for a new visitor centre. In his view, the Trust is a poor communicator.

7 THE RESPONSE OF THE CLIFTON SUSPENSION BRIDGE TRUSTEES

7.1 Response to the NAAT

- 7.1.1 Objections which recommend either abolition of the toll or that taxation derived from motorists should meet the cost of the bridge, or its replacement, would require a change in the law and are inappropriate considerations here.
- 7.1.2 The Trust's evidence in chief explains why the proposed Order is needed, why the Trust does not charge pedestrians or cyclists for use of the Bridge, and how the trust is authorised to provide a visitor centre. The illuminations are part of the Bridge. The 1952 Act gives the Trustees a specific power to improve the Bridge and retaining an efficient lighting system falls within this power.
- 7.1.3 The Bridge is insured against damage by third parties and the Trust also has public liability insurance. Both are necessary.
- 7.1.4 The Trust has sought external funding in the past without success.

7.2 Response to Mr Newman

- 7.2.1 Mr Newman's assessment of the trust's financial position is faulty in the following respects:
- a) In assessing the toll income contribution to the reserves,

Mr Newman ignores the cost of operating the Bridge and so over-estimates the resulting capital and the potential return on capital investment.

- b) For operational reasons, it is common for some maintenance projects to be delayed from one year to another. Forensic analysis of future projections, for example the expected 2006 outturn figures, is therefore likely to be misleading. The overall maintenance cost of the Bridge over 5 years will approach £3 million, in addition to its day to day operating costs, and the surplus for 2006 that Mr Newman projects is not reliable.
- c) Uncertainty remains regarding the contribution needed to the pension fund.

7.3 Response to the Limbless Association

- 7.3.1 The Trustees were already considering a change to the availability of the Disabled Drivers concession as suggested by the Limbless Association, whose representation they considered valid.

7.4 Further General Response of the Trust

- 7.4.1 Many of the views of objectors – that the reserve fund is either too large or too small, that the Bridge should be replaced, that it is a vital road artery yet has a convenient alternative route – are subjective. The Trustees are charged with the running and upkeep of the Bridge. By virtue of only a handful of objections being received, it is apparent that the majority considers them to be doing a good job.
- 7.4.2 The financial position of the trust has been clearly demonstrated, as has the need for the Order to continue the maintenance and operation of the Bridge without running at a loss and depleting the reserve fund.

8 CONCLUSIONS

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

8.1 Basis of Assessment of the Application

8.1.1 Section 6 of the 1954 Act sets out the basis on which applications such as this should be considered. The Secretary of State 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.

8.2 The Financial Position of the Trust

8.2.1 The Trust has reserves of £6.5 million [4.5.2]. It reports a loss of about £637,000 in 2005 and projects a loss of about £100,000 for 2006 [4.6.1].

8.2.2 These figures are queried by Mr Newman, who estimates a surplus for the Trust of about £209,524 in 2006 [6.2.8]. The Trust refutes this, citing slippage of individual maintenance projects [4.3.4] and an over-estimation by Mr Newman of the return on capital invested by the Trust [7.2.1.a].

8.2.3 In any event, it is clear to me that the Trust's reserves substantially exceed the loss, if any, that it might make in the current year and so, to that extent, the Trust's financial position is currently sound.

8.3 The Future Prospects of the Trust

With the Current Toll

8.3.1 The evidence is that the future prospects of the Trust without the Order include:

- a) Toll income of about £950,000 per year [4.4.1], potentially reduced by traffic demand management measures that Bristol City Council might take [4.4.2, 5.1.2].
- b) Income from investment that may vary between about £211,000 and £105,000 per year [4.4.3]
- c) A cost of about £20,000 per year associated with the Visitor Centre [4.4.4].
- d) Recurring costs of operating the Bridge rising to slightly more than £1 million per year by 2008 [4.3.5].

- e) A programme of maintenance projects, costing on average more than £500,000 per year [4.3.4].
 - f) The possibility of costs of several million pounds for works to the abutments [4.3.2.b].
- 8.3.2 The Trust estimates that annual losses of about £350,000 would result from this situation [4.6.1] and that seems to me to be consistent with the evidence. There was no evidence to the contrary.
- 8.3.3 Objectors did however put the case that neither the proposed Visitor Centre nor the illuminations should be funded out of tolls [6.2.7]. But the 1986 Act specifically authorises the Trustees to provide a museum and sets out a framework for funding such a facility [4.1.1.c]; and there was no evidence other than that the Trust had accorded with that [4.3.3]. Nor was it suggested that the proposed Visitor Centre would not be a "museum" in the terms of the 1986 Act. As to the illuminations, the evidence is that they are a long-standing feature of the Bridge, previously provided at the cost of the Trust [4.3.2.c]. There was no serious suggestion that the Trustees had acted other than in accordance with the law.
- 8.3.4 That is not to say, however, that the Trustees necessarily had to consider a new visitor centre, or to continue with the tradition of illuminating the Bridge as a local landmark. Clearly some objectors would rather they had not; but the Trustees were within their rights to do so. In financial terms, the illuminations are now in the past and form part of the Trust's financial position, and I do not consider their effect in the period preceding the inquiry to be such as to constitute special circumstances materially affecting any conclusion. The proposed Visitor Centre is not in the past, but the Trustees intend to proceed with it [4.3.3] and so it is part of the financial future of the Trust.
- 8.3.5 It therefore appears to me 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.

Effect of the Order

- 8.3.6 If the Order was approved and implemented in full, the Trust's income would rise by about £500,000 per year [4.7.1]. In comparison with the estimated annual loss of about £350,000 if the Order was not made, the Trust would therefore have an income that would exceed its expenditure by about £150,000 per year, although that figure would tend to fall if costs continued to increase in the future.

Balancing Income and Costs

- 8.3.7 The 1954 Act requires that the effect of a toll increase should not be to make the Trust's income substantially more than adequate to meet the various costs it describes, and I therefore consider whether that would be the case. I find two matters.
- 8.3.8 The first is that the Trust might need to fund very costly works to the

abutments, in which case the additional funds would be a useful resource.

- 8.3.9 The second is whether a lower toll could reasonably be charged, consistent with financial and operational objectives. A toll of 40 pence would be insufficient to reverse the financial decline that would occur in the absence of the Order [4.7.2]. A toll of 45 pence (or any other intermediate sum) would require at least three coins, which would be likely to cause delay at peak times [4.2.2], and it is common ground with some objectors that traffic delays associated with tolls are a bad thing [6.1.2.b, 6.5.2].
- 8.3.10 It seems to me that, in the circumstances, the proposed toll increase would not be such as to make the Trust's income substantially more than adequate to meet the various costs identified in the 1954 Act.

Conclusion on the Future Prospects of the Trust

- 8.3.11 If the Order is not made, the Trust's financial position is likely to deteriorate by about £350,000 each year. The Order would change that situation to one of modest growth, as close to breaking even as would be reasonably possible.

8.4 Other Matters Raised

- 8.4.1 Matters regarding changes in legislation to allow the Bridge to be funded differently [6.1.2], or the reconstitution of the Trust [6.1.2.i, 6.2.5, 6.3.3, 6.6.2], or regarding the suggested demolition and replacement of the Bridge [6.6.1] or the design of the proposed Visitor Centre [6.2.7] were not before the inquiry.
- 8.4.2 The level of discount offered to PAYC purchasers [6.2.6, 6.4.6] is, in my view, a matter for the Trustees. The proposed Order would establish a new ceiling for charges, as the 2003 Order does at present.
- 8.4.3 The Trust considers the cost of collecting and banking tolls from pedestrian and cyclist users of the Bridge to exceed the value of the tolls [4.2.3], and there was no evidence to the contrary. Therefore there is no financial benefit to be gained from their collection.
- 8.4.4 Although the Order would allow an increase of 66% in the toll which an objector considers would lead to considerable hardship [6.2.3], in cash terms this would equate to an extra 40 pence per return trip. This would be a small increase, either in absolute terms or in comparison to the cost of owning and running a car, and seems unlikely to me to lead to hardship among motorists who use the Bridge.
- 8.4.5 Objectors suggested ways in which the Trustees might secure additional funding [6.2.9, 6.3.3], and the Trust may wish to pursue those. But there was no evidence that such funding could be secured in sufficient quantity to lead me to a different conclusion.
- 8.4.6 It seems to me that the evidence of the Limbless Association, regarding the availability of concessionary tickets to disabled drivers over 65 years old [6.4.4] as well as those below that age, has merit. The Secretary of State

may wish to encourage the Trust in its consideration of the point raised.

8.5 Overall Conclusion

8.5.1 I conclude that the proposed Order would have a necessary beneficial effect on the future prospects of the Clifton Suspension Bridge Trust, and that with the Order the Trust would receive 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; and that the Order should therefore be made.

9 RECOMMENDATION

9.1 I recommend that the Secretary of State for Transport should make the Clifton Suspension Bridge Tolls (Revision) Order 2005.

J. P. Watson

INSPECTOR

APPENDICES**APPENDIX 1 – APPEARANCES**

FOR THE CLIFTON SUSPENSION BRIDGE TRUST:

Mr Gary Soloman, Solicitor, of Burges Salmon, Narrow Quay House, Narrow Quay, Bristol BS1 4AH.

He called:

Mr Timothy John Baines FICA, Clerk to the Trustees, Horwath Clark Whitehill LLP, Clifton Suspension Bridge, Leigh Woods, Bristol BS8 3PA.

Mr John Mitchell BSc, C Eng, MICE, Bridge Master, Clifton Suspension Bridge, Leigh Woods, Bristol BS8 3PA

SUPPORTER

Mr David Redgewell, 55 St Thomas Street, Wells, Somerset BA5 2UY, representing Transport 2000

OBJECTORS

Mr John McGoldrick, 57 Hambledon Drive, Greasby, Wirral CH49 2QH, representing the National Alliance Against Tolls

Mr David Newman, Rose Cottage, Rownham Hill, Leigh Woods, Bristol BS8 3PU

Mr M. Scourse, Alpenfels, North Road, Leigh Woods, Bristol BS8 3PJ

Mr Hamish Hall, 5 Telford House, North Road, Leigh Woods, Bristol BS8 3PP, representing the Limbless Association and the Leigh Woods Society

Mr John Hendrikz, Alpenfels, North Road, Leigh Woods, Bristol BS8 3PJ.

APPENDIX 2 – INQUIRY DOCUMENTS

INSPECTOR'S DOSSIER

- A1 Draft Inquiry notice
- A2 Application notice – Bristol Evening Post - 21 October 2005
- A3 Application notice – Western Daily Press – 21 October 2005
- A4 Application notice – Clifton Suspension Bridge web site
- B1 Notice of inquiry – Bristol Evening Post – 15 September 2006
- B2 Notice of inquiry – Western Daily Press – 15 September 2006
- C1 The Clifton Suspension Bridge Tolls (Revision) Order 2003
- C2 The Clifton Suspension Bridge Tolls (Revision) Order 1981
- C3 Clifton Suspension Bridge Act 1952 – extracts
- C4 Transport Charges &c (Miscellaneous Provisions) Act 1954 – extracts

DOCUMENTS SUBMITTED BY THE CLIFTON SUSPENSION BRIDGE TRUST

CSB/SOR Statement of reasons

PROOFS OF EVIDENCE

- CSB/B Mr Timothy Baines FICA, Clerk Statement
to the Trustees
- CSB/B/A1 Mr Timothy Baines Appendices to Statement
- CSB/M Mr J Mitchell BSc CEng MICE, Proof of Evidence
Bridge Master

DOCUMENTS HANDED IN AT THE INQUIRY

- CSB1 Section 6, Transport Charges &c (Miscellaneous Provisions) Act 1954 (as amended)
- CSB2 Clifton Suspension Bridge Act 1986
- CSB3 Notice of Inquiry, Western Daily Press, 15 September 2006
- CSB4 Notice of Inquiry, Bristol Evening Post, 15 September 2006
- CSB5 Statement of Reasons, Clifton Suspension Bridge website, 13 September 2006

- CSB6 Notice of application to increase tolls, Clifton Suspension Bridge website, 21 October 2005
- CSB7 Statement regard deposition of Statement of Reasons
- CSB8 Promoter's Opening Statement
- CSB9 Promoter's Closing Statement

DOCUMENTS SUBMITTED BY OBJECTORS

Association of British Drivers

- Ob/1/1 Submission dated 1 December 2005 and bundle of accompanying papers

Mr E.H.M. Bladon

- Ob/2/1 Submission dated 2 December 2005

Mr R.J. Bull

- Ob/3/1 Submission dated 29 November 2005

Mr David Newman

- Ob/4/1 Letter of objection, 25 November 2005

- Ob/4/2 Submission dated 29 September 2006

- Ob/4/3 Submission dated 9 October 2006

- Ob/4/4 Submission dated 11 October 2006 with manuscript addendum

Mr Adrian Thrift

- Ob/5/1 E-mail of objection, 28 October 2005

National Alliance Against Tolls

- Ob/6/1 Submission dated 1 December 2005

- Ob/6/2 Updated submission, 3 October 2006

Mr Richard T Harris

- Ob/7/1 Submission dated 26 September 2006

Mr M Scourse

- Ob/8/1 Submission dated 10 October 2006

The Limbless Association

Ob/9/1 Submission and "Pay As You Cross" application form

G Soloman, Esq.
Burgess Salmon
Narrow Quay House
Narrow Quay
Bristol, BS1 4AH

Contact: Dean Bolton
Direct line: 020 7944 6154
Fax: 020 7944 2195
GTN: 3533
dean.bolton@dft.gsi.gov.uk

Web site: www.dft.gov.uk

19 December 2006

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.

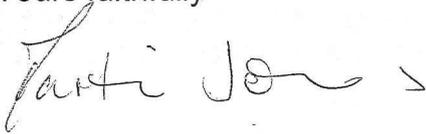
- (i) The Inspector notes other matters raised regarding: criticisms of tolling in general; changing legislation to allow the Bridge to be funded differently; the reconstitution of the Trust; suggestions for the demolition and replacement of the bridge; and the design of the proposed Visitor Centre. 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

STATUTORY INSTRUMENTS

2006 No. 3375

HIGHWAYS ENGLAND

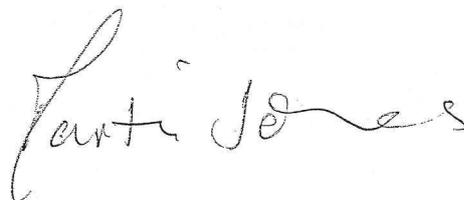
The Clifton Suspension Bridge Tolls (Revision) Order 2006

CERTIFIED A TRUE COPY
SOLICITORS DEPARTMENT
DEPARTMENT FOR TRANSPORT
Rev Scott 15/12/06

Made 14th December 2006
Coming into force 1st January 2007

The Secretary of State for Transport, in exercise of the powers conferred by section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954(a), makes the following Order:

1. This Order may be cited as the Clifton Suspension Bridge Tolls (Revision) Order 2006 and shall come into force on 1st January 2007.
2. The Trustees may demand, take and recover for the use of the Suspension Bridge, tolls not exceeding those specified in the schedule to this Order in lieu of the tolls which are specified in the third schedule to the Clifton Suspension Bridge Act 1952(b).
3. The Clifton Suspension Bridge Tolls (Revision) Order 1981(c) and the Clifton Suspension Bridge Tolls (Revision) Order 2003(d) are revoked.



Signed by authority
of the Secretary of State
14th December 2006

Martin Jones
A Senior Civil Servant in the Department for
Transport

-
- (a) 1954 c. 64
(b) 1952 c. xli
(c) S.I. 1981/1798
(d) S.I. 2003/820

[DFT 13990]

THE SCHEDULE

Classification of Vehicles

Toll charge for a single journey across the bridge

- | | |
|---|-----|
| (1) Motor vehicles of any description (except as mentioned in (2) below) and vehicles drawn by a horse or other animal – for each vehicle | 50p |
| (2) Pedestrians, pedal cycles, handcarts, mechanically propelled invalid carriages, horses and other animals – for each pedestrian, cycle, cart, carriage or animal | 5p |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made in consequence of an application by the Trustees of the Clifton Suspension Bridge, revises the maximum tolls that the Trustees may charge for use of the Clifton Suspension Bridge. These new tolls supersede the toll levels set out in the third schedule to the Clifton Suspension Bridge Act 1952.