

## **Clifton Suspension Bridge Toll Increase - Outline of what happened at the Inquiry**

### **Background**

1. The Trust that runs the Clifton Suspension bridge gave notice in October 2005 that they wanted to **increase the existing toll by 66% from 30 pence to 50 pence**. The Association of British Drivers, 4 individuals and the NAAT made official objections.
2. As a result of the objections, an Inquiry by a Planning Inspector was held at the Avon Gorge Hotel at Clifton on the 10th and 11th October 2006. **None of the 12 Trustees attended** - their case was presented by officers and an advocate. The Trust were supported by a person from Transport 2000, an organisation who's aim is to reduce use of cars. Speaking against the increase were the NAAT, one other original objector (David Newman) and 3 other people from the Leigh Woods side of the bridge who had only learnt about this on the morning of the Inquiry.
3. What follows is the Inquiry as the NAAT saw it:-

### **Case made by the Trust.**

4. In brief what the Trust said was that the toll increase had been prompted by a huge rise in overheads resulting from -

**"Vaults:** ... additional funds are needed to monitor and maintain this hitherto unknown aspect of the historic structure."

**"Insurance:** A huge increase in the cost of insuring the bridge means that the premium doubled last year and further increases are predicted."

**"Illuminations:** ... for Bristol's celebration in 2006 of the bi-centenary of Brunel's birth...."

As a result of the above there would **be large losses starting in 2004, with a deficit of £577,000 in last year (2005)**.

### **Evidence given by the Trust supporter from Transport 2000**

5. Though he was supporting the Trust's case, **he was not at the start of the Inquiry as he was unaware that it was taking place**. He believed that toll increases were necessary to pay for things such as Brunel 200 celebrations, and the Visitor Centre. He was involved in consultation on the tolls increase and knew that the Councils supported it. He also knew that all the political parties were keen to see more tolls and that **the Secretary of State for Transport was in favour of toll increases and of introducing congestion charges into Bristol as soon as possible**. **When congestion charges are introduced in Bristol, he thought that bridge users should pay both a bridge toll and a congestion charge**, though maybe both charges could be paid at the same time as people crossed the bridge.

6. He was a strong supporter of using Private Finance Initiative schemes to finance bridges, and gave the example of the Skye bridge.  
When asked if he used the Clifton bridge, despite wanting to reduce car use and living in Weston-super-Mare, he said that he used the Clifton bridge hundreds of times a year.

### **Case made by Objectors and points that arose in the Inquiry**

#### **Difficulty of objectors getting at the facts**

7. The Trust submitted at the start of the Inquiry, a large volume of evidence which had not been seen by the objectors. The Inspector required the Trust to pass copies to the main objectors, though there was very little time to digest it. The Trust said that they had not given it to objectors as they thought that the Department for Transport would do it. The NAAT said that this was surprising, as the DfT were reluctant to give anything, because of this the NAAT had had to make a request under the Freedom of Information Act, as a result of which all that had been received of significance was one document - the Trust's "Economic Case" which was dated October 2005 and could have been made available a year earlier. The DfT told NAAT that they had given that document after consulting the Trust. It was difficult for objectors to see what gave the Trust the impression that any objector would have seen the other evidence that the Trust submitted.
8. Objectors said that the Trust seemed almost like a secret society, with closed meetings and a lack of information. There were complaints about the difficulties that had been experienced by various people in getting hold of the "application" after the DfT wrote to objectors on 25th August and said that it "*will soon be available*" from the Trust. The items were not available till mid September, were only a small part of the evidence, were difficult to see, and a charge of £5 was payable for anyone wanting a copy.
9. The objectors were also hampered because, they could not get copies of the legislation under which the Trust is administered. The two Private Acts (1952 and 1980) of the Trust and the previous Toll Increase Orders are not available on the web, from the Stationery Office or from libraries.

#### **Lack of Objections**

10. The Trust said that only 6 "individuals" had objected and therefore everyone else must be happy to pay the toll increase. Objectors and others who attended the Inquiry pointed out that few people had been aware of the increase application or the Inquiry. The Trust may have complied with the statutory requirements for giving notices but could have done more. For example the Trusts' website on the 8th September had nothing at all about the toll increase or the Inquiry, even though it still had "news" items such as one from the 19th December 2005 for "Brunel 200 Beer". Objectors also pointed out that two "individuals" were organisations, including the Association of British Drivers - the biggest member's organisation of motorists.

### **Difficulty in obtaining accounts**

11. Prior to the Trust applying for the toll increase, their accounts for the previous year had generally been available via the Charity Commission (accounts do not appear on the Trust's own web site) in the following summer or early autumn. (This is within the 10 months period that is allowed by the Charity Commission.) The 2004 accounts however were not available from the Charity Commission when the Trust applied for the toll increase in October 2005. So in November 2005 the NAAT asked the Trust for a copy of their latest accounts, there was no reply. The 2004 accounts were eventually submitted to the Charity Commission in March 2006, 14 months after the year end.
12. The accounts for 2005 have still not been submitted to the Charity Commission. Neither did the Trust submit to the Inquiry any accounts for 2005, audited or unaudited. The Trust said that delays were because of difficulty in obtaining actuary's figures related to pensions liability and "FRS17" and that they had had this problem for 5 years. The objectors argued that most organisations issued accounts on a timely basis, even if this meant that some figures were estimated provisions. The Trust said that as a charity they could not do this. Bizarrely, though the Trust did not submit any accounts for 2005, their evidence said that they made a loss in 2005 of £637,000. This figure, though it was not supported by any documents, was headlined by the BBC.
13. The Trust also mentioned half a million pounds loss in 2005 related to pensions. It was not clear whether this was part of the loss of £637,000 or additional. In any event the Trust's case had previously not made any mention of this major pensions loss, and there was no explanation of how this loss arose in 2005.
14. Part of the evidence that was only made available at the Inquiry was a copy of part of the Trust's 1952 Act. Section 50 (2) of the Act says that the Trust is required to submit accounts within 4 months of the year end to the Minister and to Bristol City and North Somerset Councils. Objectors pointed out that the Trust must have failed to comply with this for 2004 and 2005, and wondered what the position was for earlier years.

### **Move to suspend the Inquiry**

15. Because much of the Trust evidence had only been made available to objectors at the start of the Inquiry, and because in particular the 2005 accounts were still not available, David Newman asked the Inspector to adjourn the Inquiry. The Trust objected to this. The Inspector then decided that as the Trust did not know when the 2005 accounts would be available, he would not adjourn the Inquiry.

### **Support from the Councils**

16. The Trust submitted letters in support of their application from Bristol City Council and North Somerset Council. The NAAT said that they could not find anything about this in the minutes of the two councils and had contacted them. Bristol told NAAT that the matter had never been to the Council or any of its committees. The council had been asked to confirm this and say whether it was officers who endorsed the toll increase, but despite various phone

calls and emails the NAAT had not yet had an answer. The situation with North Somerset was similar. The Trust said that there was no evidence to prove this.

### **Trustees go free**

17. When questioned by an objector about the rumours that the Trustees did not pay the tolls, the Trust said that this was correct and that under the law the Trustees and those employed by them, did not have to pay. No question was asked about how many employees there were, but there are 12 Trustees, 10 of them are "residents" and the other 2 represent Bristol City Council and North Somerset Council. It was confirmed that if there is a vacancy for a "resident" Trustee then the other Trustees decide who gets it.

### **Losses**

18. The Trust's short (2 pages) "Statement of Reasons" (for the need for a toll increase) referred to losses without giving any figures. The "Economic Case" of the Trust dated October 2005 (though only made available by the Trust a few weeks before the Inquiry) gave figures for losses at Appendix 4 for the years 2003 to 2008, it was not stated which figures were actual and which were estimates. The most recent completed year in October 2005, would have been 2004. Appendix 4 which the Trust referred to at various times during the Inquiry gave a loss of £374,000 in 2004, but paragraph 4 of the same document showed for 2004 not a loss of £374,000, but a profit of £111,000. The latter figure was the one in the published Trust accounts.
19. The Trust agreed that there had been a profit in 2004 and were asked why there had been an **improvement of nearly half a million pounds** between the two figures shown for 2004. They said that this was due to "slippage" (i.e. spending that was due to take place in 2004 being spent in a later year). They said that this slippage was mainly due to lower spending on the illuminations in 2004. Objectors pointed out that this was difficult to comprehend as the budgeted spending on the illuminations in 2004 was £100,000, and even if none of this had been spent, it could not account for a half million pounds improvement. Even more difficult to understand was that paragraph 4.1.1 of the Trust's Economic case said that the spending on illuminations in 2004 was actually £32,000 **more** than budgeted.
20. The Trust gave a long explanation of how schemes had slipped, but it was difficult to follow. Much of it did not relate to 2004, and the Trust could not produce any piece of paper showing what the spending on schemes in 2004 actually was.

### **Reserves**

21. The figures for reserves that the Trust submitted showed that without a toll increase the reserves were or were estimated to be - £6,113,000 at end of 2003, £5,739,000 at end of 2004, £4,403,000 at end of 2005, £3,631,000 at end of 2006, £4,065,000 at end of 2005 and £3,263,000 at end of 2006.

22. The 2004 accounts showed that the reserves at the end of 2004 were actually £6,577,000, which was **over £800,000 better than what the Trust had in their Economic Case**. Though no evidence was submitted, the Trust said that the reserve at the end of 2005, and currently (October 2006) was about the same figure - £6.5 million. The NAAT pointed out that this meant that the **reserves for 2006 were nearly £3 million better than the Trust had shown in the Economic Case**. The Trust said that this was because they hadn't spent the £1.1 million that they had budgeted to spend on the Visitor Centre (£600,000 in 2005 and £600,000 in 2006), and that we hadn't reached the end of the year yet.

### **Outside help**

23. The Trust said that it received no outside help and was asked had it tried. It said that it had applied to the National Lottery about 5 years ago, but had been refused.
24. The 1952 Act, part of which the Trust had submitted as part of their evidence revealed (at section 41) that that the **bridge is "a public highway"**. Objectors argued that as roads users already paid one billion pounds, every week, for the use of the highway, then the authorities or Government should pay for this aspect of the bridge. This was particularly so as the Trust said that the bridge was a "*key part of the Bristol transport network*".
25. Objectors said that non highway aspects of what the Trust said was an "*icon for the South West of England*", should be financed from general taxes via the local authorities and the Government, or from the Tourist Board or private or quasi private sources that support heritage activities such as the National Lottery. Though there may be a **Catch 22, in that these sources may not agree to grant funds as the Trust has a captive cash source in the form of drivers who have to pay tolls and a Government that is willing to grant permission for toll increases**.

### **"Maintenance projects"**

26. The Trust submitted a schedule of £2,917,000 to be spent on "Maintenance projects" in the 5 years between 2004 and 2008. Objectors pointed out that most of this 5 year period had already gone, but the Trust still had reserves of £6.5 million. They also pointed out that according to a note on page 8 of the 2004 accounts, most (£800,000 plus £700,000) of this spending was to have come from reserves not the annual income from tolls. The Trust said that this did not make any difference in the end. Objectors said that if the expenditure was earmarked to come from reserves then it should not be included in the loss figure for a year.
27. Objectors also said that most of the expenditure seemed to be more like a heritage activity than essential maintenance. It was mainly things like- £900,000 for illuminations (which the Trust's Statement of Reasons said was "*important to maintain the Bridge's place as a south west symbol and an international tourist attraction*"), £264,000 for toll houses and equipment, £125,000 for consulting engineers, £350,000 for "Contingency" , £25,000 for "maintenance yard landscaping" etc.

28. The Trust said that most of this was allowed because it was "Improvements". Objectors argued that **the Trust should not be spending money on "Improvements" such as illuminations etc, if the result was that they then needed a toll increase.**
29. The NAAT pointed out that under section 53(3) of the 1952 Act, it was only Reserves that might be used for "*improving or extending the bridge*", and that if the Trust needed a toll increase because of the expenditure then they were effectively using tolls directly for this expenditure. The Trust denied this was so.

### **Voids**

30. The Trust said that they would need to spend large sums on the "vaults" or voids discovered "during 2002/03". When questioned the Trust said that the first voids had been discovered in 1978. Objectors asked why, if these voids were now a safety issue, had the Trust been giving spending priority to "improvements". The Trust said that the voids could wait, but the Brunel 200 celebrations couldn't. One of the objectors who was a mechanical engineer said that in his opinion, the bridge was stronger and safer with the voids rather than a completely solid construction, though the Trust needed to monitor the voids. He thought that possible land movements across the gorge should also be monitored.

### **Visitor Centre**

31. Though not mentioned before the Inquiry, the Trust read out extracts from their 1986 Private Act which gave them permission to spend tolls and reserves on a "museum" or "incidental facilities". On looking at the Act, the objectors noticed that the Trust had not pointed out that the Act required the Trust to separately record this expenditure in their accounts, and to repay the monies, with interest, (though they have 60 years to do this). The NAAT pointed out that according to the note on page 15 of the 2004 accounts, the Trust had already spent over £400,000 (£284,000 plus £148,000) on this. The Trust disputed this. On top of that £432,000, the NAAT said that there would be interest and more spending in 2005 and 2006, and the Trust had yet to build the "museum", which objectors suggested was likely to cost well over one million pounds. Despite this large spending there was little about the Visitor Centre in the Economic Case. Objectors also pointed out **that most residents were opposed to the proposed design and siting of the centre.**
32. The NAAT said that it seemed most unlikely that the money being spent on the "visitor centre" would ever be repaid. The Trust was asked by the Inspector how they expected to repay all this money. The Trust said that they would, but objectors pressed for details. The Trust said that they had "business plans", though it seemed that these plans did not say when and how repayments would be made. The Trust also said that they might be able to get money from the National Lottery or someone might leave them some money or the museum might make a profit and that they were getting income from the present temporary facility.
33. Objectors suggested that museums did not normally cover their running costs, never mind repay the sums spent before they opened. Objectors also queried why the Trust had not already applied for National Lottery money but had instead "put aside" a capital sum for the building of the Museum. The NAAT said that this earmarking of reserves built up from tolls

was not mentioned in the 1986 Act, and was also inappropriate if as a result of this "putting aside" the Trust said that they needed a toll increase.

### **Insurance**

34. The Trust gave a large increase in insurance (premium now about £100,000) as a reason for the toll increase. The insurance is for £50 million, but doesn't seem to include anything that is likely to ever happen. The Trust mentioned car crashes on the bridge where the driver was uninsured. Objectors response was that insured drivers had to bear the cost of uninsured drivers (through the Motor Insurance Bureau). Objectors suggested that **for a claim to be made would require something like an alien spaceship crashing into the bridge or an earthquake**. In such events people might have other things to worry about and it was not fair that current users of the bridge should be paying in advance for a replica bridge that would never be needed, or if it was then it would be a decision for that generation as to how it should be paid for. The Trust response was to suggest that the objectors wanted to stop normal third party and employer's liability insurance. The objectors pointed out that they were not saying this, as obviously those insurances had to continue.

### **Replacement reserve**

35. The Economic Case of the Trust said that they needed to have very large sums in reserve in case the bridge needed to be replaced. Though during the Inquiry the Trust said that they had changed their policy and that instead large reserves were now required to pay for unexpected or emergency work. Objectors said that it was not appropriate for existing users of the bridge to have to pay for works that might never take place. Those problems should be addressed as they arose.
36. There was again a Catch 22 situation, in that if Trust had large reserves built up from driver's tolls, then it reduced the chances that they would ever get outside help if there was some emergency. The NAAT also pointed out that according to the 1952 Act which they had only just seen, the Trust had power under section 51 to borrow. If an emergency arose, and there was no other recourse, then the Trust could borrow and pay back the money over the years that would benefit from the expenditure, in the same way that someone might borrow to buy a car or a caravan or finance expenditure on a house.

### **Comparison with other tolls**

37. The Trust had issued a press release a year ago, in part this said that even at 50 pence it would be "*one of the lowest tolls in the country, compared with other bridges*". The Trust then gave a list of tolls on 6 other major routes, all of which were more than 50 pence. In fact 4 of the 6 tolls were only payable in one direction, and therefore to be a fair comparison, either the 50 pence should have been doubled, or 4 of the comparison tolls should have been halved. **Objectors said that what the Trust had done was misleading**. The Trust argued that it was fair to quote the one way toll and ignore the free direction.

38. Objectors also pointed out that **there were a lot of tolls that were less than 50 pence** (including Dunham on River Trent - 25 pence, Rixton on Manchester Ship Canal - 24 pence, Kingsland on Severn at Shrewsbury - 10 pence, Swinford on Thames near Oxford - 10 pence, Whitchurch on Thames near Reading - 10 pence). **Some tolls had recently been removed (Porthmadog bridge in 2003, Skye bridge at end of 2004, Erskine bridge over the Clyde in March this year). Nearer to Bristol the toll at Kewstoke (Weston-super-Mare) had been suspended since 2005.**

### **Charitable status**

39. Objectors queried the odd status of the bridge as a charity. The NAAT had asked the Charity Commission how an organisation collecting tolls could be a charity, and could they give any other example of a charity that was funded by a charge on something that would normally be free. The Commission gave no examples but pointed out that bridges could be charities under a statute of Queen Elizabeth (the first that is). There appear to be 6 other bridges which are registered as charities (Baldwin's, Jubilee, Rochester, Sandwich, Stapleford and Town Lands). But only one of these appears to have ever been tolled - the bridge over the River Stour at Sandwich in Kent - and the toll on that was removed in 1977. **So the Trust is the only "charity" collecting tolls.**

### **"Pay As You Cross Cards"**

40. The Trust said that about 42% of bridge crossings are made by use of "PAYC" cards. These cards give a discount for the bulk advance payment for crossings. Earlier this year, without notice, the Trust reduced the discount. **This meant that many users of the bridge were already paying 66% more**, even without a toll increase. There seemed to be a warning from the Trust that if they did not get the toll increase approved, then they would further reduce the discount. Objectors pointed out that there was nothing to stop the Trust from doing this any way, whether they got the 50 pence toll approved or not.
41. It emerged during the Inquiry that the Trust knew which objectors were holders of the cards. Objectors asked if this might be a breach of the Data Protection Act.

### **Illuminations**

42. The Trust had spent up to £900,000 on the latest illuminations, including illuminating individual nuts. One objector had pointed out that expenditure such as this on the illuminations benefited Bristol businesses, but they paid nothing. The Trust then asked wasn't he pleased with the illuminations etc. His answer was that whether the illuminations etc were an improvement was a subjective judgement, but the real point was why should drivers be forced to pay for it all?
43. The Trust said that the previous illuminations had cost £277,000 in 1992 but had failed because of the "harshness of the environment". Objectors wondered how this was unexpected, and whether the new lights would be more successful. One objector who was an



electrical and mechanical engineer suggested that a chain system of lights would have been just as good and a lot cheaper.

## **Icon**

44. The objectors said that the Trust seem to think that as the bridge is historically important or an "**icon**" there is a justification for tolling it. The objectors pointed out that the money being spent on the bridge, and on the illuminations and museum etc might be important, but that the Trust was expecting the motorists using the bridge to pay for all of it. To make it worse they were now coming back and asking for more money from drivers.
45. Objectors said that no one disputed the heritage importance of the bridge but the Tyne bridge was a symbol for Newcastle but toll free. The Tower bridge in London was a national icon, but it is not tolled. Best equivalent to Brunel's bridge is possibly Telford's bridge over the Menai Strait. It is older than the Clifton bridge and at the time of its completion in 1826 the Menai bridge was the biggest suspension bridge. That bridge was also tolled, but the toll was removed at the end of 1940.

## **Other points mentioned at the Inquiry**

46. The **increase was a massive one - 66%, and unprecedented.**
47. The **tolls caused hardship to those living on the Leigh Woods side** of the bridge, where there were no facilities. People had to travel into Clifton for almost everything, including to visit doctors, and often had to make multiple trips in a day. It was assumed that people living on the other side of the bridge were all well off but this was not so.
48. One objector said that "*it is about time that the bridge trustees should be composed of at least 50% of frequent users, and that all free passes should be cancelled*".
49. The Trust said that if objectors didn't like paying the toll increase, then they could stop using the bridge and use another crossing. Objectors pointed out that this could mean a detour of 2 miles or more, causing increased emissions from cars and increased congestion.
50. The Trust said that tolls were necessary to restrict the numbers and the individual weight of vehicles going across the bridge. Objectors pointed out that there were thousands of bridges around Britain, many older and many with weight restrictions. But they didn't need tolls. Objectors said that the tolls delayed traffic and caused queues, particularly if there was a problem with the barriers. The Trust admitted there were sometimes considerable delays, but that these delays were caused by having tolls, and would not be made worse by increasing the tolls.
51. Objectors claimed that under the Highways Acts, the local authorities could if they wished take over the bridge, using compulsory purchase powers if necessary.
52. The Trust said that they had to man the bridge to prevent would be suicides from jumping, and that staff were needed to keep the bridge clean and tidy for its hundreds of thousands of

visitors a year, they also had to spend a lot of money on security because of terrorism and other risks. Objectors argued that it was not fair that all of this was being financed from tolls on drivers.

53. One objector suggested that the Trust could do more to get income from activities such as licensing rights to some of the images or logos of the bridge, and by selling photos etc through their website.
54. The Trust were applying for the increase under a 1954 Act that was designed for all sorts of organisations (harbours, canals, ferries, lighthouses and transport) as well as "undertakings engaged in the maintenance of a bridge". The Trust's own 1952 Act contained similar powers but the Trust were not using them, was this because the powers were narrower?
55. The Trust said that it was not worth the trouble and cost of collecting the 5 pence toll from *"pedestrians, pedal cycles, handcarts, carriages, horses and other animals"*.
56. Objectors said that as the Trust had reserves of £6.5 million, the investment income of about £120,000 a year, did not seem like a good return. The Trust said that they employed investment experts and that the investment strategy that they used was the best one.
57. One person opposing the toll increase was from the Limbless Association. He asked that the Trust should extend the tolls exemption granted for some disabled people so that all blue badge holders would get it. The Trust said that it would consider this. (Even if the Trust agrees, the cost will in effect fall on other toll payers rather than the social authorities.)
58. The Trust was asked about the number of vehicles currently crossing the bridge, and said that it was now about 3.8 million cars a year.
59. The inconvenience when the Trust closed the bridge for events being held at Ashton Court was mentioned.

### **Summing up by NAAT**

60. The Trust case for a toll increase was a House of Cards. Take one card away and it all fell down. The Trust case was out of date, inconsistent and in some parts (such as toll levels at other crossings) misleading.
61. Drivers were being used to finance expenditure that drivers thought should come from elsewhere. To make matters worse, the Trust wants a 66% increase in tolls to in effect pay for things like the illuminations and the museum.
62. Despite forecasts that reserves (built up from past tolls) would fall, the Trust said it still had £6.5 million. High tolls and high reserves, encouraged spending on inessential schemes and made it most unlikely that the Trust would ever receive grants for its heritage and tourism activities.
63. Objectors believed that the Trust had completely failed to make a case for an increase in tolls, and asked that the Inspector recommend that the increase not be granted.

### **Other points submitted in writing to the Inspector but not raised at the Inquiry**

64. 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, as toll collection and administration seem to be lumped in "*Charitable expenditure - Costs of activities in furtherance of the Charity's objects*". The bulk of the one million pounds a year recurring costs is likely to be costs that would not exist if the Trustees asked for the bridge to be taken over by the authorities.
65. The last accounts (2004) submitted by the Trust to the Charity Commission indicate that they had reserves of £6,577,000 at December 2004. The previous year was £6,173,000, and the year before that was £5,539,000. As the turnover of the bridge is around £1 million a year, this is a very substantial reserve, and a reserve that has grown by £1 million in two years. There is no need for a reserve of this size, if some major need arose for spending to maintain the bridge as a highway, there are other sources of funds that the Trust could apply to. These large funds only serve to reduce the chances of external financial help, and act as an incentive to spend on non essential items.

End