

**Planning Inspectorate Ref: DPI/G1250/20/9**  
**The Bournemouth – Swanage Motor Road and Ferry Company**  
**Proposed Revision of Tolls**

THE BOURNEMOUTH – SWANAGE MOTOR ROAD AND FERRY  
ACTS 1923 AND 1986

AND THE

TRANSPORT CHARGES &c. (MISCELLANEOUS PROVISIONS) ACT 1954

### **Inspector’s Pre-Inquiry Note**

This Note is intended to provide guidance to those participating in the forthcoming Inquiry. Adherence to the requests below will assist the Inspector in preparing for the Inquiry and will aid its efficient running.

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#### **1. Procedural Matters**

- 1.1 The Inquiry will open on Monday 16 November 2020 at 10.00, starting at 09.30 on subsequent days. It will be held as a virtual event led by Inspector Jennifer Vyse, DipTP, DipPBM, MRTPI. It will be run in the normal way, with the usual formalities observed, but with parties invited to join via Microsoft Teams or telephone.
- 1.2 As set out in more detail in the Inquiry notifications, anyone wishing to attend the Inquiry will need to have made that interest known to the Planning Inspectorate Case Officer, Sarah Tudor, as soon as possible prior to the Inquiry, either by email or telephone.

Email: [sarah.tudor@planninginspectorate.gov.uk](mailto:sarah.tudor@planninginspectorate.gov.uk)

Tel: 0303 4445572

- 1.3 Documents relating to the application can be viewed at [www.sandbanksferry.co.uk](http://www.sandbanksferry.co.uk)

#### **2. The Application**

- 2.1 The Bournemouth–Swanage Motor Road and Ferry Company has made an application to increase the tolls charged on the ferry between Studland and Sandbanks. The current and proposed tolls are set out on the middle table of the three tables set out at Appendix 8 of the application documents.

### **3. Purpose of the Inquiry**

- 3.1 The purpose of the Inquiry is for the Inspector to gather evidence on the proposed toll increases before making a report to the Secretary of State. That report will set out the gist of the evidence given and make a recommendation as to whether the application should succeed or not.
- 3.2 The remit for the Inquiry, is set out in Section 6(3) of the Transport Charges &c. (miscellaneous Provisions) Act 1954, namely:

*'..... the Minister shall 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. Procedure at the Inquiry**

- 4.1 The Inspector will guide the proceedings, inviting particular people to speak at particular times. During the event, unless you are speaking, it will be helpful if participants keep their microphones muted to minimise background noise. In terms of cameras, the Inspector expects the applicant's advocate to keep his camera on at all times whilst the Inquiry is sitting. Witnesses will need to keep their cameras on at all times whilst they are giving evidence. You are reminded in this regard that once questioning of a witness has started, they are not permitted to communicate with, or discuss evidence with their own advocate (for example, off camera or during breaks) until any re-examination is complete.
- 4.2 The Inquiry is currently programmed for three days. As a virtual event, in order to minimise time in front of the screen, each inquiry day will be divided into sessions of around 1.5-2 hours maximum, with extended breaks in between. Usually there will be no more than three sessions a day, although if sessions are shorter that may increase.

### **5. Inquiry Programme**

- 5.1 At the start of the Inquiry, the Inspector will run through a brief opening confirming how the event will be run. There will be an opportunity then for the applicant's advocate to make a brief opening statement summarising the gist of the case being made, which will help set the scene. The applicant's witnesses will then be called in turn to give evidence. Currently anticipated order is:

- Mr R Glenwright (of Gerald Eve) on the valuation of the company's assets within the accounts.
- Mr T Hope (of Burness Corlett Three Quays) on ferry costings and the report on planned maintenance.
- Mr K Thomas (of Rickard Luckin) on the financial projections together with the assumptions based on that and the accounts.
- Mr M Kean (Fairacres Group) on all other matters

5.2 Those opposing the application will be able to ask questions of these witnesses on their respective evidence as they are called. That is not an opportunity for opposers to set out their cases or introduce further evidence. Rather it is simply an opportunity to ask questions about the evidence each witness has presented to the Inquiry. The Inspector is also likely to have questions for each of the witnesses.

5.3 On conclusion of questions, the applicant's advocate will have the opportunity to re-examine each witness if necessary.

5.4 There were 13 Objectors to the application

Bournemouth, Christchurch and Poole (BCP) Council

Dorset Council

Studland Parish Council

Swanage Town Council

Worth Matravers Parish Council

Dorset CPRE

Max Bond

Nick Boulter

Peter Bowyer

Andrew Parsons

John South

Eric Stobart

Malcolm Tice

5.5 Those Objectors attending the Inquiry will then have the opportunity to present their evidence and will be called in turn. They may be asked questions on that evidence by the applicant's advocate. The Inspector may also have questions. Parties may appear at the Inquiry in person and may be represented by counsel, a solicitor or some other

representative. It may be that arguments for or against the application could be made more effectively and succinctly by one person/organisation than by many individuals making the same points in slightly different ways. The Inspector urges parties/individuals to get together wherever possible to present joint cases through a single spokesperson.

- 5.6 The Inspector will then hear from any other interested persons at the Inquiry who have a relevant point to make in connection with the application. You are reminded, in this regard, that in order to ensure that the Inquiry is completed as expeditiously as possible, the Inspector will intervene to prevent any unnecessary repetition of points already made to the Inquiry.
- 5.7 In considering the application, the Inspector will take account of all of the evidence heard at the Inquiry, together with that submitted in writing.
- 5.8 People who do not need or wish to speak at the Inquiry are welcome to attend on the Teams platform as observers.
- 5.9 At the end of the Inquiry, the applicant's advocate will have the opportunity to make any closing submissions.

## **6. IT Test Event(s)**

- 6.1 The applicant, the objectors and those who have already registered an interest in attending the virtual Inquiry, have been offered the opportunity to attend a generic test event in advance run by the Planning Inspectorate. It is confirmed that no details of this application will be discussed at those events, they are purely a means to allow participants, whatever their interest, the opportunity to familiarise themselves with Teams if not already familiar, and to test the compatibility of their IT kit in advance of the Inquiry itself.

*Jennifer A Vyse*  
INSPECTOR