

**BEFORE THE PLANNING INSPECTORATE (SECRETARY OF STATE FOR TRANSPORT)**

**IN AN APPLICATION DATED FEBRUARY 2020 – PROPOSED REVISION OF TOLLS**

- THE TRANSPORT CHARGES ETC (MISCELLANEOUS PROVISIONS) ACT 1954
- THE BOURNEMOUTH-SWANAGE MOTOR ROAD AND FERRY CO ACTS 1923 & 1986

**BETWEEN**

**THE BOURNEMOUTH-SWANAGE MOTOR ROAD AND FERRY CO**

**Applicant**

and

**SWANAGE TOWN COUNCIL**

**DORSET COUNCIL**

**BOURNEMOUTH CHRISTCHURCH & POOLE COUNCIL**

**Respondents**

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**CLOSING SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

**For hearing: 7 January 2021**

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*References to the hearing bundle are by volume and page number eg [1/174], to the Supplemental Bundle as [sb/62], and to the Legal note on ownership and rights by paragraph number.*

**Preliminary**

- 1 These closing submissions are made on behalf of the Consortium, having had the advantage of hearing the oral evidence of the Company (Messrs Kean, Hope, Glenwright and Thomas), the Pig-on-the-Beach Hotel (Ms Crabb), Studland Parish Council (Messrs Stobart, Tice, Parsons and Boulter), Corfe Castle PC (Cllr Dru Drury), Peter Bowyer, Langton Matravers PC (Mr Knight), and the National Trust (Ms Churcher, Mr Street). Mr Jack Wiltshire, Head of Highways at Dorset Council, presented evidence on behalf of the Consortium and was cross-examined on behalf of the Company.

- 2 The Consortium now better understands the basis on which the Company presents its revised application and, broadly, does not object to it except in respect of the toll charge maxima for private vehicles (single trips and discounted tickets).

## Legal background

### *Toll charge revision*

- 3 The Company was incorporated pursuant to s.4 of the Bournemouth-Swanage Motor Road and Ferry Act 1923 ('the 1923 Act') [sb/4]. The power to demand and receive tolls was granted by s.79 of the 1923 Act [sb/34], and s.81 provided for an increase in tolls from 1933 onwards [sb/35], permitting the Company to

*make a representation to the Minister of Transport that in the circumstances then existing all or any of the tolls which may be demanded and taken by the Company ... should be revised the Minister of Transport may (if he thinks fit) direct an inquiry to be held ... and if it is proved to the satisfaction of the Minister that all or any of the said tolls should be revised the Minister may by order in writing alter modify reduce or increase all or any of such tolls ...*

- 4 The power to revise the tolls following an inquiry under the 1923 Act was substituted<sup>1</sup> by s.6 of the Transport Charges etc (Miscellaneous Provisions) Act 1954 ('the 1954 Act') [sb/61]. The relevant provisions of s.6 of the 1954 Act (emphasis added) are:

*(2) An application may be made to the Minister at any time—*

*(a) by the undertakers; or*

*(b) by any person, or any body representative of persons, appearing to the Minister to have a substantial interest,*

*for the revision of any of the charges which the undertakers are for the time being authorised to demand and take in pursuance of any statutory provision; and if on any such application the Minister is **satisfied that under the circumstances then existing it is proper so to do**, he may, subject to the provisions of this section, make an order **revising in such manner as he may think fit, with effect from such date as may be specified in the order, all or any of the said charges, whether or not the subject matter***

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<sup>1</sup> S.14(3) of the Transport Charges etc (Miscellaneous Provisions) Act 1954 repealed s.83 of the 1923 Act.

**of the application, including any classification by reference to which the amount of any of those charges is to be determined; and any such order shall have effect notwithstanding anything in any statutory provision relating to the subject matter of the order:**

*Provided that—*

- (i) the Minister shall not vary any charge other than those to which the application relates except after consultation with the undertakers and such other persons, or such bodies representative of other persons, appearing to him to have a substantial interest as may appear to him appropriate;*
  - (ii) where on any application under this section for an increase or a decrease in any charge the Minister has made an order or has decided that it is not proper to make an order, the Minister shall not entertain an application for a further increase or, as the case may be, a further decrease in that charge, or for a further revision of any other charge revised by the order, if any, so made, if that application is made before the expiration of a period of twelve months from the date of the making of the order or, as the case may be, from the date when the Minister gave notice of his decision not to make an order; ...*
- (3) In making any order on an application under this section, 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 [investment of the Company in the motor road and the ferry as defined in section 2 of the Bournemouth-Swanage Motor Road and Ferry Act 1986]**<sup>2</sup>:*

*Provided that where the Minister is satisfied that, in view of the financial position of the undertaking during such period immediately preceding the application as may appear to him appropriate, there are special circumstances affecting the undertaking, the Minister may make such revision of charges as he may consider just and reasonable in the light of those special circumstances, notwithstanding that it is in his opinion likely to result in the undertaking receiving an annual revenue substantially less than adequate for the purposes aforesaid.*

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<sup>2</sup> Words ins brackets substituted for *paid up share capital of the undertaking* by s.23(2)(b) of the Bournemouth-Swanage Motor Road and Ferry Act 1986.

- 5 The principal purpose of an increase in tolls is to fund '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'. It is only then, 'where appropriate', that the increase in tolls should be 'adequate to meet ... a reasonable return' on the Company's investment.
- 6 A disregard must be taken into account pursuant to s.26 of the Bournemouth-Swanage Motor Road and Ferry Act 1956 [sb/81]:

*In making any order under section 6 of the Transport Charges etc (Miscellaneous Provisions) Act 1954 in respect of the Ferry Tolls the Minister shall disregard any investment or loan made any financial assistance given by the Company under section 18 (Power to invest in other companies) of this Act and any payment made under section 25 (Power to grant pensions &c) of this Act to or on account of any person in respect of his office as a director of or his employment with an associated company and in estimating under subsection (3) of the said section 6 the financial position and future prospects of so much of the undertaking as is the subject of the application for the order no profits or losses which the Company may have made or be likely to make from any such investment or loan made or financial assistance given under the said section 18 and no such existing or contingent liabilities of the Company under the said section 25 of this Act as are hereinbefore in this section referred to shall be taken into account.*

### **Road ownership**

- 7 The Consortium has read the *Legal note on ownership* presented by the Company. The Consortium takes a neutral view on the question of true legal ownership of Ferry Road and other land over which the Company has or exercises rights. Fundamentally, the question does not affect the Inspector's role under s.6 of the 1954 Act. This is because, in the Consortium's view, the key provision is s.4 of the 1986 Act [sb/89`], vesting the Road in the Company in perpetuity so long as the Company operates the ferry. Control of the Road and operation of the Ferry are indivisible. Consequently, as demonstrated by the evidence of Mr Glenwright, the Company's rights are 'akin to freehold' for valuation purposes. Additionally, his evidence under cross-examination was that, for sound valuation purposes, there has been no double counting of the Road's value (for instance by valuing the land under the Road, the Road itself, and the right to control the

Road separately). The Consortium cannot contradict this approach, on the evidence. Therefore the legal technicalities of Road ownership do not undermine Mr Glenwright's valuation of the Company's net asset value ('NAV').

### ***Guidance, policy and weight***

8 The Consortium relies upon its Local Transport Plan ('LTP', see [2/76] para 5) and the DoT's *Gear Change* policy (July 2020) (see [2/77] para 8). The Consortium has legal obligations to have its LTP and to apply *Gear Change*, subject to and in accordance with standard public law principles.

9 There is no statutory obligation on the Inspector to take into account the national and local policies and guidance upon which the Consortium relies, and to which its members must have regard. As to weight, it is clear from Mr Wiltshire's evidence that both local and national policy are material considerations for the Consortium, though in guiding the Consortium's response to the application and the inquiry the Local Transport Plan has greater weight. The Consortium submits that the Inspector should have regard to the LTP and *Gear Change*, and take account of the fact that the Consortium is obliged to follow them, so that they have some weight, though in the context of the inquiry the degree of weight is a matter for the Inspector. Nevertheless, it is submitted, the Inspector cannot make a recommendation to the Minister which would of itself breach those policies or cause the Consortium members to do so.

## **The revised application and the counter-proposals**

### ***The original application***

10 The Company's original proposal [1/28] provoked objections from the three Consortium Councils [2/65, 70, 206]. It did not accord with their strategic objectives and obligations for their districts. They presented their objections separately but, as explained by Mr Wiltshire, it became clear that they had common ground in seeking to protect the interests of their residents and in promoting their LTP (which they were obliged to do, as well as follow national guidance on sustainable transport, as above).

### ***The Consortium's counter-proposal***

- 11 The Consortium's counter-proposal [2/71] sought to adjust the Company's application so that proposed fare increases could enable a new ferry to be purchased in 2032 but would not conflict with the Consortium's strategic objectives and obligations. For that reason, as Mr Wiltshie explained, the financial data supporting the Company's application were taken at face value.
- 12 The Consortium's counter-proposal has since been 'bettered' in most respects by the Company's revised application [1/186]. With one critical exception, the Company's current position now appears largely to address the Consortium's primary concerns and dovetails with the LTP and national guidance on sustainable transport. Therefore, save in respect of that critical exception – see below – the Consortium does not object to the Company's revised application.
- 13 It should be stressed that this is not an unqualified acceptance of the revised application.
  - a) The Consortium submits that the Company must adhere to the phased increments, and bulk-purchase discounts, presented in its revised proposal. The principal mechanism to ensure this would be the 1954 Act (argument enlarged below); otherwise, the fall-back is based on the Company's evidence to the inquiry that it will keep to this incremental projection as it has to past projections.
  - b) In default of those increments and discounts, should they not be acceptable to the Inspector, the Consortium reverts to its counter-proposal as an appropriate scheme for increments and discounts.
  - c) The Consortium takes issue with the final increment for car journeys. It submits that on this point the Company's dividend policy conflicts with the Consortium's aim to protect the interests of its residents. The Consortium rejects the Company's final toll charge of £6.75 [1/186] and asserts that the highest it should be is £6.50 – in line with the Consortium's counter-proposal [2/74]. This is explained further below.

### ***The National Trust's variable pricing model proposal***

14 The Consortium believes that the National Trust's desire to see some form of off-peak scheme combined with 'local' discounts has much to recommend it in principle. However, for the purposes of the current inquiry, the Consortium understands that the NT does not put forward its model as a complete counter-proposal (see [2/132, 134]; oral evidence of Ms Churcher), save in respect of the £2.00 discount fare. Nonetheless, the document can inform future formulations of transport strategy and negotiations with interested parties (including the Company). The Consortium regards the proposal as an important discussion document but hesitates to endorse the £2.00 discount fare for cars without a firmer evidence base and methodology.

### **The final car charge**

15 As the Company accepted in evidence, the single car toll for y/e 31.03.2032 is where it raises its charges beyond the ceiling set in the Consortium's counter-proposal. The Company does so because to do otherwise, it argues, would be to deny the Company's investors a reasonable return on investment: without this additional amount, the figures wouldn't add up for the Directors. It is this point that engages the Consortium's concerns about the Company's financial data, the practice of its dividend policy, and any argument about 'substantially less or substantially more than adequate to meet', 'a reasonable return', ring-fencing and valuation models.

### ***Dividend policy***

16 The Consortium entered the inquiry with concerns about the implementation of the much-heralded revised dividend policy. The projected target replacement ferry cost<sup>3</sup> is stated as £12.8m. The Company's expressed dividend policy is that

- a) [the Directors] *will now only consider payment of a dividend when the FRR together with the maximum loan finance they may obtain, exceeds the predicted ferry replacement cost*: Thomas 09.12.2020, para 2.2.3 [1/163];

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<sup>3</sup> Application para 2.4 [1/8]

- b) *If the Ferry Company's application is granted, no dividend will be paid to shareholders unless the balance on the FRR plus £5m (being the maximum amount the Ferry Company can raise) exceeds the forecast cost of a new ferry: Kean 09.12.2020, para 16 [1/191].*
- 17 The application itself suggested that a 'straight line' investment of £426K per year was required.<sup>4</sup>
- 18 The forecast profit and loss accounts at revised Appendix 2.2 [1/174] show that, though the FRR will stand at only £4,520,930 at the end of 2022, the Directors would take a dividend of £520,771. However, the target cost of £12.8m less £5m borrowing is £7.8m, not £4,520,930. *So the FRR together with the maximum loan did not seem to exceed the predicted ferry replacement cost.*
- 19 Similarly, Appendix 2.2 did not appear to show a straight-line investment of £426K per year, or anything like it. Rather, the forecasts show dividends in the region of £900,000 for many of the projected years, even when the contributions to the FRR fall well below £426k.
- 20 The Consortium was therefore concerned that in practice there had been no change to the dividend policy.
- 21 Mr Thomas's evidence clarified this. Though it is nowhere expressed, the policy is that *in any year* the total of FRR plus permitted borrowings must match the projected cost of the ferry *for that year*, before dividends will be paid. The figures, though opaque, do demonstrate that the policy is in place.<sup>5</sup>
- 22 This gives the Consortium some comfort that if an increase is granted at this inquiry, the FRR will contain sufficient funds in any given year to purchase a replacement ferry,

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<sup>4</sup> Application para 2.5 [1/8]

<sup>5</sup> It would have been helpful for the projected ferry replacement cost to be included in the figures, for instance in the explanatory boxes at the foot of Appendices 2.1 and 2.2, and for the explanation of the policy to make reference to an ability to fund the replacement in each financial year.



and that the FRR will not take second place to dividends as it has done at each previous inquiry. The FRR will therefore increase steadily.

- 23 This is a highly significant change from the position at the last inquiry in 2018. It lends further impetus to the Consortium's qualified acceptance of the revised application.

***Continuing financial concerns about the 'return on investment'***

- 24 The Consortium remains concerned at the level of dividend payments, and that the Company adopts a 'total distribution' model of accounting.<sup>6</sup>

- 25 Mr Thomas and Mr Kean accepted that it would be possible, in theory, for the Company to pay out a lower dividend in some or all years to accelerate the growth of the FRR and thereby accommodate a reduced car fare in 2032. However, Mr Kean in particular rejected the idea that it would be appropriate to do so, notwithstanding (the Consortium says) the public purpose and benefit of the Ferry. Mr Kean says that the revised proposal is beneficial to customers in many ways (smaller and lower increments, increased discounts) but that any reduction in the final-year charge for cars would reduce the Directors' investment yield to below the 'derisory' or 'meagre' 3.7% (average over 12 years).

- 26 The Consortium relies on s.6(3) of the 1954 Act: a reasonable return on investment is the last of the list of expenditure, so of lowest priority, and follows the proviso 'where appropriate'. So in principle an increase in charges pursuant to the section does not guarantee a reasonable return on investment. The Consortium further argues that if the Inspector does not cap the car fare for 2032, the Company is likely to receive an annual revenue which, at least in some years, will be substantially more than adequate to meet the expenditure. It is beyond the Minister's power to allow such an increase.

- 27 The Consortium submits that it would be appropriate to cap the final year's car charge at £6.50 (or less), notwithstanding that this will reduce the yield on investment (as calculated by the Company). There are two reasons for taking this position: the effect

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<sup>6</sup> Oral evidence of Mr Tice.

of higher prices on residents, and the effect of higher prices on the Company's return on investment.

*On residents*

28 The higher car charge in the final year of the revised application engages the concerns of many of the objectors (and elected Members and officers of the Consortium) that the higher cost of commuting will prejudicially affect residents, particularly lower-income employees in the service and tourism sectors, and the elderly (such as those in Studland).<sup>7</sup> The evidence from objectors suggests (and one may also infer) that the consequences of such prejudice may be increased congestion and pollution on the A351 route to Swanage, increased (but hidden) car running costs for those who reject the ferry route, loss or change of employment for employees, loss of staff or limited staff recruitment for employers,<sup>8</sup> loss of educational opportunities for young people, and a general dampening of skills and business health in the wider community.<sup>9</sup>

*On the Company's return on investment*

29 The Consortium reaches this conclusion because the overall financial issues ventilated at the inquiry suggest that the Company can still receive a return on its investment which would be 'reasonable', even if that assessment of reasonableness does not accord with the Company's view. Factors informing this conclusion are:

- a) The Directors of the Company and of Fairacres Group are not identical to the shareholders of the Company. Nevertheless, the Directors do receive a commercial-rate income from their directorships within the Group, so that the dividend is additional income beyond their salaries. This sets the context for any discussion about the dividend: the Directors/shareholders are not dependent upon the dividend income for their living.

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<sup>7</sup> Oral & written evidence from Studland PC witnesses, for instance.

<sup>8</sup> Oral evidence from Ms Crabb, Pig-on-the-Beach Hotel.

<sup>9</sup> Wider economic view provided by Mr Bowyer in oral evidence.

- b) While no point is taken on Mr Glenwright's valuation, at least in principle, the Consortium shares objectors' concerns that some aspects of the valuation of the Company's assets may be over-valued, leading to an unrealistic assessment by the Directors of their yield and therefore of a reasonable return on investment.
- (i) Mr Wiltshire points particularly to the Road maintenance costs, projected to be in the region of £96,000 over the application's 12 projected years, as against the asset value of about £3m.<sup>10</sup> The disparity between cash *investment* in the Road and 'asset value' *investment* is stark.
  - (ii) Mr Street for the National Trust made cogent criticisms of the 2015 valuation going its usefulness for the purpose of this inquiry. The Consortium has considerable sympathy with the Trust's position, argued as it is from a valuer's perspective.
- c) The Inspector has no jurisdiction over the way the Company is structured or which accounting policies it adopts. But the objectors' evidence shows that there are several alternative methods of calculating the 'reasonable return on investment'.
- (i) The Company has chosen to adopt the method that relates yield to NAV, thus arithmetically returning lower yields than other methods. For instance, the NAV method returns yields of less than 7% whereas one suggested alternative measuring return against turnover might return a yield of 25%.
  - (ii) The Consortium further contends that it is for the inspector, exercising her judgment, to determine what is a 'reasonable return on investment'. The Consortium takes the view that it was only in the 2018 inquiry that the definition of 'reasonable return on investment' was properly challenged and argued, and in that case the former dividend policy combined with the yield measured against NAV was not considered to be 'reasonable'. In previous inquiries, for various reasons the Inspector has adopted the NAV approach of the Company but that

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<sup>10</sup> Oral evidence of Mr Wiltshire.

does not mean that the Inspector is bound in this inquiry to agree with the Company on the measure of return.

- d) There seems little to be done about ring-fencing the FRR, save to rely upon the undertakings given to the Inspector and the Secretary of State [1/67]. The Inspector has no power over this aspect of Company business. But it remains the case that the FRR is an accounting tool which can be accessed for running and capital expenses, conceded by Mr Thomas, particularly as the Company has no other contingency fund (the total distribution problem). The consortium reserves its position on what might be done lawfully to protect the FRR (mindful of the opportunity to respond to the Company's further Note), but the cleanest solution might be to institute an additional 'contingency reserve' and to hive the FRR funds off into a separate account. This would reduce dividends available to the Directors, but the Consortium believes it might alleviate concerns about ring-fencing and would still produce a 'reasonable' result.

30 Against that background, and in light of the purpose of the Ferry as enshrined in the 1923 Act,<sup>11</sup> the Consortium argues that:

- a) first, the dividends forecast at [1/174] represent a reasonable return on investment in all the circumstances; and
- b) consequently, the Company should take a lower dividend in one or more years, in order to reduce the final year's car charge and thereby mitigate the prejudicial effect of the rising car toll.

### **How the increases should be implemented**

31 The Consortium argued in its opening submissions that the Minister has the power to order phased increments up to a maximum.

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<sup>11</sup> *a more direct means of communication between Bournemouth and Swanage and be of public and local advantage*

- 32 The Minister's power is to revise *such manner as he may think fit*. This is a very broad discretion. One should recall the wording of the predecessor section, s.81 of the 1923 Act: *alter modify reduce or increase all or any of such tolls*. The result of the inquiry may be neither binary (ie grant or refuse application) nor singular (ie to allow only an increase).
- 33 *All or any of the said charges may be revised with effect from such date as may be specified*, but this does not mean that the Order need state only one date.<sup>12</sup>
- 34 The words '*including any classification by reference to which the amount of any of those charges is to be determined*' are sufficient to cover, for instance:
- a) different modes of transport – eg pedestrian, bicycle, car, coach (compare with the ;
  - b) discounted or 'standard' tickets;
  - c) books of discounted tickets of a certain number, which number determines the amount to be paid.
- 35 The Schedule to these submissions shows how this proposal might be implemented in the Schedule to a statutory instrument.

### **Matters outside the scope of the Inquiry**

- 36 As set out in the Consortium's opening submissions and above, there are interesting aspects of the Company's operation which are not relevant to the inquiry or outside the Inspector's remit, but which have been raised. These include:
- a) any issue over Road or land ownership save as it affects valuation, save that this has become irrelevant to valuation as the Company's statutory rights are tantamount to ownership in fee simple/freehold;

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<sup>12</sup> Singular including plural and vice versa: Interpretation Act 1978.

- b) ring-fencing the FRR: the Minister cannot order the Company to do any particular thing with its money (eg escrow); ring-fencing is relevant only if and to the extent that it has an impact on the Inspector's determination of whether the Company's financial position and future prospects persuade her to allow the application (section 6(3) of the 1954 Act);
- c) what kind of ferry the Company should order in, say, 2032. The Consortium encourages the Company to continue its investigations into sustainable methods of propulsion, which would tally with its Councils' own sustainable transport obligations. The key fact for the inquiry, however, is that if the tolls increase in line with the revised application, the Company is as likely to be able to afford a 'green' ferry as a diesel-hydraulic replacement.<sup>13</sup>

## Conclusion

37 The Consortium contends that it is proper to allow an increase, but

- a) only insofar as any such increase is incremental as in the Company's revised proposal; and
- b) only where the final (2032) charge for a single car journey is no more than £6.50.

38 The Consortium therefore respectfully requests the Inspector to make a recommendation to the Minister in those terms, as illustrated in the Schedule to these submissions.

JOSHUA DUBIN

7<sup>th</sup> January 2021

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<sup>13</sup> Oral evidence of Mr Hope.

## SCHEDULE

As respects each class of traffic in columns 1 and 2 of the tables below, the toll chargeable for the use of the ferry shall not exceed the sum specified in relation to that class in column 3. [Provision for one-way toll and no toll from South Haven]

### Part One

The tolls set out in this Part shall take effect from 1 April 2021 until 31 March 2022 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	5.00
Class 4	Passenger vehicle < 16 persons (coaches)	10.00
Class 5	Goods vehicle < 3,500kg (Cars)	5.00
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	10.00
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	36.00
Class 11	Book of 50 tickets for Motor Cars	170.00
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	72.00
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	340.00
Class 14	Book of 10 tickets for Buses & Coaches	72.00
Class 15	Book of 50 tickets for Buses & Coaches	340.00

### Part Two

The tolls set out in this Part shall take effect from 1 April 2022 until 31 March 2023 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00

Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	5.10
Class 4	Passenger vehicle < 16 persons (coaches)	10.20
Class 5	Goods vehicle < 3,500kg (Cars)	5.10
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	10.20
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	36.72
Class 11	Book of 50 tickets for Motor Cars	173.40
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	73.44
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	346.80
Class 14	Book of 10 tickets for Buses & Coaches	73.44
Class 15	Book of 50 tickets for Buses & Coaches	346.80

### Part Three

The tolls set out in this Part shall take effect from 1 April 2023 until 31 March 2024 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	5.20
Class 4	Passenger vehicle < 16 persons (coaches)	10.40
Class 5	Goods vehicle < 3,500kg (Cars)	5.20
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	10.40
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	37.44
Class 11	Book of 50 tickets for Motor Cars	176.80
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	74.88
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	353.60
Class 14	Book of 10 tickets for Buses & Coaches	74.88
Class 15	Book of 50 tickets for Buses & Coaches	353.60



## Part Four

The tolls set out in this Part shall take effect from 1 April 2024 until 31 March 2025 inclusive

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	5.30
Class 4	Passenger vehicle < 16 persons (coaches)	10.60
Class 5	Goods vehicle < 3,500kg (Cars)	5.30
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	10.60
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	38.16
Class 11	Book of 50 tickets for Motor Cars	180.20
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	76.32
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	360.40
Class 14	Book of 10 tickets for Buses & Coaches	76.32
Class 15	Book of 50 tickets for Buses & Coaches	360.40

## Part Five

The tolls set out in this Part shall take effect from 1 April 2025 until 31 March 2026 inclusive

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	5.40
Class 4	Passenger vehicle < 16 persons (coaches)	10.80
Class 5	Goods vehicle < 3,500kg (Cars)	5.40
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	10.80
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00

Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	38.88
Class 11	Book of 50 tickets for Motor Cars	183.60
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	77.76
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	367.20
Class 14	Book of 10 tickets for Buses & Coaches	77.76
Class 15	Book of 50 tickets for Buses & Coaches	367.20

### Part Six

The tolls set out in this Part shall take effect from 1 April 2026 until 31 March 2027 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	5.60
Class 4	Passenger vehicle < 16 persons (coaches)	11.20
Class 5	Goods vehicle < 3,500kg (Cars)	5.60
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	11.20
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	40.32
Class 11	Book of 50 tickets for Motor Cars	190.40
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	80.64
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	380.80
Class 14	Book of 10 tickets for Buses & Coaches	80.64
Class 15	Book of 50 tickets for Buses & Coaches	380.80

### Part Seven

The tolls set out in this Part shall take effect from 1 April 2027 until 31 March 2028 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	5.80
Class 4	Passenger vehicle < 16 persons (coaches)	11.60
Class 5	Goods vehicle < 3,500kg (Cars)	5.80
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	11.60
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	41.76
Class 11	Book of 50 tickets for Motor Cars	197.20
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	83.52
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	394.40
Class 14	Book of 10 tickets for Buses & Coaches	83.52
Class 15	Book of 50 tickets for Buses & Coaches	394.40

### Part Eight

The tolls set out in this Part shall take effect from 1 April 2028 until 31 March 2029 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	6.00
Class 4	Passenger vehicle < 16 persons (coaches)	12.00
Class 5	Goods vehicle < 3,500kg (Cars)	6.00
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	12.00
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00

Class 10	Book of 10 tickets for Motor Cars	43.20
Class 11	Book of 50 tickets for Motor Cars	204.00
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	86.40
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	408.00
Class 14	Book of 10 tickets for Buses & Coaches	86.40
Class 15	Book of 50 tickets for Buses & Coaches	408.00

### Part Nine

The tolls set out in this Part shall take effect from 1 April 2029 until 31 March 2030 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	6.25
Class 4	Passenger vehicle < 16 persons (coaches)	12.50
Class 5	Goods vehicle < 3,500kg (Cars)	6.25
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	12.50
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	45.00
Class 11	Book of 50 tickets for Motor Cars	212.50
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	90.00
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	425.00
Class 14	Book of 10 tickets for Buses & Coaches	90.00
Class 15	Book of 50 tickets for Buses & Coaches	425.00

## Part Ten

The tolls set out in this Part shall take effect from 1 April 2030 until 31 March 2031 inclusive.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	6.50
Class 4	Passenger vehicle < 16 persons (coaches)	13.00
Class 5	Goods vehicle < 3,500kg (Cars)	6.50
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	13.00
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00
Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	46.80
Class 11	Book of 50 tickets for Motor Cars	221.00
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	93.60
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	442.00
Class 14	Book of 10 tickets for Buses & Coaches	93.60
Class 15	Book of 50 tickets for Buses & Coaches	442.00

## Part Eleven

The tolls set out in this Part shall take effect from 1 April 2031.

Class	Category	Toll
		£
Class 1	Pedestrian	1.00
Class 2	Pedal or Motor Cycle	1.00
Class 3	Passenger vehicle < 16 persons (cars)	6.50
Class 4	Passenger vehicle < 16 persons (coaches)	13.50
Class 5	Goods vehicle < 3,500kg (Cars)	6.50
Class 6	Goods vehicle < 3,500kg - 20,000 (Trucks)	13.50
Class 7	Book of 50 tickets for pedestrians	45.00
Class 7b	Book of 100 tickets for pedestrians	85.00

Class 9	Book of 50 tickets for cycles	45.00
Class 9b	Book of 100 tickets for cycles	85.00
Class 10	Book of 10 tickets for Motor Cars	48.60
Class 11	Book of 50 tickets for Motor Cars	229.50
Class 12	Book of 10 tickets for Goods Vehicles (Trucks)	97.20
Class 13	Book of 50 tickets for Goods Vehicles (Trucks)	459.00
Class 14	Book of 10 tickets for Buses & Coaches	97.20
Class 15	Book of 50 tickets for Buses & Coaches	459.00

**BEFORE THE PLANNING INSPECTORATE**  
**(SECRETARY OF STATE FOR TRANSPORT)**  
**IN AN APPLICATION DATED FEBRUARY 2020 –**  
**PROPOSED REVISION OF TOLLS**

- THE TRANSPORT CHARGES ETC (MISCELLANEOUS PROVISIONS) ACT 1954
- THE BOURNEMOUTH-SWANAGE MOTOR ROAD AND FERRY CO ACTS 1923 & 1986

**BETWEEN**

THE BOURNEMOUTH-SWANAGE MOTOR ROAD  
AND FERRY CO LTD

**Applicant**

and

(1) SWANAGE TOWN COUNCIL  
(2) DORSET COUNCIL  
(3) BOURNEMOUTH CHRISTCHURCH &  
POOLE COUNCIL

**Proposed Respondents**

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**CLOSING SUBMISSIONS ON BEHALF OF RESPONDENTS**

**For hearing: 7 January 2021**

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**Solicitor for the Proposed Respondents:**

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County Hall, Colliton Park  
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Ref. PC/R3169