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# Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 25 June 2025

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## ALDWARK BRIDGE ACT 1772

## TRANSPORT CHARGES &c (MISCELLANEOUS PROVISIONS) ACT 1954

### PROPOSED REVISION OF TOLLS

AT

### ALDWARK BRIDGE



**File Ref: DPI/P2745/24/18**

Inquiry sat 18, 19 March 2025

Sites visited on 17, 19, 20 March 2025

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**TABLE OF CONTENTS**

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<b>CASE DETAILS</b>	2
<b>PREAMBLE</b>	2
<b>CASE FOR THE APPLICANT</b>	4
<b>CASES OF THE SUPPORTERS</b>	12
<b>CASES OF THE OBJECTORS</b>	13
<b>APPLICANT'S RESPONSE TO THE OBJECTORS</b>	24
<b>INSPECTOR'S REASONING</b>	26
<b>INSPECTOR'S CONCLUSIONS</b>	38
<b>RECOMMENDATION</b>	39
<hr/>	
<b>Appearances</b>	40
<b>Appendices</b>	
1. Inquiry Documents	41
2. Application Documents	41
3. Schedule of Current and Proposed Tolls	42

**CASE DETAILS**

- The application is made by Aldwark Toll Bridge LLP, under Section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (as amended) and the Aldwark Bridge Act 1772.
- The effect of the application if approved would be to increase toll charges for use of the Aldwark Bridge to the following<sup>1</sup>:

Proposed Schedule	Proposed Toll			
	Year (anniversary of date of revision Order)			
Vehicle class	1-3	4-6	7-9	10
1. Motorcycle with no more than 3 wheels	Free	Free	Free	Free
2. Passenger vehicle with an operating weight not exceeding 3,500 kilograms	£1	£1.20	£1.30	£1.40
3. Passenger or goods vehicle with a trailer or an operating weight exceeding 3,500 tonnes	£2	£2.20	£2.40	£2.60

- Current charges are free, 40p and £1 for vehicle classes 1, 2 and 3 respectively.

**Summary of Recommendation:**

- **That the Order should be made in accordance with the application.**

**PREAMBLE**

1. On 15 July 2024 Aldwark Bridge LLP (the Applicant) applied to the Secretary of State for Transport for a revision in toll charges for use of the Aldwark Bridge (the bridge). The application is made under the provisions of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (the 1954 Act) under powers derived from the Aldwark Bridge Act 1772.
2. A pre inquiry note was published detailing arrangements for the inquiry and the purpose of the inquiry. Documents were submitted in good time, with the Applicant's proofs of evidence submitted in advance of the deadline.

<sup>1</sup> From the Application Letter, document CD1.1 and Appendix 1 to the Financial Commentary, Document CD4.2.1. The Applicant's opening and closing submissions included a schedule only up to year 9.

3. I held a public local inquiry into the application at The Galtres Centre, Market Place, Easingwold, North Yorkshire on Tuesday and Wednesday 18 and 19 March 2025.
4. The statutory formalities under the 1954 Act have been observed. Some 101 written objections to the application have been received by the Department for Transport (DfT). 14 letters of support were received. Interested parties who attended the inquiry were given an opportunity to ask questions of the Applicant's witnesses, the Parish Council submitted a proof of evidence (in the form of their written objection to the application) and some made statements in opposition to the application.
5. Before the inquiry opened, I visited the bridge and surrounds. During the inquiry I visited the bridge and the Aldwark Manor Hotel, accompanied by a representative for the Applicant and the Parish Council. After the inquiry closed, I visited an agreed range of development or potential development sites in the surrounding areas.
6. At the inquiry I heard a procedural concern that interested parties who were working would not be able to attend the event due to the inquiry timings, with no sessions programmed for evenings or the weekend. However, in my pre-inquiry note, I wrote to all interested parties stating that an evening session would be held if interest was shown. No such interest was forthcoming. All written and oral objections and concerns have been considered in my report.
7. In this report I set out summaries of the cases for and against the application together with my conclusions and recommendation.
8. Section 6(3) of the 1954 Act states that in reaching a decision on the application, the decision-maker 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...*

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**CASE FOR THE APPLICANT****Background**

9. Aldwark Toll Bridge is a privately owned toll bridge over the River Ure, around 10 miles northwest of York. The bridge is the only crossing of the river between the A1237 York Ring Road and B6265 at Boroughbridge, a total distance of 16 miles as measured in a straight line but further measured along the minor roads available as alternative routes<sup>2</sup>.
10. The bridge is operated as a self-financing undertaking and is owned by Mr Alex Bell. Mr Bell owns various businesses in different locations around the Country and purchased the bridge around five years ago. Mr Bell states that he is proud to own the bridge<sup>3</sup>.
11. Toll increases were last enacted at the bridge in 2005. Tolls are charged on both directions on the bridge and are collected at the western end of the bridge. There is no charge for pedestrians, cyclists and motorcycles using the bridge. Cars and vehicles under 3.5 tonnes are currently charged 40p to cross, with vehicles over 3.5 tonnes and vehicles with trailers charged £1. Charging occurs between the hours of 07:00 and 19:30<sup>4</sup> – outside of these times access to the bridge is unrestricted and there is no toll. Payment can be made via cash or contactless/‘chip and pin’ payments
12. A discount scheme is offered for regular users when a book of 50 tickets is purchased in advance. Such books cost £17.50 for vehicles under 3.5 tonnes and £40 for those over 3.5 tonnes. Books can be purchased online and postage costs a flat rate of £1.55.
13. It is proposed to increase the toll for vehicles under 3.5 tonnes initially to £1, and for those over 3.5t or with trailers to £2. Further rises would take place in years 4-6, 7-9, and 10 subsequent to the making of the order (were it to be made). Details of these rises can be found above. The principle of including rises for future years was discussed with DfT.
14. The Aldwark Bridge Act 1772 provided powers for a bridge to be built to replace a rowing/ferry boat crossing. In 1880 the Bridge was struck and damaged by an ice flow on the river and was subsequently rebuilt in its current form. The bridge approaches on both sides consist of about 75m of brick arches across the flood plain (with an asphalt carriageway), with a central river crossing of four 13.15m spans of upstand lattice trusses supported on iron columns. The deck of the river crossing consists of two layers of timber set on steel crossbeams bolted to the bottom flanges of the trusses [the central section of the bridge can be seen on the photograph on the cover page].
15. The bridge is only wide enough for one way traffic and so vehicles must wait at the approaches to allow opposing traffic to pass; this is over a length of some 60m and is also the case at the toll house too (around 5m length) but some

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<sup>2</sup> Opening submission on behalf of the Applicant

<sup>3</sup> Proof of Evidence of Mr Alex Bell and in oral evidence

<sup>4</sup> Proof of Evidence of Mr Steven Windass

passing is possible along the brick arches (as opposed to the river crossing itself<sup>5</sup>).

16. A previous application in September 2020<sup>6</sup> to increase tolls at the bridge to 80p and £1.50 for the two classes of traffic respectively was refused by the Secretary of State (SoS) in September 2022, following a recommendation by the Inspector in that case. The concerns identified by the Inspector and agreed with by the SoS were centred around the following issues, summarised below:
- income
  - traffic flow data
  - the effects of COVID-19
  - the impact of proposed developments at RAF Linton on Ouse and Aldwark Manor Hotel
  - seasonal variations
  - evidence of ticket sales income and traffic movements reconciliation
  - expenditure required on the working, management and maintenance of the bridge
  - contributions to any reserve, contingency or other funds and a reasonable return.
17. The Applicant states that they have paid very careful attention to such concerns and note that the situation is now materially different, as necessary refurbishment works have been completed (and their cost is known). Uncertainty regarding the effect of the COVID-19 pandemic has now gone too and there is more substantial traffic monitoring available.
18. Evidence for the application was submitted in the form of the previous Inspector's Report and the decision letter of the Secretary of State, and reports on accountancy, traffic and transport and structural engineering.

### ***Maintenance***<sup>7</sup>

19. Responsibility for the maintenance of the bridge rests with the owners of the bridge. In this case this is the Applicant, Aldwark Toll Bridge LLP; ownership by this company commenced in 2020. The bridge is a Grade II listed structure.
20. Significant structural inspections of the bridge took place in 1997-98 and 2020. The latter inspection identified primary defects in the structure, including:
- A number of hollow sounding areas of masonry and areas where arch walls bulge outwards, with brick loss in some areas of masonry spans

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<sup>5</sup> Proof of Evidence of Mr Steven Windass

<sup>6</sup> DPI/P2475/21/4

<sup>7</sup> Largely Document CD4.2.4 Appendix 4 to Accountant Proof of Evidence (Mason Clark Report)

- Large cracks in the damp and saturated arch barrels and concrete parapets defective in many areas
  - Most deck drainage outlets blocked, rotten timber deck and loss of deck fittings along main span
  - Vegetation and tree growth along spandrel walls and corrosion and paint loss to iron framed members
  - Masonry arch parapet, timber rails and concrete posts not compliant to modern standards
21. The overall conclusion was that the bridge was in a fair condition but that remedial works were required to maintain and preserve the structural and aesthetic integrity of the Grade II listed structure. Works were prioritised into categories depending on their urgency.
22. A further inspection of the bridge took place in January 2022. This identified similar issues to above, along with brittleness and failure of timber beams above masonry arches, loss of rivets and bolts along main span, loss of protective coating to iron members and significant decay and cracking of timber decking.
23. The 2022 report concluded that the bridge was in fair, but deteriorating condition and that since the 2020 inspection there were elements of the structure which showed a marked deterioration, noticeably the paintwork and the timber decking. Works were again prioritised according to urgency. An underwater and scour examination was undertaken around the same time which considered that the structure in this respect was in generally good condition.
24. Refurbishment works were tendered in 2021. In summary this proposed the following works:
- Replacement of all lower and upper timber members
  - Replacement of all timber kerbs and loose and lost fixings in cross beams
  - Replacement of all loose or lost fixings to lattice girders
  - Removal of all loose/defective paint to lattice girders, cross beams, support columns and cross bracing and reapply protective paint coating
25. Works commenced in May 2023 and were completed on 9 February 2024; the following works were completed:
- Structural analysis of iron framed spans
  - Replacement of timber decking planks and of loose and lost fittings
  - Assessment of vehicle restraint system
  - Drainage unblocked and trees and vegetation removed from arch spans.
26. The cumulative costs of such works was in the region of £715,000.
27. Future required works are detailed within the Dosser MA report (section 11.1), with works again categorised into high, medium and low priority. High priority

works include vegetation removal, transverse tie rods and pattress plates to arch spans, and a vehicle restraint system to carriageway along arch spans.

28. The report proposes an annual general inspection (at a cost of £2,000) and a principal inspection every six years (£18,000). Maintenance per calendar year is estimated at £12,000, to include works such as debris removal, localised cleaning and repairs. Further maintenance costs of annual repairs to masonry arches such as pointing and repair/replacements is factored in at £7,500 per annum. Such costs are summarised in the table below.

	Cost	Annual Cost
General Inspection	£2,000	£2,000
Principal Inspection (every 6 years)	£18,000	£3,000
Ongoing maintenance	£1,000	£12,000
Annual masonry repairs	£7,500	£7,500
<b>(2021 prices)</b>	<b>Total Annual Cost</b>	<b>£24,500</b>

29. Long term plans will also be required to completely replace the bridge protective paint and timber decking after a period of 20-30 years.

### ***Transport Matters<sup>8</sup>***

30. The bridge was closed for the aforementioned maintenance works between 17 April 2023 and 17 February 2024. Evidence notes that it is not possible to fully correlate revenue data for any given day/week/month with traffic flow data largely due to the use of pre-paid tickets which are purchased at a different time to when the crossing takes place.
31. A traffic counter was installed in November 2022; data was extracted from this up to Sunday 26 January 2025 for use in the evidence given to the inquiry. This period covers the time zone when the bridge was closed for maintenance, but also provides nearly 1 years' worth of traffic data since the bridge reopened. Daily traffic data is available for 501 days in total, including 158 prior to the closure and 343 afterwards.
32. Data analysis<sup>9</sup> shows that on average, prior to closure, the bridge carried 1,033 chargeable vehicles a day (925 <3.5t and 108 >3.5t) and 1,064 a day after re-opening (952 and 112 respectively). The analysis notes that for the comparable months – that is full months where data is available for both pre closure and after opening – some months are higher after opening than before closure and some vice versa, but that the traffic flow levels appear to be consistent and follow expected patterns, with generally higher traffic flows during warmer months and lower ones during winter months.

<sup>8</sup> Broadly evidence of Mr Steven Windass

<sup>9</sup> Table 1 of CD4.3

33. There does not seem to be a large difference in traffic flows between pre and post closure, with differences related to daily fluctuation. The pre-closure monitored months also coincide with months that are typically quieter (November to April) with the average during these months comparable before and after the bridge closure (1,033 pre closure versus 990 post closure).
34. Over the 49 weeks since the bridge reopened only 8 of the 343 days experienced a daily flow of over 1,400 chargeable vehicles and 24 days with over 1,300 vehicles.

#### *Future Traffic Growth*

35. Approved traffic forecasts from DfT have been analysed as contained in the TEMPro software to understand future traffic flows on the bridge. As suggested by the Inspector's 2022 report, traffic growth forecasts for the wider North Yorkshire region have been used.
36. Daily traffic flows have been predicted for 2028, 2031, 2034, and 2035. These have been predicted using the DfT's National Trip End Model and National Transport Model, adjusted to local circumstances using the TEMPro software. Several different scenarios have been produced, namely:
  - Core
  - Behavioural (increased flexibility of working and online shopping, reduction in licence holding rates amongst younger population and changes in trip rates)
  - High Economy (high rates of population, employment and GDP growth)
  - Low Economy (low rates of population, employment and GDP growth)
  - Regional (higher growth of population, employment and GDP growth outside London, the South East and East of England)
37. The results of these are shown in Table 2 of CD4.3. They show daily traffic flow rates of 1,098-1,099 for all scenarios in 2028, 1,129-1,131 in 2031, 1,153-1,156 in 2034, and 1,160-1,164 in 2035. The highest level of 1,164 in 2035 equates to a growth rate of 9.4% from the current level of 1,064 daily chargeable vehicle movements.
38. The 2022 Inspector's report noted that it would not be unreasonable to assume that traffic levels using the Bridge during the previously surveyed time could have been depressed by up to 10% due to the COVID-19 pandemic, but it has now been over two years since restrictions were lifted and hence it is a better position to assess 'bounce back' in traffic levels.
39. The data indicates that there has not been a change in national traffic levels over the two years since the 2022 inquiry and the overall trend demonstrates that current traffic flows nationally are comparable to the pre-Covid period, with no noted change since the 2022 inquiry.
40. In terms of specific local developments, it is noted that previous plans to use RAF Linton on Ouse as an asylum reception centre are not being taken forward and that there have been no planning applications submitted for the redevelopment of the site. Some permissions for the redevelopment of Aldwark

Manor Hotel have been completed, with little noticeable effect upon bridge traffic levels and none of them have required transport appraisals.

41. Account is taken of a potential major new development known as Maltkiln (Green Hammerton/Cattal). It is concluded that while the bridge may represent a viable route for some journeys from the possible new settlement, the additional volume of traffic is not expected to be large and would be accounted for in the overall North Yorkshire traffic forecasts. Only a small number of journeys are likely to be shorter by using the bridge and the presence of a toll bridge may put drivers off from using this route when alternative routes may not entail much additional time or distance.
42. There is no plan to charge for other vehicles, such as motorcycles, or to extend current charging hours. There has been an average of 34 non-chargeable vehicles per day since the bridge re-opened, and this figure includes not just motorcycles, but also pedal bikes and eBikes. A daily average of 1,208 chargeable vehicles has been recorded over the 24 hour period, equating to 144 vehicles using the bridge during non-charging hours (19:30-07:00)

### ***Accountancy***<sup>10</sup>

43. The evidence reflects a reasonable approach to ascertain the future running costs of the bridge and therefore what a reasonable increase in toll fees would be needed by the bridge's operators to ensure the bridge remains commercially viable and for the members to receive a reasonable return on capital, in accordance with Section 6 of the 1954 Act. Work on financial projections was completed in May 2024 and was revisited in January 2025 to consider the actual costs incurred by the bridge company since the bridge reopened.
44. The bridge was purchased for £1,050,000 in July 2020 by Aldwark Toll Bridge LLP, owned by the two members, Mr and Mrs Bell. Since this time, the owners have undertaken a significant refurbishment of the bridge costing in excess of £700,000 [as above].
45. The financial projections were initially prepared on the basis of average annualised crossings of 368,538. This was the average (annualised) of crossings in financial years 2020-21 and 2021-22. An increase in traffic flow of 9.4% over the 10 year period, as identified as the highest likely growth rate in the transport evidence (as above) was included in the financial projections.
46. A review of the LLP's accounting entries and bank receipts was also undertaken. Once an assessment demonstrating consistent initial levels of traffic flow, projected future traffic growth and a strong estimate of future expenses was ascertained then the owners could be provided with a clear estimate of where toll fees need to be in future periods to make the bridge viable, while providing a reasonable return to the owners. These factors combined to create the toll fees now being applied for (and their increases over the 10 year period).
47. The financial projections only include vehicles under 3.5t, as there are limited numbers of crossings of vehicles between 3.5t and 7.5t so these do not materially change the projections.

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<sup>10</sup> Constitutes broadly the evidence of Mr Scott Sanderson, documents CD4.2-4.2.3

48. The bridge has many known (or reasonably known) fixed costs and the owners have operated the bridge for a number of years so can reliably forecast future costings based on historic expenditure and expected future trends, aided by the maintenance reports. Inflation is included in the projections at 2.3% (as the rate at the time of making the projections) and then future years at 2%, it being the Government's inflation target, although it is noted that inflation could be higher given global economic uncertainties.

*Staffing*

49. The cost of wages for staff on the bridge is circa £92,000 per annum, verified by payroll records. Wage increases are factored into the projections based on the increase in the National Living Wage for the past 10 years.

*Utilities*

50. Utility costs have been verified by reviewing invoices from the energy supplier and water costs and a sum of £2,000 per annum is included in the projections. This sum is under the level paid in 2024.

*Insurance*

51. Insurance costs are factored in at £3,500 per annum, around £300 less than was paid in 2024.

*Repairs and Maintenance*

52. Maintenance figures set out above detail £24,500 per annum – the accountancy report includes a figure of £25,000 a year based on £19,500 a year annual maintenance costs provision and an allowance for unexpected or unanticipated repairs. The report notes that driver error on the bridge recently resulted in a bill of £8,667.71.

*Telephone*

53. Telephone costs, based on invoices from BT and a supplier of the card machines used for electronic payments amount to around £60 a month (BT) and approximately £300 every six months (card machines – costs averaged) and result in a projection of £1,000 a year.

*Printing, postage, stationery*

54. Such costs arise from the printing of ticket books, envelopes to post (and the costs of postage), printing and website running costs. Costings have been verified from various suppliers and result in an accommodation of £3,500 per annum.

*Sundry expenses*

55. £500 a year is included for staff uniforms and refreshments to bridge staff.

*Travel and subsistence*

56. Travel expenses for the bridge manager to deposit cash takings at the post office amount to £1,200 per annum.

*Advertising*

57. £1,000 is included for advertising, including website upgrades and signage.

*Accountancy*

58. Accountancy costs are included at £3,000 per annum, a sum £1,200 less than actual costs amounted to in 2024.

*Legal and consultancy fees*

59. A figure of £7,500 is included to cover traffic counting and monitoring software and fees for Mason Clark & Associates for bridge reports (£2,000 annual inspection, £3,000 provision per annum for principal inspection, and £1,500 for ongoing general legal advice).

*Management fees*

60. £20,000 per annum is included for such fees. This is based on £14,000 staff costs and a contribution of £6,000 a year towards general office costs, including business rates, energy, insurance, software costs, telephone, broadband etc. No money is included for recharge of rent for office space.

*Bank charges*

61. £1,000 for charges for depositing cash and for card processing fees. Costings verified.

*Depreciation*

62. Depreciation has been included in the financial projections to ensure consistency with the annual statutory accounts. This has been included at 4%, a figure assessed by the Applicant and considered by the accountant to be reasonable.
63. However, due to comments in the previous inquiry over depreciation (due to the uniqueness of the bridge and its status as a heritage asset) all depreciation costs have been eliminated from the return on capital calculations.

*Long term refurbishment provisions*

64. Section 6 of the 1954 Act states that the owners of the bridge should set aside reasonable contributions to a reserve or contingency fund. This is provided for in the financial forecasts as an amount of £50,000, uplifted annually for inflation to provide a sinking fund.
65. The Mason Clark & Associates report indicates that the lifespan of the protective paint system and timber decking will need to be replaced after around 20-30 years. There is also provision required to be made for the future refurbishment of masonry arches, the tarmac entrances to the bridge and various works to the toll keeper's cottage.
66. Recent works undertaken cost in excess of £700,000 (for paint and timber decking), and it is considered that a sum of £500,000 in 10 years is therefore considered reasonable.
67. The accountant concludes that all expenses are a reasonable baseline of the costs, charges and expenses of the undertaking, and that in linking these to an estimate of inflation, the projections provide a sensible estimate going forward.

*Return on capital*

68. The Applicant notes the owners of the bridge are permitted to a reasonable return on capital. This is not being achieved currently and the bridge is not commercially viable. In the year ending 2023 the return was -2.72% and the current projected rate is -3.83%.
69. The ten-year plan with the bridge fares as proposed would lead to an average rate of return on capital of 8.38%, which is considered to be reasonable and in accordance with the 1954 Act.
70. The Inspector in the Rixton and Warburton Bridge Order considered 10% to be a reasonable rate of return and also stated that a rate of 15% would not be unreasonable. The rate of return is less than these figures and is unlikely to be as high as 8.38% in this case. The expenses are likely to be higher than projected and the potential for higher inflation, global economic uncertainty and government legislation could further suppress the rate of return.

**CASES OF THE SUPPORTERS**

71. 14 letters of representations of support to the application were received. The broad theme of these submissions of support are set out below.

*The Applicant*

72. The bridge owners are fair and reasonable and have done a good job. Without private investment the bridge would not exist and anyone prepared to invest should receive reasonable remuneration.

*Traffic data/usage*

73. Only 6 parents currently use the bridge to take their children to school.
74. Proposed automated use of the bridge is speculation.

*Accounts*

75. Costs have risen significantly since 2005 and money needs to be put aside for future maintenance.

*Costs*

76. Toll keepers' costs have increased from £5.02 per hour at last toll increase to £11.47 now.

*Maintenance*

77. The bridge is in far better condition now after closure and works. It is a complicated listed structure.

*Charging*

78. The price increase is fair, the bridge is expensive to maintain. Linking future toll increases to inflation is fair and costs have not increased since 2005.

*Alternatives*

79. Alternative routes are far more expensive, and the bridge offers environmental and speed benefits.

**CASES OF THE OBJECTORS**

80. 101 objections to the application remain. The broad themes of those objections, including comments made at the inquiry are summarised below. The cases made by those objectors who submitted proofs of evidence and made statements to the inquiry (see Appearances at the end of the report) are set out separately below.

*Consultation*

81. The consultation ran during school holidays with misleading text and the email address was wrong on the statutory notice. The opening of the bridge was delayed to dissuade objectors.

*Previous decision*

82. The evidence does not deal with reasons for the 2022 refusal; no account was taken of North Yorkshire traffic growth figures (9.4%) or DfT modelling growth guidance. Why are traffic levels lower than previously and local development not allowed for.

*Ownership/Applicant*

83. The bridge should be Council run, and not for profit.
84. The Applicant made an error in purchasing the bridge and should have done due diligence. It is unfair for the public to pay for their mistake.

*Traffic data/usage*

85. The amount of traffic data is insufficient and what there is, is skewed by the bridge closure. The reopening not advertised properly and so traffic figures are lower after opening. Traffic data should be measured for longer.
86. Proposed future development in the area will increase traffic across the bridge and reduce need to increase toll charges.

*Open road tolls/automation*

87. The current toll taking methods are out of date, inefficient, slow and archaic. Open road (or free-flowing) tolling would save time, reduce congestion, reduce pollution and save significantly on staffing costs.
88. The use of Automatic Number Plate Recognition (ANPR) would reduce outgoings (toll keeper costs) and increase profits as there could be charges over a 24-hour period.

*Accounts*

89. Accountancy evidence downplays monies coming into the business and exaggerates projected monies out. It assumes all traffic are cars when 25% are larger vehicles and therefore pay more. Unrealistic wages increases and money

set aside for power and heat, telephone, printing, travel and subsistence, accountancy, management, legal and consultancy fees are excessive compared to previous years.

90. The Repairs and Maintenance provision (£25,000/year) and the Capital Reserve: Future Bridge Refurbishment provision (£50,000/year) is potentially double counting.
91. The Accountancy report states that it is based only on a limited review and is not based on any kind of audit or due diligence.
92. Profits are tax free so should accordingly be lower. The owners are trying to maximise their profits.
93. The bridge is appreciating, not depreciating.

#### *Costs*

94. The increase to £1 is too much; an increase is fair but not as high as that requested. 50 or 60p would be fair. The toll should only increase by inflation. The proposed amount is very expensive for the distance of crossing. The Humber bridge is only £1.50.
95. For both partners in a couple using the bridge costs will increase by £20 a week, £80 to £100 a month. For parents of school students attending Great Ouseburn School £4 a day would equate to £768 a year.
96. The increase risks lowering crossings to the point where revenue falls and the asset cannot be preserved.
97. Staff costs are excessive; projected pay rises have been excessive.

#### *Maintenance costs*

98. The previous sinking fund is spent. The work on the arches in the original maintenance report was not completed.
99. It is unfair for users to pay for the failure of previous owners to maintain the bridge.

#### *Charging*

100. Cyclists and motorcyclists should pay, and there should be a new charge for delivery vehicles (Light Goods Vehicles).
101. It is unclear over costs for trailers and towers, costs for car and trailer have increased already.
102. The charging period should be increased.
103. There needs to be assurances that you can still pay with cash.
104. The toll compares poorly to other tolled crossings around the country on a per mile basis.
105. There should be a local discount scheme. The current scheme of book of tickets barely gives any discount.

*Alternatives*

106. There is no alternative to using the bridge and it is a vital link between villages which keeps communities together. The only alternative is a 27-mile round route, not cost effective to those with local businesses or school usage. Such a route increases environmental damage.

**The Case of Sir Alec Shelbrooke, Member of Parliament for Wetherby and Easingwold**

107. The objection is to the scale of the proposed toll increases, rather than an increase per se. The increases will impose a direct financial burden on local families, businesses, and communities who rely on this essential crossing every single day, often multiple times a day, to drop children at local schools, clubs and activities.
108. Although the bridge is privately owned, it serves a critical public function and is a necessity. In an ideal world, this piece of critical infrastructure would become part of the adopted highway.
109. Under the current proposal, the average family using the bridge for their daily commute will see their toll expenses rise by £624 per year in the immediate term. Over the next decade, this burden will escalate to an eye-watering £1,040 per year. This is not a small increase—it is a massive additional cost imposed on households that are already grappling with the rising cost of living.
110. This impact is not limited to individuals and households. Businesses in the areas – most of which are small, independent enterprises – will also bear the brunt of these toll increases. Tradespeople, farmers and suppliers rely on Aldwark Bridge to transport their goods and provide essential services. Increasing the cost of doing business will inevitably lead to further higher prices for consumers as a secondary inflationary impact.
111. At a time when public policy is directed at encouraging economic growth and supporting our high streets and market towns, such toll hikes risk driving businesses away from the area, making it harder for them to operate, and ultimately weakening the local economy.
112. The charges would have a disproportionate impact due to the community being rural. Alternative routes are few and far between. Unlike in more urban areas, where toll roads often come with viable public transport alternatives, residents in this part of North Yorkshire do not have that luxury. There is no reasonable way to avoid the bridge without taking a significantly longer and more expensive journey—costing even more in fuel, time, and vehicle wear and tear. During the recent extended closure, a resident travelling from Great Ouseburn to Aldwark village or Linton-on-Ouse, both abutting the banks of the river, could expect to triple their travel time and increase the distance of their journey by a factor of five.
113. Effectively, this toll increase acts as a rural tax, unfairly penalising residents who have no active travel alternatives and therefore no choice but to use their own vehicles to get to work, school, and medical appointments.
114. During the public inquiry in 2005, a significant uplift in charges was approved to pay for a programme of repairs that was never undertaken. When the bridge

was sold, these funds were not transferred, and residents are now effectively being asked to pay twice for repair works. It cannot be right that residents are being asked to pay higher rates to compensate the new owners of the bridge due to the neglect of previous owners.

115. While the proposals include a new 'sinking fund' to provide for future refurbishments of the bridge, the Inspector at the 2021 inquiry highlighted that there is no legal mechanism to ensure that the funds collected for refurbishments or maintenance are ring fenced for these purposes.
116. Where maintenance and improvements are required, it would be more sensible to discuss a business case that links fee increases to inflation and provides a residents' discount, either with the introduction of purchasable annual passes or an agreement by which the neighbouring parish councils make a precept-generated contribution at a discounted rate permitting all parishioners to traverse the bridge at their will. Both options would avoid placing a disproportionate burden on the local population.
117. The application for an increase in fees as proposed should be rejected and a solution found that protects the wellbeing of local communities and accessibility across the bridge.

### **The Case of Aldwark Parish Council**

118. It is manifestly unfair for bridge users to pay for the failures of the previous owners of the bridge to undertake maintenance (as set out in the 2005 inquiry) and for the failure of the Secretary of State to ensure that the revenues generated were used for the purposes agreed. The new owners have demonstrated a lamentable failure to carry out proper due diligence prior to purchasing the bridge to ensure that the costs of refurbishment were understood and reflected in the price paid.
119. It is clear from the documentation submitted that the Applicant has failed to address the majority of the concerns previously raised by Aldwark Area Parish Council and the Inspector from the 2022 inquiry and has demonstrably failed to justify the proposed increase in charges.

### ***Maintenance***

120. The Engineering Report is not contested but it is unclear why Mason Clark have not provided a costed schedule of Planned and Preventative Maintenance that should be the basis on which the annual Repairs & Maintenance provision of £25k has been calculated that has been included in the Accountancy Report.
121. On a similar point, it is unclear why Mason Clark have not provided guidance to the Applicant as to when any major refurbishment would be required and whether a sinking fund provision of £50k as included in the Accountancy Report is appropriate.

### ***Transport matters***

122. The update of the original Traffic & Transport Proof of Evidence (PoE) report dated July 2024 to February 2025, now includes bridge traffic data for a longer period than previously submitted (February 2024 to January 2025). This new

report shows an increase in traffic over Aldwark Bridge since the original report submitted with the application.

123. In the inquiry Report compiled by Inspector Heward in August 2022 as part of the previous refusal to increase the toll fees, she stated that she was unconvinced by the evidence presented by the Traffic Consultant on behalf of the Applicant. In particular, the Inspector noted:
- The baseline traffic flow evidence was not sufficiently reliable to provide a robust basis on which to forecast future trends (S6.61). The 2005 inquiry relied upon 3 years of data which showed that there were 2,000-2,200 weekday movements and 1,700-1,800 at weekends. This was a sufficient length of time to determine there were in the order of 700,000 vehicles using the bridge each year (S6.32).
  - Evidence was presented in relation to an application for an increase in tolls for the Swanage Ferry, where 5 years of pre-Covid-19 evidence was used to determine turnover projections going forward. This was again an example where multiple years of data was used to determine future volumes (S.60).
  - The Transport Consultant acknowledged that he had no traffic survey data to understand how traffic flows vary from month to month throughout the year and that it was difficult to make a firm judgement on whether any particular month was representative of the whole year (S6.56). This is again another reason why the Inspector concluded that small sample traffic flow evidence was not sufficiently reliable to provide a robust basis on which to forecast future trends (S6.61).
124. From the limited post-refurbishment traffic data covering part of February, March, April and part of May, it is clear that there is an upward trend in usage, no doubt due to users slowly realising the bridge has reopened and readjusting their travel habits accordingly. On the basis of using just the average April daily usage figure of 1,240 vehicles, this equates to annual usage of over 450,000 vehicles without any adjustment for future growth, which is significantly higher than the baseline figure used in the Accountancy Report (368,538).
125. It is disappointing to note that the updated Transport Report no longer shows traffic volumes outside the Applicant's current charging period and therefore it is impossible to determine what number of vehicles are crossing the bridge in a 24hr period. This omission is a shortcoming of the traffic evidence given to the inquiry. It was the clear view of Inspector Heward (S6.24 to S6.31), that there is nothing in the 2005 Toll Order to prevent tolls being charged at other times and neither is the Applicant proposing any time limits.
126. By doing this the Applicant is seeking increased charges on fewer drivers. The Inspector also stated, "It is a shortcoming that the traffic forecasting relies only on the ATC traffic flow data for the current daily charging period only" (S6.31). The updated highway evidence suggests that the increase in income from being able to charge for crossings outside of the present toll hours could be quite substantial; potentially up to an additional 18% of chargeable crossings.
127. In addition, the report incorrectly assumes that all crossings are cars at a £1 toll when in reality, a sizeable proportion will be larger vehicles 3.5T-7.5T with a £2 toll.

128. The 2005 Toll Order also allows the Applicant to charge a Toll for the crossing of Motorcycles. If the Applicant chooses to allow Motorcycles a free concession, this should not be to the detriment of other vehicle users. Any business case for increased toll fees should be based on total vehicle crossings regardless of the current charging hours.
129. As well as motorcycles and all vehicles travelling between 19:30 and 07:00 (48% of the permitted charging period), the Applicant also chooses to give free concessions to staff and their families and emergency vehicles.
130. By excluding vehicle crossings outside the current charging hours and all those vehicles also allowed a discretionary concession (as above) from the Applicant's business case, the Applicant is seeking to unfairly transfer all costs to a limited group of users of the bridge. The Parish Council contests that this is allowable under the terms of the 1954 Act. This was also a point upheld by Inspector Heward in her report in 2022 and agreed by the Secretary of State.
131. The Transport Report now states (clause 3.2.2) that there are an average of 1,064 chargeable vehicle crossings with an all vehicle count of 1,098 average daily crossings during the charging period.
132. Inspector Heward also observed that Mr Bell was in discussions with ANPR operators to determine if cameras can be used to assist with traffic flow management, monitor whether vehicles have prepaid, count the number of crossings of each user, and email users directly.
133. Inspector Heward commented that it was plausible that within the 10-year period of the projected accounts some form of automated payment system would be introduced such that it would no longer be necessary to restrict charging times to when toll collectors are at the bridge. She concluded by stating "It is a shortcoming that the traffic forecasting relies only on the ATC traffic flow data for the current daily charging period only".
134. The Inspector commented in her 2022 inquiry Report that she would expect any traffic growth forecast to utilise DfT data models for the whole North Yorkshire region which in 2021 would be 9.4% by 2037. In the 2021 application, the Traffic Consultant had used lower values based upon the local area only. This, the Inspector concluded, was not sufficiently robust to predict future traffic levels across the bridge as it served a much greater region (S6.2 to S6.7).
135. The Transport Report now includes projected growth percentages against the bridge usage data but fails to consider the potential positive impacts from major developments such as the redevelopment of the ex-RAF Linton-on Ouse site and the New Parks Estate site off the A19, both of which have been included in North Yorkshire County Council's Local Plan Call for Sites.
136. Paragraph 3.1.3 of the Transport Report states: "I understand there are no major planned new developments in the local area around the bridge". This is a similar statement made in evidence provided to the 2021 inquiry. It is a serious shortcoming to restrict any development search to only the rural areas around the bridge. Inspector Heward wrote (S3.12) "The locality is rural but Aldwark Bridge also serves traffic movements to large, urbanised areas on both sides of the river. The Transport Consultant's own evidence (CD13.5.1 paragraph 2.10.1) was that Aldwark Bridge serves a wide community due to the lack of

other bridges over the River Nidd and the River Swale". It is therefore important to look at the scale of development across a larger area which the report has failed to consider. Omissions include:

- The Former RAF-Linton site (Linton-on-Ouse): The Ministry of Defence has appointed Savills as property advisors to help them with the strategy, planning and ultimate disposal of surplus assets, including assisting with the delivery of new and refurbished military accommodation. Within this Savills are seeking residential development of the former RAF-Linton site which covers an area of 278.08Ha (678 acres). The site has been included within the proposed North Yorkshire Council Local Plan which is currently at the public consultation phase.
- Former Ministry of Defence properties (Linton-on-Ouse): The refurbishment of 56 three-bedroomed properties formally housing Ministry of Defence staff are being refurbished in three phases starting 2022. Sixteen of the houses are likely to be used to re-home Afghanistan refugee families. The refurbishment and release of all 56 properties is ongoing.
- The Manor House Development (Linton-upon-Ouse): A 17 house development, including a mix of affordable and open-market homes, in a cul-de-sac. Approved in Q4 of 2022, development is ongoing.
- Land between Tollerton and Huby (6.3 miles from Aldwark Bridge): A site of 866.8Ha (2,140 acres) has been submitted to North Yorkshire Council for residential development and included within its Local Plan which is currently at the public consultation phase.
- Branton Lane Development (Great Ouseburn): Planning granted for 50 dwellings. Development is ongoing.
- Burrows Caravan Site Great Ouseburn: Application for 75 additional static caravans.
- Maltkiln: Maltkiln is a proposed town-sized garden village centred around Cattal railway station. The proposal includes 3,000 to 4,000 homes and in excess of 8,000 residents. Plans include two 420-place primary schools and space set aside for an upper school.
- The Aldwark Manor Estate Hotel (adjacent to the Aldwark Toll Bridge) is in the middle of a major redevelopment which includes:
  - A redeveloped 18-hole golf course opened in 2024, including the addition of the Bunkers clubhouse. Membership is now open. The Bunkers clubhouse includes a sports bar, restaurant, golf shop, and private room.
  - A new Spa and leisure complex. The spa will include a mezzanine pool, beauty treatment areas, leisure pool, gym, and conference centre.
  - A new fine dining restaurant called Chartwell opened in 2024. Chartwell includes a mezzanine floor with a private dining room, speakeasy, and wine tasting room.

- A boathouse for paddleboarding and meeting spaces, kayaking and an hotel-owned boat for river cruises.
- 24 additional guest rooms will be added, and meeting rooms upgraded with conference facilities for 240 delegates and car parking for 200 vehicles.

137. It is worth noting that both the increase in traffic recorded and the growth forecasts now included in the Transport Report contradicts the previous assertions of the transport consultant in his report dated July 2024.

### **Accountancy**

138. Have the accounts for Aldwark Toll Bridge LLP ("LLP") been prepared for the year ended 31 July 2024 and if so can they be submitted to aid the Inquiry? The Council note that they have to be filed with Companies House by 30 April 2025.

139. The Accountants have misquoted section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 as the LLP does not have "share capital" (S1.2).

140. In para 6 of the Accountancy Report prepared by Mr Scott Sanderson of Hawsons, Mr Sanderson states he has "satisfied myself, so far as possible, that the information presented is consistent with information and explanation given to me during the course of the initial work undertaken in May 2024, and with the information I have reviewed within the LLP accounts". In addition, at para 3.3 of Appendix 1, Mr Sanderson says: "Our projections are based on a limited review and on less information than would be required if the bridge was to undertake a statutory audit. We have not carried out any kind of audit or due diligence exercise and have not in any way sought to verify the truth or accuracy or any representations made to us". This seems to conflict with the point at paragraph 6.3. If Mr Sanderson is "satisfied" how did he reach that view given what he says above and why hasn't he undertaken an audit of the information? This obviously raises concerns about the accuracy and veracity of the report.

141. The Original Report states (S3.3) that the accountants have not checked any figures and have taken the information provided on trust. There has been no stress testing of the figures used nor a sensitivity analysis. There has been no independent confirmation of crossings or costs when creating the report. Furthermore, we have no evidence that the figures quoted as costs and income are in fact the real figures and consequently there should be some due diligence independent of the bridge owners to confirm the figures being shown are indeed accurate historical costs.

142. In para 6.4 the report states that "we have based our projections on reasonable assumptions and forecasted trends to provide a sensible and sustainable plan for the bridge for a ten-year period." We contend that it is impossible to provide any meaningfully accurate ten-year forecast as recent history so emphatically shows. Further, in para 7.1.1 Mr Sanderson says he considers the projections are a "reliable projection of the financial position of the bridge moving forward". How can they be reliable over 10 years given what has happened in the last 10 years – this is contradictory.

143. Para 4.4 of Appendix 1 says the owners of the LLP are looking to uplift fees to ensure the bridge can operate on a “commercially viable basis”. This is not the correct basis – the 1954 Act states: “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...”.
144. Commercial viability comes into play where there are no restrictions on a business as to what they can charge. This is not the case here – the LLP is restricted in that it cannot raise prices without the consent of “the Minister”. This is an important distinction. How can a business seek to be commercially viable when it cannot raise its own prices of its own volition?
145. In addition, is it correct to ask for multiple price rises as shown at Appendix 1 Para 4.8? The 1954 Act suggests that each price rise must be applied for separately. The Applicant seems to want to get a number of decisions through all at once which appears to contradict Paragraph 2 of Section 6 of that Act: “for the revision of any of the charges which the undertakers are for the time being authorised to demand”.
146. The updated Accountancy Report shows proposed annual income of £372,591 on the basis of the new toll fees. This is an increase from the Accountancy Report submitted with the application, which showed a projected annual income of £368,538. There is no narrative to determine the reason behind this increase but one assumes that this is derived from the increased traffic.
147. There is no mention made of pre-paid ticket income. Currently 50 tickets can be purchased for a total cost of £19.05 – leading to a crossing costing 38.1 pence. How has the use of pre-paid tickets been factored into the income figures? Para 8.3 does not mention the pre-paid tickets and neither does Appendix 3. This appears to be a flaw in the income reasonableness test shown at Appendix 3.
148. Forecast wage costs are now being shown as £98,833 versus £85,000 in the Report submitted with the application. Again, there is no narrative to explain the reason for this increase nor how the wages have been calculated in the first place. There is a reference to the National Living Wage and National Minimum Wage (clause 5.1) but no detail has been provided as to the numbers of staff and overall hours worked to determine whether the wage costs have been inflated.
149. As set out in their original objection letter, the Accountancy Report contains a number of cost headings which appear to over inflate the operating costs of the business (Travel & Subsistence, Advertising, Accountancy Fees, Legal & Consultancy Fees and Management Fees). These costs are significantly higher than the costs from previous years and cynically one might assume that they have been inflated purely to support the toll fee increase:
- Wages/NIC/Pensions – The Report shows projected wages to be increasing by 8% every year for 10 years. This is unrealistic and bears no relation to the latest inflation figures and the Bank of England future forecasts. As well as

unrealistic future projections, they challenge the baseline of £85,000 based on previous outgoings.

- Light, heat, power (£2,000/yr) – The £2,000 figure projected is excessive compared to 2021 (£776) and 2022 (£63). Electricity consumption in 2023 was higher (£1,822) due to the one-off refurbishment works. The application should not use the 2023 figure as a typical figure to be expected in future years.
- The Repairs and Maintenance provision (£25,000/year) and the Capital Reserve: Future Bridge Refurbishment provision (£50,000/year) is potentially double counting. Limited annual expenditure on repairs and maintenance is likely following the major programme of refurbishment and no evidence has been provided to support the Repairs and Maintenance provision. Similarly, whilst a sinking fund for future refurbishment is sensible, it seems an unreasonable exaggeration to expect £500k will be needed in 10 years' time.
- Travel and subsistence (£1,200/yr) – Projected values are high compared to 2021 (£82) and 2023 (£918) and there is no information provided to justify this.
- Advertising (£1,000/yr) – Projected values are very high compared to 2021 (£32) and 2023 (£0) when there was almost no advertising spend. Again, there is no information provided to justify this provision.
- Accountancy fees (£3,000/yr) – Projected values are high compared to 2021 (£1,650) and 2023 (£913). Again, there is no information provided to justify this provision.
- Legal and consultancy fees (£7,500/year) – Again, there is no evidence provided to support this provision. One-off costs associated with the Toll Fee application should obviously not be used as a baseline for recurring annual costs.
- Management fees (£20,000/year) – Projected values are high compared to 2021 (£1,000) and 2023 (£9,600). Like above, costs were incurred presumably for the failed toll increase application in 2022 but this was a one off event, and the application should not be projecting costs for this every year. Management fees should also be disregarded in calculating the net Return on Capital.

150. The Parish Council is extremely concerned that any annual provisions for Repairs & Maintenance and Future Refurbishment need to be deposited into a secure account that can only be used for the described purposes and not raided by the owners to boost their profits.

151. The Parish Council challenges why depreciation should be charged in the forecast profit and loss account. The asset in question appears to meet the definition of an investment property in accounting standards. The definition of an investment property per Financial Reporting Standard 102 ("FRS 102") is "Property (land or a building, or part of a building, or both) held by the owner... to earn rentals or for the capital appreciation of both, rather than for (a) use in the production or supply of goods or services or for administrative purposes, or (b) sale in the ordinary course of business".

152. The toll fees can be interpreted as a quasi-rental income and FRS 102 does not require depreciation to be recognised on investment properties. Therefore, it is unclear why the forecasts provided by the Applicant include an amount for depreciation given the above points.
153. In addition, it is likely that the bridge will appreciate in value over the period that the Applicant owns the property, and not depreciate as the Applicant is asserting. It is noted that the following values have been attributed to the bridge previously:
- Purchase price 31 July 1995: £121,550;
  - Purchase price 28 January 2014: £340,000 (an increase of 179% over the 18+ years from 31 July 1995); and
  - Purchase price 31 July 2020: £1,049,996 (an increase of 209% over the 6+ years from 28 January 2014).
154. The increase of £928,446 in value between 1995 and 2020 demonstrated that the bridge is an investment designed to get capital value, and just for generating revenue through tolls. The Parish Council notes that none of the Applicant's accounts or forecasts appears to have taken the likely further increase in the overall value of the bridge into account. This appears to be another fundamental flaw in the forecasts presented so far by the Applicant.
155. Why is 8.38% considered to be a reasonable rate of return? The 1954 Act talks about a rate of return on share capital whereas the LLP does not have share capital. It is noted that share capital is not mentioned in Appendix 1. How has the return on share capital been calculated? What has substituted for share capital in the calculations? The share capital has been calculated on what appears to be the costs of acquiring the bridge plus the refurbishment costs.
156. Whilst the 1954 Act allows a reasonable Return on Share Capital, they understand that profits from the bridge operation are tax-free and therefore the projected average blended return rate of 8.38% is excessive. The inflated costs across most headings and understated traffic/toll revenues combine to potentially significantly increase this return to even higher and disproportionately excessive levels.
157. The inflated costs across most headings and understated traffic/toll revenues combine to potentially significantly increase this return to highly excessive levels.
158. In Para 10.6 Mr Sanderson refers to the Rixton and Warburton Bridge Order dated 13 July 2023 (report DPI/B4215/22/3). This case seems to be under a different Act and so its relevance to Aldwark Bridge is unclear. The Order seems to suggest that a change was required to the 1954 Act to change "share capital" to "any amounts invested in the Undertaking..."
159. The Parish Council is rightly concerned about the robustness of the Applicant's business case and the level of toll fees being sought. This has the potential to seriously adversely impact users of the bridge and they urge the Inspector to consider the areas of concern they have highlighted.

160. In closing, the Council notes that the main points of concern centre principally around the traffic and accountancy reports. In particular:
- Whether the future bridge traffic growth forecasts fairly reflect the potential for significant additional traffic using the bridge over the course of the next 10 years in consequence of the completion of development works at Aldwark Manor and the potential redevelopment of the former RAF Linton site as well as other developments identified by the Parish Council in their Objection and Rebuttal.
  - There are clear differences of opinion regarding the future income and expenditure projections in the accountancy report, which if an alternative view was taken would lead to reduced annual costs and hence the need to raise the toll fees by a lesser amount.
  - The difficulty in being able to analyse the information in both reports because of the use of inconsistent data from the reports accompanying the application submitted in July 2024.
  - The lack of inclusion of the very latest accounts information which could have helped to establish the actual bridge expenditure and income.
161. The Applicant's advocate has sought to portray the objection and rebuttal from the Parish Council as some form of indictment as to the honesty and integrity of the Applicant which in their view is both unreasonable and unjustified. There has never been a suggestion of impropriety by the Parish Council, but they have sought to get clarity on the Applicant's business case in the pursuit of fairness for bridge users.
162. The Parish Council remains of the view that the differences of opinion highlighted during the inquiry are of a sufficient nature to allow the Inspector to recommend a refusal of the application.

### **APPLICANT'S RESPONSE TO THE OBJECTIONS**

163. The issues contained within the cases of the objectors are largely addressed in the case for the Applicant, set out above. However, they submitted a closing statement<sup>11</sup> and answered further questions on the objections at the inquiry.
164. The Parish Council accepts that an increase in the toll is justified; it objects to the amount which is sought.
165. While some may wish for the bridge to be in public ownership, responsibility for the maintenance of the bridge rests with the owners and not the highway authority and is financed out of tolls collected. Any increase in tolls has to be authorised by Acts of Parliament or Statutory Instrument, most recently under s6(3) of the 1954 Act.
166. The application is not linked to inflation – it is linked to a reasonable return on capital. The structure of increases over the 10-year period applied for is a structure that DfT has recommended and which it has advised has been adopted by other toll bridges.

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<sup>11</sup> Document CD1.15

167. The Applicant remains concerned that a number of the objections amount to personal attacks on the integrity of Mr Bell and his company. Some of the points of the Parish Council rest on a misunderstanding of the evidence or a failure to read the supporting information.
168. Traffic data is now accepted by the Parish Council to be sufficient for the purposes of decision making. The Proof of Evidence includes almost a full year of data since the bridge reopened in February 2024, including the busier summer months.
169. 24 hours data for bridge crossing is included in the evidence and this has been overlooked. It was agreed by the Parish Council in the inquiry that staffing the bridge overnight would result in a financial loss.
170. ANPR is not considered to be feasible for toll collection and is only being considered to help monitor traffic flows.
171. The Call for Sites by North Yorkshire Council have not been assessed by the Council and are speculative possible future developments only. Planning Practice Guidance suggests that schemes are only committed development if consented or allocated where there is a reasonable degree of certainty they will proceed within the next 3 years. Even if the Council considered these sites to be suitable it is unlikely that the schemes would be approved (which would likely require allocation in the Local Plan) and built to any significant degree within the 10-year period considered by the inquiry.
172. The Transport report clearly considers the potential growth around a wider area than just "the rural areas around the bridge," this is a quote from the previous Inspector's report.
173. There were no contradictory forecasts between the July 2024 and the February 2025 transport reports as there were no growth forecasts in the July 2024 report. A growth factor of 9.4% across the 10-year period is included in the report based on the TEMPro forecasts and as recommended by the 2022 Inspector.
174. The accounts for year ended 31 July 2024 are yet to be prepared as the owners and accountants have been focusing on the application and inquiry, which has required significant amounts of work to verify all costings presented in the report. Furthermore, as the bridge was closed the accounts for the year to end July 2024 would be of very limited use to this inquiry.
175. Initial work in May 2024 was prepared on information provided by the bridge owners on a limited review basis. The February work had been checked to supporting invoices and the conclusions are therefore much stronger in terms of verifying costings. Mr Sanderson, giving evidence in accordance with his professional Code of Conduct, confirmed that he has physically seen all receipts and expenses.
176. The current level of inflation is significantly higher than the 2% used in the financial projections. At the inquiry the Parish Council accepted that 2% was a low assumption.
177. The legislation does not mandate or require any ring fencing of monies in the contingency fund. The owners have already shown their commitment to the

bridge by undertaking extensive works and provision is made in the accounts for £50,000 per annum. The alternative by not maintaining the bridge would damage the on-going viability of the assets which would reduce its on-going sale value.

178. The bridge is not an investment property under FRS 102 – it is not a plot of land, a building or both. The depreciation charge in the financial projections has been discounted when calculating the return on capital. Any appreciation in value is not relevant to the legislative provisions or the application.
179. The rate of return is below that in the Rixton and Warburton Bridge Order. The 2022 Inspector stated that Applicant is a limited liability partnership (LLP) and not a limited company and as such there is no share capital. LLPs did not exist in 1954 and thus postdate the 1954 Act; while the asset value is not directly investment it is the result of the investment of the Applicant and in this way is not an unreasonable measure to use.
180. The bridge profits (or losses) are tax free for the owners of the LLP, as granted to the bridge owners by Royal Assent when the bridge was originally constructed. If the owners of the bridge operated through a limited company then the profits (or losses) would be subject to both Value Added Tax and Corporation Tax, both of which would have a significant effect on toll fees charged to bridge users.
181. The application presents a materially different set of circumstances which were before the Inspector in 2022. On the basis of the evidence presented the Applicant has clearly satisfied the statutory conditions in section 6(3) of the 1954 Act.

## **INSPECTOR'S REASONING**

182. As set out above, my recommendation must have regard to the financial position and future prospects of the undertaking and shall not make any revision of charges which 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.
183. At present, the undertaking receives an annual revenue less than adequate to meet expenditure, with a loss of £84,120 to year end July 2023, £157,148 July 2022 and £71,717 July 2021<sup>12</sup>. This is clearly not financially sustainable. Although some individual objections may disagree, both the Parish Council and Sir Alec Shelbrooke MP acknowledge that the principle of raising tolls on the bridge is fair. A theme amongst written objections was also that increases are fair but not as high as requested. It is reasonable to state therefore that there is widespread agreement that it is fair that tolls should rise, but it is the amount of increase that is the issue.

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<sup>12</sup> Document CD 4.2.1, Appendix 1 to Accountant Proof of Evidence

184. It is accepted that rising tolls would have an effect on the wider community and are unwelcome when other costs and financial pressures are also rising. However, the financial evidence is clear that income is required to maintain and run the bridge, and at present, the level of income is insufficient and therefore the fare to cross the bridge should rise.
185. A large part of the burden of toll increases inevitably lands on local residents. It is clear that for tourists, or other infrequent users, any increase would not be as apparent or have the same effect as it would do for daily (or more) users of the crossings. While evidence on this is mixed, I particularly note in this regard the representations from local families with school age children who attend a school 'across the bridge' and the representation from Great Ouseburn school in this respect. However, to a certain extent this is an unfortunate consequence of the local geography and distribution of services and their users.
186. Sir Alec Shelbrooke MP and various written objections consider that the bridge should be publicly run, as part of the national highway network. However, unless ownership and funding arrangements are changed, which would require legislative change, it remains the case that the bridge is privately owned and that income must pay for the running of the crossings. The vast majority<sup>13</sup> of that income comes from tolls and tolls are insufficient at present to cover costs, which will also rise, at the very least with inflation.
187. I have not been presented with substantive evidence of a flawed consultation process; and in any event I consider there was ample time for objectors (or supporters) to engage with the toll revision process, either before or during the publicly held inquiry.

### ***Maintenance***

188. The Parish Council (and other objectors) do not contest the engineering report and the author of the report did not appear at the inquiry. The report and its appendices provide detailed evidence of the condition of the bridge, both in the past, in the present and of future needs. Detail is provided of the recent refurbishment works, which were fairly extensive and involved a new timber deck and protective paint coverings renewed. The cost of such works cumulatively (including professional fees) comes to over £711,000 (as detailed in section 10 of the report). This figure is not disputed and I have no reason to doubt it.
189. Future works are detailed in section 11 of the report, which notes that annual maintenance costs of £24,500 are required. This includes a provision of £3,000 per year towards a principal inspection fee of £18,000, required every six years. This is I consider a costed schedule of planned and preventative maintenance and is reasonable. Paragraph 12.6 of the Report notes that long term plans will be required to completely replace the bridge protective paint system and bridge decking after 20-30 years, but that is beyond the remit of the report. Such works appear similar to those carried out in 2023 at a cost of over £711,000.

### ***Transport matters***

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<sup>13</sup> Document CD 4.2.1, Appendix 1 to Accountant Proof of Evidence

190. The evidence presented by Mr Windass details traffic information from November 2022 to April 2023 (when the bridge closed for refurbishment) and then from February 2024 to January 2025. The data shows an increase of around 3% to 4% of traffic levels for the different sizes of vehicles, total vehicles and all vehicles combined (Table 1).
191. At the inquiry Mr Windass stated that this increase reflected the fact that post refurbishment the figures included the busier summer and early autumn period of May to October. The figures in the table reflect this in the winter and spring months where data from 2024 and 2025 are generally similar to pre closure numbers, with the only months showing an increase of daily transport numbers being December 2024 (versus December 2022) and April 2024 (versus April 2023). I note in this respect that the December increase is just 22 chargeable vehicles and that the bridge was closed for part of April 2023. I therefore agree that usage of the bridge appears fairly static over the measured period, and the trend where shown is in fact slightly down since the bridge reopened as compared to previously.
192. The data shows an average number of all vehicles crossing the bridge (during the chargeable hours of 07:00-19:30) of 1,098 per day month, of which 1,064 were chargeable vehicles (the others being motorcycles etc). Annualised this would equate to around 388,000 vehicles of which 347,480 would be 40p vehicles. Around 10% of users are larger vehicles and so subject to the higher costs.
193. While the measurement of such baseline flows are not as lengthy as those which accompanied the 2005 Inquiry, I consider that the data range of 18 months, including two lots of data for the months pre and post closure (albeit with two months having partial data due to opening/closing within those months) to be a reasonable period of time to assess the traffic crossing the bridge and that this provides a reasonably robust basis on which to forecast future trends.
194. The Transport Report includes data relating to trips made over the bridge during the non-charging period (19:30-07:00), of a daily average of 144 trips made during this period. I agree with the Parish Council that it is clear that there is nothing in the 2005 Toll Order to prevent tolls being charged at other times. The Applicant is not proposing to extend the charging hours and the Council consider that this increases the charges on fewer drivers. A similar view is taken regarding charging motorcycles, where they consider that allowing motorcycles to cross for free is effectively to the detriment of other users. The Applicant considers that it would not be economical for them to charge such users.
195. The non chargeable period equates to 11.5 hours, with the charging period 12.5 hours. An average of 1,064 chargeable vehicles equates to around 85 vehicles an hour, whereas 144 average daily trips during the non-chargeable hours equates to 12.5 trips an hour. While it could be assumed that more vehicles will cross during the 'shoulder' periods of say 06:00-07:00 and 19:30-20:30 (and indeed Mr Bell<sup>14</sup> acknowledged that sometimes cars would be lined up waiting for the bridge to 'open' at 19:30) I agree it is not in the Applicant's interest to charge at times when it would not make economical sense for them to do so.

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<sup>14</sup> In oral evidence.

The overheads involved in charging at other times (in terms of basic staff costs, electricity etc) would likely outweigh any revenue from the bridge tolls. Furthermore, it would not be unreasonable for staff wages to be higher per hour during unsociable hours than 'normal' daily hours of work.

196. The transport evidence states that there has been an average of 34 non chargeable vehicles per day during the chargeable time period, and that this includes motorcycles, as well as pedal cycles, eBikes and unknown vehicles. At the hearing Mr Bell explained the issues with collecting toll charges from motorcycles, in terms of the users removing gloves, extracting cards/phones or wallets from inside leathers etc. I can understand the logistical difficulties of doing this. While charging motorcyclists may slightly increase revenue (and thereby reduce the potential charges for car drivers) such an effect would be minimal in my view. Furthermore, it could be reasonably argued that motorbikes cause considerably less wear and tear on the structure of the bridge than cars or larger vehicles, due to their weight and size.
197. Similarly any effect overall of giving free passage to staff and their families is likely to be minimal and it seems entirely reasonable to give free access to emergency vehicles.
198. The use of ANPR was also discussed at the inquiry, as a means of potentially charging users at all times of the day (and night) in a cost-effective manner. The 2022 report considered that it was plausible that within the 10-year period of the projected accounts some form of automated payment system would be introduced such that it would no longer be necessary to restrict charging times to when toll collectors are at the bridge. At the inquiry Mr Bell explained that the use of ANPR for such matters would be prohibitively expensive (in terms of set up, maintenance, administration and subscription costs). It is noted that ANPR does not form part of the application. On a different but similar point it was confirmed at the inquiry that there was no intention to stop taking cash for toll crossings<sup>15</sup>.

#### *Traffic growth*

199. The Parish Council raised the issue that the 2022 Inspector stated that she would expect any traffic growth forecast to utilise DfT data models for the whole North Yorkshire region which in 2021 would be 9.4% by 2037. In the 2021 application, the Traffic Consultant had used lower values based upon the local area only. This, the Inspector concluded, was not sufficiently robust to predict future traffic levels across the bridge as it served a much greater region.
200. However, the Applicant in this case has used the models for the wider North Yorkshire region, including figures of up to 9.4% for the behavioural scenario in 2035. The figures in this case therefore consider region wide growth and are sufficiently robust in my view.
201. A range of sites were presented to me by the Parish Council<sup>16</sup> as sites where housing (and commercial) growth could lead to higher than expected traffic

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<sup>15</sup> In the oral evidence of Mr Bell

<sup>16</sup> List of Sites presented by the Parish Council at the inquiry CD6.1

growth across the bridge<sup>17</sup>. I visited all such sites and these are considered below:

*Former RAF Linton site and former Ministry of Defence properties (sites b and a, ref)*

202. The reuse of this substantial site (nearly 300Ha), including the residential development of the site, could potentially add a significant number of local properties to the local area. The refurbishment element is for 56 new homes, stated to be commencing in 2022.
203. However, the Applicant notes that the site is not within the Local Plan, and nor is the Local Plan out to consultation. Both have been entered into the 'Call for Sites' exercise being ran by North Yorkshire Council.
204. While a site of this size could inevitably generate a large number of properties, the Call for Sites consultation appears to be an initial stage along the 'journey' of that site. It is a consultation which invites sites from developers and seemingly no assessment work has been completed (by the Council) at this stage. It is one of the initial stages of considering housing needs for the Council's area and there is no guarantee that the site would be taken forward into the Local Plan. Furthermore, any inclusion in any future Local Plan would also still need a future planning application(s). Redevelopment of the site therefore seems to be a way in the future.
205. For the 56 dwellings it appears that the first phase commenced in 2022. No further details were provided of progress, but it would seem reasonable to consider that some 2 to 3 years later some of the properties would now be refurbished and available for use – and contributing to any traffic now on the bridge.

*The Manor House Development (Linton-upon-Ouse) (site f)*

206. I viewed this 17-house development as part of my site visit, on which construction was taking place. However, in isolation a 17-house development would not likely generate significant amounts of traffic; furthermore, such a figure would be covered under the larger growth forecasts for the wider area.

*Land between Tollerton and Huby (site c)*

207. This significant 866.8Ha site is similar to site b) in that it has been submitted as part of the Call for Sites exercise, and based on the evidence I have been provided with is not included within the Local Plan (at this time). Clearly a site of such size would need some careful consideration and there is no guarantee that it would be taken forward.

*Branton Lane Development, Great Ouseburn (site g)*

208. I visited this reasonably substantial site in Great Ouseburn, on which planning permission is stated to have been granted for 50 dwellings. The site appeared to be split into two sections, either side of Branton Lane with a different developer on each site. A reasonable number of the properties appeared to be

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<sup>17</sup> Document reference CD6.1

constructed and occupied. As such the residents of these properties would already be contributing to traffic levels across the bridge.

*Burrows Caravan Site Great Ouseburn (site e)*

209. This is a planning application for 75 additional static caravans, to extend an existing caravan site. It is not clear how many caravans are on the existing site, or the possibility of the application being granted. From my viewing this appeared to be a reasonably large existing site. Traffic generated by this proposed development, were it to be permitted, would likely be covered under the larger growth forecasts for the wider area.

*Malkiln (site d)*

210. Malkiln is a major proposed new settlement based around Cattal railway station. The Parish Council states that the proposal includes 3,000 to 4,000 homes and also includes two primary schools and space set aside for an upper school.
211. The Applicant notes that the traffic forecasts account for planned housing and that while the bridge may represent a viable route for some journeys, such as from Malkiln to Easingwold, additional volumes of traffic over the bridge is not expected to be large and would be accounted for in the general North Yorkshire traffic forecasts.
212. At my visit I noted the location of Malkin, between the major settlements of York and Harrogate, with easy access to the A1(M) and centred on the Cattal train station. Whilst this development would likely have some impact on bridge traffic it seems likely that most future residents would likely be working at or visiting the aforementioned settlements. Furthermore, given the geography, while driving to Easingwold via York may be slightly further than via the bridge, the economics of the bridge toll may dissuade some from travelling 'across country'.

*The Aldwark Manor Estate Hotel (site h)*

213. The visit to Aldwark Manor Hotel took place accompanied by a representative from the Applicant and the Parish Council. The hotel and its grounds are located adjacent to the Toll Bridge on the east side of the riverbank. Extensive redevelopment of the estate is taking place, including the redevelopment of the golf course and a new clubhouse, a spa and leisure complex, a new fine dining restaurant, 24 new hotel rooms, and conference facilities for 240 delegates.
214. It was clear from my visit that the hotel and its updated facilities is and will be a 'destination' location, with guests to be expected from various and sometimes distant locations. The Applicant notes that some of the developments have been constructed (such as the golf course, clubhouse and the restaurant) and so traffic will already be occurring due to these elements of the hotel. They also note that none of the proposed developments have required transport assessments (TA) with their applications.

215. It may be that none of the proposals required TAs in isolation, but that there may be a cumulative effect from the various proposals. However, the fact that two of the major elements of the development have been completed and already add to traffic on the bridge, and the fact that conference facilities are being 'upgraded' (rather than constructed) lead me to consider that additional bridge traffic from the hotel works would likely be covered within the overall growth figures.

***Conclusion on transport matters***

216. Usage of the bridge appears fairly static over the measured period, and the trend where shown is in fact slightly down since the bridge reopened as compared to previously. I consider that the data range of 18 months, including two lots of data for the months pre and post closure (albeit with two months having partial data due to opening/closing within those months) to be a reasonable period of time to assess the traffic crossing the bridge and that this provides a reasonably robust basis on which to forecast future trends.
217. It is clear that there is nothing to prevent tolls being charged outside the current charging period. However, while it could be assumed that more vehicles will cross during the 'shoulder' periods I agree it is not in the Applicant's interest to charge at times when it would not make economical sense for them to do so. The overheads involved in charging at other times would likely outweigh any revenue from the bridge tolls. Any revenue from charging motorcyclists, staff and their families and emergency vehicles is likely to be minimal and would not make a significant difference to revenue projections. The Applicant's view on the cost of ANPR to charge customers is noted and the use of ANPR does not form part of the application.
218. Therefore while I note the previous conclusions of the 2022 Report and do not dispute that costs could be extended to other users of the Bridge and to additional hours other than those currently charged under, for the reasons given above and based on the evidence supplied I do not consider that this is financially feasible – the cost of extending hours would likely exceed revenues (leading to the need to further increasing charges), the revenue gained from charging other users, such as motorcyclists would be minimal, and the use of ANPR is not proven and does not form part of the application.
219. I have concluded that the traffic growth forecasts are robust and take into account future growth across the region. Included in such figures would be many of the specific sites raised by the Parish Council. Possible exceptions to this are the larger sites of RAF Linton, land between Tollerton and Huby, and Maltkiln. However, the first two sites only appear to be included at the present time in the Call for Sites exercise. As such, they may not progress.
220. The Applicant considered that this would mean that it is unlikely that any of the sites would be approved and built to any significant degree within 10 years. I agree with this view and consider that any possible development on the sites is likely to be some way in the future, given the early stage of the Local Plan and subsequent need for planning permissions.
221. Maltkin is a slightly different example and appears to be further along the planning process. However, in this case I consider that the traffic forecasts would account for such growth, and that the location of the site and its

proximity to York, Harrogate, the A1 and train links means that further journeys using the bridge would be reasonably limited.

222. I note that the traffic growth forecasts are different in the July 2024 report to the original submission. I have used the latest available evidence in the July 24 report.

### **Accountancy**

#### *General issues*

223. Accounts to 31 July 2024 were not submitted to the inquiry, which would have needed to be prepared and submitted by 30 April 2025. However, given that the bridge itself was closed for much of the financial year (between 17 April 2023 and 17th February 2024) I do not consider that the inquiry has missed out on important evidence. Given the timing of the inquiry, the required deadline for submission of the accounts, and the work of the Applicant to prepare information for the inquiry, it was also reasonable for such evidence not to have been completed too.
224. I am satisfied that the Accountancy Report contains up to date and relevant information. My attention is drawn to paragraph 3.3 of Appendix 1 to the Accountancy report which states that:
- "Our projections are based on a limited review and on less information than would be required if the bridge was to undertake a statutory audit. We have not carried out any kind of audit or due diligence exercise and have not in any way sought to verify the truth or accuracy or any representations made to us"*
225. Concern was also raised over a lack of stress testing, sensitivity analysis and independent confirmation of figures contained in the accountancy report and appendices.
226. However, I note the differences in timing between the original report/work in May 2024 and the revised information in the February 2025 work. At the inquiry Mr Sanderson for the Applicant confirmed that he had personally seen all relevant invoices and receipts. This degree of detail was needed for the detail to be presented in the evidence. I also note that the evidence of Mr Sanderson given was in accordance with the requirements of the Institute of Chartered Accountants England & Wales. I do not doubt Mr Sanderson's evidence in this respect.
227. The accountancy report notes that it aims to provide projections on reasonable assumptions and forecasted trends to provide a sensible and sustainable plan for the bridge for a 10-year period. The Parish Council consider that it is impossible to provide any meaningfully accurate 10-year forecast as recent history emphatically shows and that projections cannot be reliable over the next 10 years given the previous 10 years. However, I consider such comments could be applied to any given forecast. Events of the past 10 years, such as the COVID-19 pandemic could not have been reasonably foreseen in such a report. I am satisfied that the report provides a balanced and realistic view of the 10-year period it forecasts for.
228. The Council take issue with paragraph 4.4 of Appendix 1 to the Accountancy Report which states that the Applicant seeks an uplift to toll fees to ensure that

the bridge can operate on a “commercially viable basis”, considering that the 1954 Act states that any revision of charges shall not be likely to result in the undertaking receiving an annual revenue either substantially less or substantially more than adequate to meet expenditure, as opposed to commercial viability which comes into play where there are no restrictions on a business as to what they can charge.

229. I do not consider that paragraph 4.4 is contradictory with the purposes of the 1954 Act. The Applicant seeks to make the bridge commercially viable, within the confines of the Act – that is to ensure that their annual revenue is more than adequate to meet expenditure (and not less than this, whether substantially or a little). The 1954 Act permits this, provided that such revenue is not substantially more than adequate. This point is considered further below.
230. The suggestion for multiple price rises over the 10 year period makes sense in order to plan for the sustainable working, management and maintenance of the bridge. In such a manner price rises can be staggered and theoretically ensure that at any one time the tolls charged are not substantially more or less than is required to meet revenue. It also helps to give owners and users certainty over the coming years.
231. The February 2025 updated Accountancy Report shows proposed annual income of £372,591 on the basis of the new toll fees. This is confirmed to arise from the transport report, where growth of up to 9.4% is considered.
232. The decision not to include vehicles between 3.5t and 7.5t in the financial projections is stated to be due to the fact that there are limited numbers of crossings of such vehicles so that these do not materially change the projections. However, I note in this respect that on average around 10% of crossings are made by such vehicles, a not insignificant number.

#### *Costs*

233. It was confirmed at the inquiry, and in the Applicant’s closing statement that pre-paid ticket income is already included in the financial projections. The use of pre-paid tickets was also stated to continue.
234. The costs for wages of the bridge appear reasonable. These are detailed in the latest figures at £98,833 and evidence notes how these have increased recently due to changes brought in in April 2025 for increases of the National Living Wage as well as reflecting changes in Employers National Insurance (and staff pensions) linked to this. Projected wages over the 10-year period take into account rises over the past 10 years to the National Living Wage and this appears reasonable to me (and obligatory in this sense).
235. The inquiry heard evidence around costs for various items. For light, heat and power, the baseline figure of £2,000 is based on 2023 accounts, and if anything appears a little low based on this figure at around £2,300 for that year. This would make up for any increase in 2023 due to refurbishment works, if they did cause more electricity to be used than usual. The sum allowable for travel and subsistence (in effect paying the bridge manager’s fuel at HMRC approved mileage rate for trips to the post office) is justified and reasonable and the sum of £1,000 for advertising given the costs shown for website upgrades/hosting and works to signs is also reasonable. The sponsorship of a local cricket club is

- a fairly nominal sum and comes in above the allowance based on last year's costs in any event.
236. Accountancy fees of £3,000 are significantly lower than in 2024 (£4,200) but it is likely that these figures were higher than usual due to the cost of preparing for the inquiry. The sum required given the need for annual accounts appears reasonable to me. While I note this is higher than the sums in 2021 and 2023, it is also lower than 2022. Legal and Consultancy fees are set at £7,500 and is based upon the costing for the traffic counter and software and the annual general inspection and set aside for the principal inspection fees with a provision of £1,500 for general legal fees. This seems eminently reasonable to me.
237. Management fees are set at £20,000. Detailed costings are provided in the evidence to justify this sum, with wages costs making up £14,000 of this amount (1.5 days a week) and £6,000 contribution to head office running costs but includes no provision for rent of office space. I consider such amounts to be reasonable given the evidence provided.
238. The Council are of the view that the costs headings above appeared to over inflate the operating costs of the business and are significantly higher than the costs from previous years. I consider that the costs identified have been fully justified and are reasonable in their amount.
239. £25,000 is allocated for annual repairs and maintenance of the bridge, with £50,000 set aside for future bridge refurbishment. Paragraph 12.7 of Appendix 4 to the Accountancy Report, the engineering report, details proposed maintenance costs at £24,500. However, this contains £5,000 annually for annual and principal inspections and reports which for the purposes of the accounts are included in the legal and consultancy fees above. Ongoing maintenance, in the form of £12,000 at £1,000 per month for the removal of debris, localised cleaning and minor repairs is supplemented with £7,500 for annual repair of masonry arches (repointing, repair and brick replacement) and therefore comes to £19,500. This effectively leaves an allowance of £5,500 included for unforeseen maintenance events.
240. An incident was described at the inquiry, the results of which were visible at my site visit, whereby damage had occurred to timber frames by a driver crossing the bridge at night. Costs for this incident came to over £8,500 and therefore an annual contingency appears reasonable to me. While some incidents may be reclaimable via insurance, not all will be, and attempting to reclaim insurance itself may incur some costs.
241. The engineering report states (paragraph 12.6) that long term plans will be required to completely replace the bridge protective paint system and timber decking after a period of 20-30 years. While this is not costed as beyond the scope of the engineering report the accountancy report notes that provision needs to be made for such works, along with the future refurbishment of the masonry arches, the tarmac approaches to the bridge and various works to the toll keeper's cottage. The future bridge refurbishment figure of £50,000 for such works would result in a refurbishment provision of £500,000 in 10 years. Given that the recent works cost over £700,000 this appears reasonable.
242. Costs are expected to increase over the 10-year plan. Inflation has been factored in at 2.3% for year 2 with future increases set at 2% based on the

government's inflation target. Mr Sanderson noted that given global uncertainties inflation could be higher. Higher inflation would increase costs and thus reduce return on capital. At the inquiry the Parish Council accepted that 2% was a low assumption, a point I agree with given global geopolitical and economic changes.

*Secure account and depreciation*

243. I note the Parish Council's severe concern that any annual provisions for Repairs & Maintenance and Future Refurbishment should be deposited into a secure account that can only be used for and is 'ring fenced' for the described purposes. This echoes a concern made in many representations over previous 'sinking funds' and indeed in the representations of the MP.
244. Given the history of the bridge I can well understand where such fears arise from. It is right to be concerned that a future application could be made in due course by a new bridge owner requiring a new sinking fund. However, the Applicant is correct in that there is no provision made in the legislation for such a fund. Moreover, I note the amount of work undertaken by the bridge owners since they took over the ownership of the crossing. Substantial amounts of money have been evidenced to have been spent on the bridge with effectively no return to the owners made so far. In my view this demonstrates the commitment of the Applicant to the bridge and it must be taken at face value that the sinking fund will be used to the same purpose. I also note and accept the point that the owners of the bridge would not seek to damage the on-going viability or value of the asset by not carrying out required works.
245. There is disagreement between the two parties over matters of depreciation, with the Parish Council considering that the bridge meets the definition of an investment property in accounting standards. This standard (FRS 102) refers to property in terms of land or a building (or both). I agree with the Applicant in that a bridge is not a building – it does not have walls and a roof and its purpose is not to give protection – and it is not therefore part of a building either.
246. I do consider however, as in the point above regarding the sinking fund that the bridge will likely be maintained as this would maintain the value of the asset for resale at some future point (to maintain the on-going viability or value of the asset) and note that the bridge as an asset has appreciated in value over the years (based solely on the sale prices cited by the Parish Council). However, be that as it may, this is to a certain extent speculation and while the value of the asset has not been taken into account in the accounts, nor has depreciation, which has been discounted in the accounts calculating the return on capital, following the previous inquiry decision.

*Reasonable rate of return*

247. As noted above, it is clear that the bridge is not commercially viable at present, with accounts showing a loss over the last three years with such losses expected to continue. Section 6 of the 1954 Act allows for a reasonable return on the paid up share capital of the undertaking, in addition to charges being neither substantially less or substantially more than adequate to meet expenditure of the working, management and maintenance of the undertaking and such other costs, charges and expenses which are properly chargeable to

revenue. I note in this respect, and agree with, the conclusions of the previous Inspector on matters of share capital and limited liability partnerships.

248. The application as submitted would result in an average return on capital of 8.38% over the 10-year period. This varies from just over 6% in year 3 to a figure closer to 10% in year 7. I am referred to the report in the Rixton and Warburton Bridge Order (2023) where 10% was considered appropriate. While this may have been under a separate Act, the figure of 10% would seem appropriate to myself too and would equate to a reasonable return on the investment of the Applicant, which is allowable under the terms of the 1954 Act.
249. The reasonable return or the profits of the bridge operation are tax free due to the terms of the Royal Assent granted when the bridge was originally operated. However, this does not alter in my view what is a reasonable return. At the Inquiry it was confirmed that if taxes were payable then the operation would be liable for both Value Added Tax and Corporation Tax. The end result of this in my view would be higher toll charges so as to maintain a similar reasonable return on capital.

### ***Conclusion on Accountancy***

250. I am satisfied that the Accountancy Report contains up to date and relevant information and that all relevant information was submitted to the inquiry. While I note concerns over differences in evidence between the original report/work in May 2024 and the revised information in February 2025, this later evidence added substantially to the information available to the inquiry and was useful and relevant and I am satisfied that the report provides a balanced and realistic view of the 10-year period it forecasts for.
251. The proposal for multiple price rises over the 10 year period makes sense in order to plan for the sustainable working, management and maintenance of the bridge. In such a manner price rises can be staggered and theoretically ensure that at any one time the tolls charged are not substantially more or less than is required to meet revenue. It also helps to give owners and users certainty over the coming years.
252. The costs for wages, light, heat and power, travel and subsistence, advertising and fees for accountancy, legal and consultancy and management are all reasonable and are fully justified given the evidence provided. Sums set aside for both annual repairs and maintenance of the bridge long term are also considered reasonable.
253. I understand and appreciate concerns over a sinking fund, but note the work undertaken by the bridge owners since they took over the ownership of the bridge, with effectively no return to the owners made so far. It must be taken at face value that the sinking fund will be used to the same purpose. Depreciation has been discounted in the accounts calculating the return on capital.
254. Above I have noted that around 10% of crossings are made by larger vehicles who pay an increased toll, yet they have not been included in the financial projections. This is a potential weakness of the projections and I consider that these could materially change the projections. However, balanced against this is the fact that inflation has been set (after year 2) at 2% in the forecasts. I share the views of both the Applicant and the Parish Council that this is a low

assumption and consider that this will outweigh the lack of inclusion of larger vehicles in the projections.

255. When taken together I consider that the average return on capital of 8.38% over the 10-year period to be reasonable and allowable under the terms of the Act. Were the bridge operations to be liable to taxation then bridge tolls would likely need to be higher.

### **INSPECTOR'S CONCLUSIONS**

256. There was discussion at the inquiry (and in the evidence) concerning statements from the Parish Council (and others) over the honesty and integrity of the Applicant. I appreciate the concerns of the Applicant in this regard and consider the evidence submitted from all parties at the inquiry to be useful, relevant and accurate. In their closing statement the Parish Council state that there has never been a suggestion of impropriety by themselves. I consider that the Parish Council sought clarity on the business case for the toll increase in a fair and reasonable manner at the inquiry. Likewise, I am of the view that the Applicant's evidence was relevant and trustworthy.
257. For the reasons given above and based on the evidence supplied I do not consider that extending hours of operation of toll collection on the bridge is financially feasible and that the revenue gained from charging other users, such as motorcyclists would be minimal and would not make a significant difference to the application and the revenue the bridge could collect. In addition, the use of ANPR is not proven and does not form part of the application.
258. I have concluded that the future bridge traffic growth forecasts fairly reflect the potential for significant additional traffic using the bridge over the course of the next 10 years, including future developments in the area as identified by the Parish Council.
259. The Accountancy Report contains up to date and relevant information and provides a balanced and realistic view of the 10-year period it forecasts for. Staggered price rises over the 10-year period assists in planning for the sustainable operation of the bridge and helps to provide owners and users with certainty. The costs included in the projections are reasonable and are justified, with sums set aside for annual repairs and maintenance also reasonable. Concerns over the lack of a ring-fenced sinking fund are understandable but the work undertaken by the owners since they took over the ownership of the bridge is recognised.
260. The lack of inclusion of larger vehicles in the financial projections is a weakness but this is outweighed in my view by the inflationary figure used in the forecasts. The average return on capital of 8.38% over the 10-year period is reasonable and allowable under the terms of the Act.
261. A common theme of objections centre around the importance of the bridge to local users, as critical infrastructure and as an essential lifeline for the area. The financial sustainability of the operation is essential for the long-term maintenance and provision of the bridge and will help to ensure that the bridge stays open to serve its purpose.

262. At present the bridge operations are not commercially viable and therefore the sustainability of the bridge as critical infrastructure for the area is in doubt. There was reasonably common acceptance that it is reasonable for tolls to rise, and I have concluded that the evidence is clear that the increase requested is reasonable. I understand that this will increase the financial burden on users of the bridge, particularly local rural residents who will necessarily use the crossing more than occasional visitors and that this will come as a disappointment to many. However, the evidence is clear that the proposed toll revision is necessary having regard to the financial position and future prospects of the undertaking.
263. I am satisfied that the proposed revision would not result in the undertaking receiving an annual revenue either substantially less or substantially more than adequate to meet the necessary costs of working, management and maintenance of the crossings, including costs that are properly chargeable to revenue and reasonable contributions to the reserve and that a reasonable return on capital is included.

**RECOMMENDATION**

264. I therefore recommend that the Order should be made as proposed.

*Jon Hockley*

INSPECTOR

## **APPEARANCES**

### **The Applicant**

David Hardy, Partner  
called

Alex Bell

Steven Windass CEng FIHE

Scott Sanderson FCA

CMS Cameron McKenna Nabarro Olswang LLP

Owner, Aldwark Bridge LLP

Technical Director, Local Transport Projects  
Ltd

Managing Partner, Hawsons

### **Objectors**

(Listed by order of first appearance)

Sir Alec Shelbrooke

John Topliss

Richard Bray

Steve Morrell

Member of Parliament for Wetherby and Easingwold

Chair, Aldwark Parish Council

Aldwark Parish Council

Aldwark Parish Council

**APPENDIX 1 – INQUIRY DOCUMENTS**

ID1/CD1.14 Opening Statement for the Applicant  
 ID2/CD5.3 Opening Statement for Aldwark Parish Council  
 ID3/CD6.2 Statement from Sir Alec Shelbrooke  
 ID4/CD6.1 Submission from Mr Bray – List of Sites  
 ID5/CD5.4 Closing submissions from Aldwark Parish Council  
 ID6/CD1.15 Closing submissions from the Applicant

**APPENDIX 2 –APPLICATION DOCUMENTS**

<a href="#">CD1.1</a>	Application Letter	
<a href="#">CD1.2</a>	Application Letter – Appendix 1	
<a href="#">CD1.3</a>	Application Letter – Appendix 2	
<a href="#">CD1.4</a>	Application Letter – Appendix 3	
<a href="#">CD1.5</a>	Application Letter – Appendix 4	
<a href="#">CD1.6</a>	Press Notice – York Press	18 July 2024
<a href="#">CD1.7</a>	Press Notice – Easingwold Advertiser (20 July 2024) Published in the hard copy newspaper on 18 July 2024	July 2024
<a href="#">CD1.8</a>	Notification of Inquiry to Applicant	9 January 2025
<a href="#">CD1.9</a>	Notification of Inquiry to Objectors	9 January 2025
<a href="#">CD1.10</a>	Notification of Inquiry to Supporters	
<a href="#">CD1.11</a>	Notification of the Inquiry	9 January 2025
<a href="#">CD1.12</a>	Easingwold Advertiser - Inquiry Notice	16 January 2025
<a href="#">CD1.13</a>	York Press - Inquiry Notice	13 January 2025
<a href="#">CD1.14</a>	Opening Submissions by the Applicant	18 March 2025
<a href="#">CD1.15</a>	Closing Submissions by the Applicant	19 March 2025

**CD4 – Proofs of Evidence from The Applicant**

<a href="#">CD4.1</a>	Proof of Evidence on behalf of Alex Bell (Applicant)	
<a href="#">CD4.2</a>	Proof of Evidence of Scott Sanderson (Accountant)	
<a href="#">CD4.2.1</a>	Appendix 1 to Accountant Proof of Evidence (Financial Projections)	
<a href="#">CD4.2.2</a>	Appendix 2 to Accountant Proof of Evidence (Annual Accounts)	
<a href="#">CD4.2.3</a>	Appendix 3 to Accountant Proof of Evidence (Income Reasonableness Assessment)	
<a href="#">CD4.2.4</a>	Appendix 4 to Accountant Proof of Evidence (Mason Clark Report)	
<a href="#">CD4.2.5</a>	Appendices to Mason Clark Report	
<a href="#">CD4.3</a>	Proof of Evidence of Steve Windass - Transport	

**CD5 – Proofs of Evidence from Aldwark**

<a href="#">CD5.1</a>	Proof of Evidence of Aldwark Parish Council	
<a href="#">CD5.2</a>	Rebuttal Proof of Evidence of Aldwark Parish Council	
<a href="#">CD5.3</a>	Opening Submission from Aldwark Parish Council	18 March 2025

<a href="#">CD5.4</a>	Closing Submission from Aldwark Parish Council	19 March 2025
<b>CD6 – Miscellaneous Documents</b>		
<a href="#">CD6.1</a>	Submission from Mr Bray – Lists of Sites	19 March 2025
<a href="#">CD6.2</a>	Statement from Sir Alec Shelbrooke	18 March 2025

### APPENDIX 3 – SCHEDULE OF CURRENT AND PROPOSED TOLLS

#### Aldwark Bridge Toll Classification

Classification		Current Toll	Proposed Toll Years 1-3	Proposed Toll Years 4-6	Proposed Toll Years 7-9	Proposed Toll Year 10
1	Motorcycle with no more than 3 wheels	No charge	No charge	No charge	No charge	No charge
2	Passenger vehicle with an operating weight not exceeding 3,500 kilograms	40p	£1	£1.20	£1.30	£1.40
3	Passenger or goods vehicle with a trailer or an operating weight exceeding 3,500	£1	£2	£2.20	£2.40	£2,60