



## **STATEMENT OF CASE**

### **SUFFOLK COUNTY COUNCIL (COUNTY BOROUGH OF IPSWICH DEFINITIVE MAP AND STATEMENT) (RESTRICTED BYWAY 36) MODIFICATION ORDER 2009**

#### **North and East Quays**

The North and East Quays have traditionally been used by all and sundry to walk, cycle, and drive along at will. They have done this for many years understanding the nature of a working port, being aware of moving carts, wagons, trains and lorries, and understanding the nature of the loading and unloading of cargo.

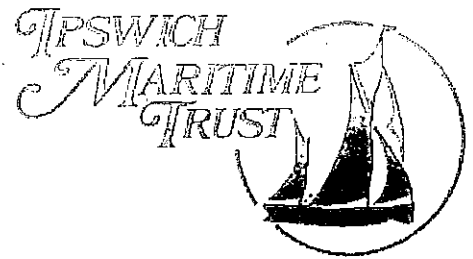
They have been able to do this since before the wet dock was built, and it is only in the last few years that barriers have been put up in places to stop them making free passage. In the past barriers that were there were used only when loading or unloading was taking place, for example the barrier at Cranfields and Pauls maltings at Albion Quay, and even then one could still walk or cycle by.

At the current time the public enjoy free access on foot and bike along the whole length of the proposed Restricted Byway and the Ipswich Maritime Trust is providing user statements and photographic evidence to show that this is not a recent activity which has occurred since the run-down of commercial vessels and trade within the Wet Dock.

The Ipswich Maritime Trust's case for the route being designated a Restricted Byway is supported by user statements and photographic evidence, over and above the evidence provided by SCC.

User statements and photographic evidence submitted in Appendix 1 from:

- 1.1 John Field
- 1.2 Ken Freestone
- 1.3 Stuart Grimwade
- 1.4 Des Pawson MBE
- 1.5 Phil Smart
- 1.6 Fraser Yates
- 1.7 Additional photographic evidence



## **STATEMENT OF CASE**

### **SUFFOLK COUNTY COUNCIL (COUNTY BOROUGH OF IPSWICH DEFINITIVE MAP AND STATEMENT) (RESTRICTED BYWAY 37) MODIFICATION ORDER 2009**

#### **Island Site**

The people of Ipswich have long enjoyed access to move around the Dock in Ipswich. They have done this for many years understanding the nature of a working port, being aware of moving carts, wagons, trains and lorries. Understanding the nature of the working of a lock and the unloading of cargo. They have been able to do this since before the wet dock was built, and it is only in the last few years that barriers have been closed to stop them making free passage.

Prior to the IPSWICH DOCK ACT 1913 it is generally agreed that there was a public right of way on the Island Site. The IPSWICH DOCK ACT 1913 allowed for the closure of the site by erection of gates situated 13 yards or thereabouts from the Foundry Lane entrance; it has not been proven in previous submissions that this closure took place (see SCC Statement of Reasons - para 87).

A route across the Island Site from Ship Launch Road, crossing the current lock, to the Ferry (and across to New Cut West) has traditionally been used by pedestrians, and from Ship Launch Road through to Stoke Bridge has been used by pedestrians, cyclists and also motor vehicles.

Passengers on the Ferry across the New Cut included those who were not requiring access to the dock for work or business, but were crossing the lock to work in non-port industries on both sides of the River Orwell. These passengers were obviously using the route with the knowledge of the Dock Authorities who did not prevent them from using this route.

Gates and barriers erected across the route were previously left open, even post 2000 when Gate No.4 was moved to meet the needs of access to the Marina, and did not prevent the passage by the general public as a through path for pleasure and for travelling to their place of work.

The Ipswich Maritime Trust's case for the route being designated is supported by the user statements showing unobstructed use of the route across the lock by the general public until passage was disrupted by the closure of the gates adjacent to lock control tower in approximately 2001. There does not appear to be any reason why the route cannot provide a safe and secure passage for the general public if designated a Restricted Byway.

User statements and photographic evidence submitted in Appendix 2 from:

2.1	Rev. M Ayden	Statement
2.2	J Field	Statement and photographs
2.3	J Freestone	Statement
2.4	K Freestone	Statement
2.5	A Gilson	Statement
2.6	S Grimwade	Statement and photographs
2.7	P Moldram	Statement
2.8	D Pawson MBE	Statement
2.9	K Quinton	Statement
2.10	P Smart	Statement and photographs
2.11	F Yates	Statement
2.12	Additional photographic evidence	



## STATEMENT OF CASE

### **SUFFOLK COUNTY COUNCIL (COUNTY BOROUGH OF IPSWICH DEFINITIVE MAP AND STATEMENT) (RESTRICTED BYWAY 38) MODIFICATION ORDER 2009**

#### **New Cut West**

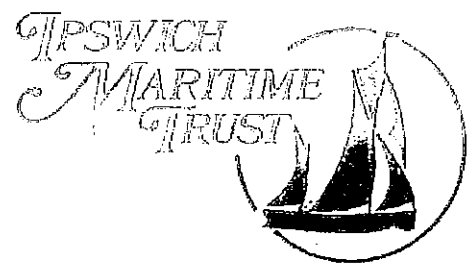
The people of Ipswich have long enjoyed access to move around the Dock in Ipswich. They have done this for many years understanding the nature of a working port, being aware of moving carts, wagons, trains and lorries, and the loading and unloading of cargo. They have been able to do this since before the wet dock was built, and there does not appear to have been any barriers erected to prevent the free passage of the public on New Cut West.

The Ipswich Maritime Trust believes the proposed Restricted Byway along New Cut West should be classified as a Byway Open to all Traffic (BOAT). The route has never been obstructed to vehicular traffic except for temporary building and remedial works, and has been used predominately by motor vehicles in the 5 years between 2001 and 2006 when the Natural Environment and Rural Communities Act 2006 came into force, and is therefore exempt from this Act under the exception as per Subsection 67(2)(a).

The Ipswich Maritime Trust is providing User submissions and photographic evidence to show that this route has been used by the general public and vehicles to support the designation of this route as a BOAT.

User statements submitted in Appendix 3 from:

Mike Cook  
Des Pawson MBE



## **STATEMENT OF CASE**

### **SUFFOLK COUNTY COUNCIL (COUNTY BOROUGH OF IPSWICH DEFINITIVE MAP AND STATEMENT) (FOOTPATH 40) MODIFICATION ORDER 2009**

#### **Island Site Promenade**

The people of Ipswich have long enjoyed access to move around the Dock in Ipswich. They have done this for many years understanding the nature of a working port, being aware of moving carts, wagons, trains and lorries. Understanding the nature of the working of a lock and the unloading of cargo. They have been able to do this since before the wet dock was built, and it is only in the last few years that barriers have been put up in places to stop them making free passage.

Prior to the IPSWICH DOCK ACT 1913 it is generally agreed that there was a public right of way on the Island Site. The IPSWICH DOCK ACT 1913 allowed for the closure of the site by erection of gates situated 13 yards or thereabouts from the Foundry Lane entrance; it has not been proven in previous submissions that this closure took place (see SCC Statement of Reasons - para 87).

The Promenade area was therefore readily accessible by the public from the route across the Island Site from Stoke Bridge to Ship Launch Road, or alternatively via the ferry from New Cut West, which operated until at least 1953.

The Ipswich Maritime Trust's case for the footpath is clearly demonstrated by the vast amount of photographic evidence to show the promenade in its heyday. And whilst the area may have deteriorated in the late 20's there is no proof that the rights of way which existed pre 1913 have not been extinguished. The ferry which continued to run to 1953 would have given access to this area irrespective of any other access issues.

Photographs have been submitted in Appendix 4 to show the scale of the area under consideration and that it was a separated area from the rest of the dock.