

12 Borrowdale Avenue
Ipswich
Suffolk
IP4 2TN

30 September 2010

The Planning Inspectorate
Room 4/05 Kite House
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN



Dear Sirs

Please find enclosed my evidence for the public inquiry under the Wildlife and Countryside Act 1981 Section 53 in Ipswich on Tuesday, 7 December 2010.

Yours faithfully

Leonard Woolf

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**(County Borough of Ipswich Definitive Map and Statement) (Restricted Byway 38)
Modification Order 2009**

I object to this being classified as a restricted byway.

New Cut West and Stoke Quay

The 1837 Ipswich Dock Act stipulated that there should be a roadway of at least 40 feet wide on both sides of the New Cut. Byway 38 is the road known at various times as New Cut West or partly Stoke Quay. The Act stated that all persons with cattle and carriages should have free access to the docks and quays and the sides of the New Cut and channel so that everyone and their vehicles had access without any restrictions. The Act uses the term carriages, but does not in any way make any definition of the way these carriages were to be drawn or propelled. Early motor vehicles were known as horseless carriages (see illustration (A)). The fact that the people who designed the dock did not know that motor vehicles would be developed is irrelevant and cannot be used as a reason for not having them on the roadways and byways of the dock area. These people did not know there would be motor propelled ships and they certainly would not have known of motor propelled submarines. Hundreds of motor propelled boats use the dock basin. If it was said that only rowing boats and sailing boats could use the dock because the designers would not have known of motor boats it would be considered outright lunacy. Boats are boats however propelled so carriages (now called cars) are carriages however propelled and should be permitted on these roads. If it is desired to call it a byway it must be classed as a byway open to all traffic.

The history of this road also shows that it carried a considerable amount of traffic of all types. A byway in the Concise Oxford Dictionary is defined as '*secondary or side road especially in the country*'. New Cut West does not fit this description. On the side opposite the New Cut there are many houses and businesses which must have created a fair amount of traffic (see illustration (B)). There was Suffolk Maltings, Barnes Construction, Pauls Maltings, Pauls Laboratories, also pubs and hotels. At present there is a large block of about thirty flats, and Pauls Maltings have been converted to Felaw Street Maltings office centre which has a car park with 130 parking places where all cars exit on to Stoke Quay (New Cut West).

**(County Borough of Ipswich Definitive Map and Statement) (Restricted Byway 37)
Modification Order 2009**

New Cut East

I object to Byway 37 being classified as a restricted byway. The same reasons apply for accepting this as a byway which should allow motorised traffic as with byway 38. Also the same definitions of what is a byway apply.

New Cut East from St Peters lock to the old lock gates had a fair number of residents and business activities (see illustration (B)). There was a public house known as the Lock Tavern. I believe it traded until 1948 and the building was demolished in 1955. No doubt this had motor driven vehicles bringing its stock.. At some time probably between the two

world wars the road was extended along the edge of the promenade for traffic to go straight through from St Peters Dock to Cliff Road. Later when the flood defence wall was built a footpath with a kerb was put along the side of the wall (see illustration (C)) indicating that there were quite a number of pedestrians who should have a way through reserved for them to protect them from the traffic, which at the time would have been motorised not horse drawn. New Cut East was signposted as a road (see illustration (D)).

During the 1960s, 1970s and 1980s I used to drive along this road several times a day. After that time I did not have cause to use it so often but I did still regularly use it until it was obstructed by the Dock Company. The construction of this road with free access for pedestrians and carriages arose from the 1837 Dock Act, also by its free use over several decades a right of way must have been established and therefore by blocking public access to this road the Dock Company have committed an illegal act. If the outcome of this Inquiry is to be decided by the volume of traffic in the previous 11 years while the road was obstructed, the Dock Company will have gained an advantage due to an illegal process and this should not be allowed; therefore, if traffic volume is to decide the issue it should be based on years previous to 1999. It should be noted that members of the public have protested against this obstruction since it was first proposed. The day before the Dock Company said the road was to be closed a group of people walked right round the dock, over the island and along New Cut West then went to the office in the old Custom House, saw Mr Nick Ridehalge, the Operations Manager, and stated their belief that the Company was not entitled to block vehicular traffic and pedestrians (see illustration (E)). If this section is to be classed as a byway it must be as a byway open to all traffic.

Pedestrians described in the Dock Act as foot passengers have always had the right to cross to the island.. Besides being a flourishing port. Ipswich was very important in the engineering industry. Two of the biggest companies were Ransomes & Rapiers and Ransomes, Sims & Jefferies. They were sited on opposite sides of the River Orwell and they both had a very large workforce which was drawn from both sides of the river. For many workers living on the Stoke and the Nacton sides of the river the best and shortest route was to go across the new lock, over the island and use the Griffin ferry across the New Cut or vice versa depending on which side of the river they lived (see illustration (F)).

The promenade was much frequented by the town's citizens during their leisure time. There were many seats for the public on the promenade and along the side of the New Cut, also for their benefit was the Umbrella Stand near the new lock gates (see illustration (G)). People of all ages used the island.

In the 1930 Ipswich Dock Act the Dock Commissioners tried to have public access to the island site closed. The Act stated there had to be a gate across the island entrance at a point about 13 yards from its junction with Foundry Lane. Further, there had to be a resolution passed at a special meeting of the Council consenting to the erection of the gate or barrier on East Road. This gate was never erected and there does not appear to be any record of this special meeting. As far as pedestrians are concerned this route must be classed as a public right of way.