

coll 2.871

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GAM/1871/CG403/PCF
19th July 1993

Dear John,

ERUV

Please accept my apologies for writing to you at home but your Clerk explained that you are working from there on an Inquiry in Telford this week and I needed to contact you to bring you up to date with the latest position and brief you concerning the question raised by Graham Morris in advance of next Monday's Conference on the above matter.

Subsequent to our Conference last week I was contacted by one of Barnet's highway engineers who told me that his Department's recommendation to Public Works Committee will be that the proposals to install the wires on the lamp posts in the Wildwood Road area be refused. His main justification for this appeared to be a matter of principle although upon further questioning he did suggest that if they looked at the matter fully they might find some cause for concern and that the wires might possibly even result in a need to replace the existing lamp posts with a different design which they might find unacceptable. He also confirmed upon further questioning that the decision was "probably a corporate one". Although I cannot definitely say so my impression was that he was not entirely happy with the position and it is likely that this recommendation has been foisted upon him.

Consequently David Schreiber has spoken with the Chairperson of Public Works, Don Goodman, who is also rapidly back tracking from his position of being able to deal with this matter under his executive powers. He now feels that it should go to Committee, that the Committee will find it difficult to go against the Officer's recommendation on a matter of principle such as this and that there is a strong likelihood that the matter will be referred to before Council. He has advised David that the matter should not be put up to Committee in its current form. Presumably if this advice is accepted there would be no alternative but to withdraw the repeat application and concentrate on the first appeal.

Ref: 1871

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However it does seem to me that there may be some merit in obtaining either a decision from the Council saying that we cannot use the lamp posts in the Wildwood Road area or at least written confirmation from them that they will not permit it prior to withdrawal of the application. This would enable us to demonstrate to the Inspector that we had looked at alternative methods of overcoming the problem in the Wildwood Road area but that they had been rejected by the Council and may assist our appeal in respect of erecting poles ourselves in this part of the Conservation Area. I think this is a matter which needs to be discussed at the Conference next Monday and no doubt this letter will give you the opportunity to give some thought to the matter beforehand.

Graham Morris has raised a more fundamental point of concern to the Eruv Committee. They are concerned that we may succeed in obtaining planning permission on appeal and that we may obtain the necessary consents under the highway legislation, but that the Council may have some further overriding power which enables them to say they do not wish to see the Eruv being provided and consequently block it. This is obviously extremely important to them since they are a Committee spending a large sum of public money and they are concerned that to ensure that the Council are unable to block the Eruv under such overriding powers which should have been foreseen at this stage prior to the money being spent. For your assistance on this point I understand that all the poles are proposed on either highway land or privately owned land (Hammerson's land at Brent Cross) although location 36 is a somewhat grey area - what is believed to be a highway verge maintained by Parks Department. Can you advise whether such powers exist.

Finally the Committee's technical advisor on the first application, Alan Perrin, has erected a sample of mono-filament wire between two lamp posts which form part of a recent office development undertaken in Golders Green Road and I understand that David will show this to you and Eric next Monday afternoon. David has questioned whether there is any merit in inviting the highway engineer to view this and your advice on this matter will again be appreciated.

Please do not hesitate to contact me if you have any questions on any of these matters prior to next Monday's Conference.

Yours sincerely,

Graham Murdoch

c.c. David Schreiber