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RECEIVED 23 NOV 1993

**MJ SUMNER & Co.**  
CHARTERED BUILDING SURVEYORS

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Tel. 081-858 0161 Fax. 081-305 1475

22nd November 1993

Our Ref. MJS/JOS

E. Fibbens Esq.,  
Fibbens Fox Associates,  
31 The Broadway,  
Woodford Green,  
Essex. IG8 0HQ

Dear Eric,

**Re: Proposed Eruv - London Borough of Barnet**

I refer to your letter of the 19th November and your enquiry with regard to party wall and related matters in connection with the above.

As may be seen from the notation on my letter heading, our activities as Chartered Building Surveyors include dealing with party wall matters arising under the London Building Acts (Amendment) Act 1939 and at common law. As a Chartered Building Surveyor, I have practised in London for more than 25 years, since about 1975 as a Principal and regularly deal with matters of this nature for Public Companies, Landed Estates and private individuals.

I will deal with the numbered enquiries on page 2 of your letter in order as follows:

1. The jurisdiction of the London Building Acts as referred to above is confined to the old London Metropolitan Boroughs as then existing which excluded the area now comprised in the London Borough of Barnet. In these circumstances, there is no obligation to serve a Party Wall or any other Notice required under that Act, or to negotiate a Party Wall Award to settle matters arising in accordance with procedure laid down.

There is no comparable legislation or procedure in force in respect of areas outside the former London Metropolitan Boroughs.

2. Provided that the poles do not interfere with established access to adjoining properties, the erection process does not trespass their air space, interfere with mains supplies, and no support is taken to the boundary structures, there is no legal or statutory obligation to give notice to riparian owners or seek their consent. Care must be taken to ensure that poles are not sited where there are vaults or underground structures, but in the event of the preliminary excavation penetrating footings spreading beneath the pavement, the riparian owners right of support would not be materially affected.

Continued/.....

Martin J Sumner FRICS FIAS  
Business Development  
Associate: Andrew McDonald MA (Cantab.)

PROJECT DESIGN & COORDINATION  
BUILDING DEFECTS CONSULTANTS  
PARTY WALL SURVEYORS

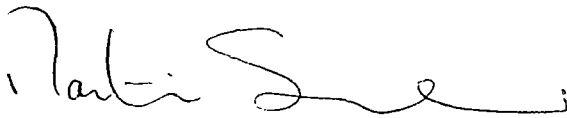
E. Fibbens Esq.

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3. Provided pedestrian and vehicular access points and lines of site are not affected by the proposed poles, I know of no basis for action against your Clients by riparian owners in the circumstances you outline.
4. In my opinion the method of construction/installation outlined in your letter would be adequate for poles up to say 8 metres providing good ground is encountered below paving level. Care must clearly be taken to avoid existing public utility services or other underground structures and the only amendment I would suggest would be oversizing the excavations by perhaps 50mm all round to enable the concrete to be rammed home in say 250mm layers, and for the paved or tarmaced surface to be reinstated to match adjoining areas.

I trust the above is sufficient response to your enquiry.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M.J. Sumner', with a stylized, flowing script.

M.J. Sumner