

11.1.2
1993

THE PLANNING ACTS

IN THE MATTER OF THE PLANNING APPEAL
RELATING TO VARIOUS PARTS OF BARNET

*Advised in consultation,
12th July 1992.
Dhm Stul.*

INSTRUCTIONS TO COUNSEL
TO ADVISE AND REPRESENT
AT PUBLIC INQUIRY

Counsel has herewith:-

1. Copy of Planning Application submitted on 10th July 1992.
2. Planning Officer's Committee Report.
3. Decision Notice dated 2nd March 1993.
4. Appeal documentation dated 4th May 1993.
5. Draft Statement of Case.
6. Revised Planning Application.
7. Correspondence between the Appellants and the Department of Transport.
8. Background papers.

Instructing Solicitors act for the United Synagogue Eruv Committee (c/o 9 West Heath Road, London NW3 7UX), "the Appellants".

The Appellants wish to define an "Eruv" in parts of the London Borough of Barnet. As far as possible this will be defined by using existing natural or man-made features such as the boundary fences alongside the M1 motorway and the surface level alignment of the Northern Line. However, it is necessary to complete the definition by spanning wide gaps or roads with a line supported by poles. This street furniture was the subject of an application for full planning permission submitted to the London Borough of Barnet on 10th July 1992. A copy of this Application is provided as Document 1.

Planning permission was refused on 2nd March 1993 despite a recommendation of approval from the Council's Planning Officer. A copy of the Committee Report and the Decision Notice are provided as Documents 2 and 3.

An appeal against this decision was lodged. Although the Appellants expressed a willingness to use the written representations procedure the Planning Inspectorate have decided that a Public Inquiry is necessary. A copy of the Appeal documentation is provided as Document 4.

In accordance with the Inquiries Procedure Rules the appellants are required to serve a statement of their case on the Inspectorate and the Local Planning Authority by Wednesday 25th August 1993. A copy of a draft Statement of Case is provided as Document 5.

Counsel should be aware that the Appellants are desirous to resolve this matter without recourse to appeal. As a result of discussions with the Royal Society for the Protection of Birds

and Barnet Council's engineers it has been possible to revise the scheme so as to reduce the thickness of the wire generally and also to reduce the number of new poles in the Wildwood Road area. A Revised Planning Application incorporating these amendments was submitted to the Council on June 7th 1993. A copy of this Revised Application is provided as Document 6.

If planning permission is not granted for these revised proposals, the Appellants will lodge a further appeal and seek to have it heard at the same Public Inquiry.

Counsel should be aware that correspondence has taken place between the Appellants and the Department of Transport concerning the possibility of an Inquiry being held in relation to any necessary stopping up orders etc. Although the Department have responded suggesting this may not be necessary, the Appellants are concerned to avoid a situation whereby a successful planning appeal would need to be followed by a further Inquiry concerning highway matters. The Appellants' preferred option is, if possible, for one Inquiry dealing with both planning and highway matters. A copy of relevant correspondence is provided as Document 7.

Finally, Counsel is provided with various background papers and newspaper cuttings which will assist in understanding the concept of the Eruv and general public reaction to the proposal (Document 8).

Counsel is required to advise at a conference on Monday 12th July and to represent the Appellants at the Public Inquiry on a date to be arranged.

Counsel is instructed accordingly.

1993

COUNSEL		
JBS		
COD: KANTER		
DATE: 9/7/93		
DATE OUT	1/19	INITIAL

THE PLANNING ACTS

IN THE MATTER OF THE PLANNING
APPEAL RELATING TO THE
INSTALLATION OF STREET FURNITURE
COMPRISING GROUPS OF POLES
CONNECTED BY HIGH LEVEL WIRE TO
COMPLETE THE IDENTIFICATION OF
THE PERIMETER OF A DEFINED "ERUV"
WITHIN PARTS OF BARNET

INSTRUCTIONS TO COUNSEL TO ADVISE
IN CONFERENCE; AND TO REPRESENT
THE APPELLANTS AT A PUBLIC
INQUIRY

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