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ERUV

NOTES OF A MEETING AT 9 WEST HEATH ROAD, INCLUDING TELEPHONE CONFERENCE WITH JOHN STEEL QC, ON MONDAY 11TH OCTOBER 1993.

Present: Mr. L. Begner - Eruv Committee
Mr. G. Morris - Eruv Committee
Mr. D. Schreiber - Eruv Committee
Mr. E. Fibbens - Fibbens Fox Associates Ltd.
Mr. G. Murdoch - Fibbens Fox Associates Ltd.

TELEPHONE CONFERENCE WITH JOHN STEEL QC

The main purpose of the telephone conference was to receive answers to five questions raised in Fibbens Fox Associates Ltd's letter dated 21st September 1993.

1. Although no formal application was made under Section 178 of the Highways Act 1980, Barnet Council have resolved to grant permission for the erection of poles and wires on the highway maintained by them. J.S. felt that the Committee should be bullish and should take this as a formal consent merely writing to the Council in due course confirming that the proposal is to proceed, providing any detailed matters required by the conditions, and requesting Council approval of them. Hopefully this would be dealt with by an Officer by means of an exchange of correspondence.

2. The Section 115 procedure is not appropriate in this case; rather Section 178 is relevant.

3. Yes, Section 178 also applies to the trunk roads but in this case application needs to be made to the Department of Transport rather than the London Borough of Barnet.

4. This procedure does not involve a Public Inquiry so there is no need or possibility for it to be heard at the same time as the Planning Inquiry. Any appeal would be via the Courts.

5. To the best of John Steel's knowledge there is no other way in which consent can be obtained for the erection of poles and wires on the highway in the face of the continued opposition from Barnet either as Highway Authority or land owner.

The question of witnesses was discussed and John Steel supported calling Lord Jakobvits former Chief Rabbi instead of Graham Morris. He agreed with EF that it would be preferable to avoid two witnesses giving essentially the same evidence on grounds of repetition and the possibility of the opposition being able to introduce a conflict of evidence under cross examination.

JS recommended that an appeal against non-determination of the second application be lodged immediately with a view to it being heard at the Public Inquiry.

NOTES OF MEETING

1. It was agreed that GAM would immediately lodge an appeal regarding non-determination of the second application.
2. It was agreed that GAM would make an application to the Department of Transport under Section 178 of the Highways Act 1980 concerning the erection of poles and wires on trunk roads.
3. It was agreed that GAM would write to the Programme Officer concerning a meeting to arrange location and constructional details for the sample poles in Wildwood Road and Cricklewood Lane also during the course of the Inquiry.
4. After the discussion with John Steel concerning witnesses it was agreed that the current Chief Rabbi would be a better witness in terms of the philosophical arguments and that Lord Jakobvits would be able to give evidence on need from his personal experience of living within the area. The logistical problem in terms of Lord Jakobvits' evidence will require him to appear on Thursday and it was agreed that once this has been cleared by GSM/LB, GAM will write to the Programme Officer concerning this point.

Distribution. All present plus John Steel

GAM/MGO
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