

Separate
pdf

JS Opening Speech
11.1.5

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Benefits

If it is considered that there is harm to any int of such thing importance, it is for the S/S to tie the benefits off and need for the ERV.

He must first understand what an ERV is.

considered coldly.

It is not just a gn of poles and wires that is how the UPA seem to have considered it as they did not have regard to the need for it.

origin. It is a

An ERV is of ancient, boundary.

In biblical times, a village ^{town} or city wall formed the ERV of every settlement - Israel has an ERV.

Within an ERV, practices otherwise banned by orthodox Jewish law can be practiced on the Sabbath.

It is not for us to judge or a nor it is a good thing. Likewise, it is not for others ^{other than practicing Christians} to judge whether the taking of communion & the sacraments is a good thing.

Outside Israel, due to the lack of ERV's, orthodox Jews have been unable by reason of their religious beliefs to go outside their homes on the Sabbath and push wheelchairs or prams, carry personal items such as keys or walking sticks or even carry prayer books, or visit the synagogue using wheelchairs.

The infirm, elderly, young, ~~and~~ disabled and many mothers have been confined to their houses.

Thus The ERV will have signif & far reaching benefits for '000's

So an enlightened ~~and~~ group of the United Synagogue formed a committee to create an ERV

Amount of \$10,000 Jewish community in earnest. Mix with community. signing of the synagogue

Officers of the considered the objections and concluded:-

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(vehemently)

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except deriving from the proposals. ^{except} In terms of those who object, ~~but~~ for the matter of ^{alleged} usual ^{effects} ~~influence~~, nor one single person will suffer directly from the proposals, and there is no or of any indirect effect either which will bring down harm.

There is a need for cogent clear ev
to prevent any development. There is a presⁿ
in favour of development & the dev't plan.
It is for those who allege harm to make out
their case, not just on assertion or allegation
but on the basis of clear ev.

1 small leaf ~~the~~ with many anthers

Furthermore, the harm must be generally
recognized to be demonstrable harm. Not just a
pin of "I don't like it".

Relevant & Irrelevant Considerations

1. Planning considerations - i.e. land use planning effects. Main issues - agree w list of 3 identified by Imp.

2. List Includes ⁱⁿ v.i.; highway danger (if any); nature conⁿ matters; effect on CH in terms of its character & appearance (visual);

3. It patently does not include:

- ~~a) the internal Jewish matter such as constitution of the office of the synagogue~~
- a) religious considerations as to whether is Jewish Rabbinical law an EIR is a good thing or not.
- b) Wh or not people feel uneasy about the presence of a Jewish group of a certain type in their ~~local~~ area.
- c) ~~whether or not people believe any matter of prejudice based on religious or racial grounds.~~ This covers many grounds.

Opposition

There is no doubt that opposition on ^{allegedly} social & moral grounds is genuine & widespread. When closely examined it is both ^{misleading but} genuine ^{irrelevant planning} ~~prejudice~~ ^{even from}

Some very eminent people.

However, ^{hard} some objectors may wish to deny that they are unprejudiced, and however hard they may deny that their cases at this ^{ignoring} are devoid of prejudice, it is abundantly clear that many objections are based solely on grounds of racial or religious ^{or social} prejudice; however eloquently put, a who may be saying this ^{is} ~~is~~ however the case is in fact considered to be based by them, this fact cannot be denied.

Modern motto. "We do not want more of them here."

Examples:

This country shd not tolerate this if based on ^{over} prejudice. If based on preferences re social mix of people, it is irrelevant.

Some genuine & very oppⁿ from individual Jewish people & assimilated into Christian religion or ~~or~~ ^{no} expressed religion.

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OS (2)

Of signif are in particular 3 facts not the considⁿ by the PG Cttee of failure:

Failure of
Consider

a) The members failed to weigh need in the balance v. the dem harm they id'd in terms of v.i.

~~Failure of~~ Officers had no req^t to do this
:- found no v.i. - Need only relevant if dem harm identified and wd otherwise be RR. Not normally for applicants to show need.

b) Failure of officers ^{in regard} + members to have regard to some of the more relevant policies - the ~~the~~ ^{the} Development Plan (Unitary DP), namely those concerning religious groups and minorities.

c) Failure properly to consider the effect of the poles & wires on trees.

So it cannot be sd that the LPA gave proper considⁿ to the applications before them. Decs of little weight accordingly.

It is thus incumbent on d/s to have regard to these matters and come to a judgment on the RELEVANT issues before him, aided by the inspectors.

OS ①

ERUV

Opening speed.

The applications: - for poles + wire, ⁱⁿ to form an Eruv.

① 85 poles at 38 locations

② - 5 poles at location N° 13, Willwood Rd.

Facts.

Total area w/ the Eruv = same 6 sq miles.

3" diameter.

Poles: 1 between 3.5m & 6.5m tall. ^{Normally 2 pairs.} 85 in N° 38 locations.

Constr: open for appⁿ w/ LPA if pp granted, but suggested to be dark colored metal poles or wooden poles.

Drum = c.

Wire: 3mm 1st appⁿ; 0.3mm wire 2nd appⁿ. 1st can also be 0.3mm if rec^d by council.

RR Considered by LPA + decisions

The p^r officers of LPA considered the matter at length. Prof advice. Off's well aware of area + effects. Well aware of objections + ~~approve~~ the grounds.

Rec^d pp be granted only to credits on 1st appⁿ.
No rec^d on 2nd appⁿ. Clear no change of mind.

V significant factor for S/s to tri/c.

No ^{indep} prof advice received by LPA members at any stage indicating pp shd be refused

RR on Appⁿ N° 1 (A): v.i. only. Also RR(2) Willwood Rd.
Deemed RR " " N° 2 (B): " " No RR Willwood Rd.
⇒ no demurr. to W Rd.

Vi of poles + wire

Compare these factors w other signs
about a street furniture:

1. Static

2. Not illuminated

3. Style ^{uniform} dark colour

4. Slim uniform profile

5. Vertical element only

6. Sited at back of pavement

7. Absent of signage ^{lettering or nos}
8. Height ^{or colour}

9. Almost invisible wire

10. Clutter or absence of street furniture
Mosque - not more of them.

Avoid CA? Even possible
by avoiding?

They held meetings. Assessed the boundaries to the area to see if they conformed to Orthodox Jewish Rabbinical law. They enlisted the support of others in the Jewish community. They made an application to the Rabbi's Court.

However, the court, whose word on these matters is final, requires that the Eruv be properly constructed. As has been the case upon many elsewhere in the world including in the US, Australia, Belgium, France, Gibraltar and Canada. No special dispensation can be given, else it would have been given.

This requires that the boundaries be continuous and where ^{no} physical feature lies, and a gap of $> 19\frac{1}{2}$ exists, or a fence is less than 40" tall, (6m)

the gap is treated as a gateway requiring there to be ~~poles~~ a wire erected across the gap.

There are 38 places where ^{only} gaps exist.

In such gaps, 2 or 3 poles will be erected. This is all except Wildwood Rd where, due to the current stance of the BC, 7 poles will be erected. Some need for pp.

PP is required for both applications:

- No d.h. by either.
- need out-weighs any alleged or actual harm.
- there is no current act to the creation of 7 poles on Wildwood Rd in order to form the Eruv.

If you require details of the principles behind the Eruv, such as why it is that the poles are required at place A & not at place B, must seek leave to call another witness. For the moment see no reason to do so.

No poles, no pp:
ie Eruv does not need pp. ~~is~~

The Sites & Effect of Poles on the Street

They vary in their posⁿ in the Borough, their character & appearance. See Eric Tibben's App^x FPA 3

In respect of sites 07, 30 & 37, there seems to be no issue taken by the LPA in respect of v.c. Why not? Personal view?

All other sites objected to by members, either
 "too much on street, clutter, or absence of sign of street furniture."

Street furniture is now commonplace in our towns & cities. As are road signs, advertising signs, cars and man made objects of all kinds.

What the LPA is in effect saying by refusing pp at all the other sites, no man made object in the form of a pole is in any way acceptable for whatever purpose — Cllr Mrs Scott at para 5.3 !!
 For too severe a test.

One of dem harm. N.B. Never considered need here.

Many if not most poles will be barely noticeable.

Among trees & foliage, hidden. Winter — not intrusive.

Members clearly thought (& give us) to effect that substantial foliage & branches will be lopped & cut. Of signif^c to their consideration of the application.

Can give an unequivocal statement that ~~there will~~ ^{we know of} ~~be~~ no need for any foliage to be pruned or cut down to accommodate the poles or wire. Many existing examples, → Condition in off^r's report # 4.24/2/93 # 3.26/4/93.

No trees will require to be felled, nor will there need to be any harmful effect on trees. If any particular site is found to be too close to a tree, then agreement can be reached with the CPA as to the exact siting of a pole.

↳ Shd impose a condition as opposed to refusing pp.
Circ advice of d/s.

Highway matters

2 Works ~~highways~~ ^{to users} Full consent given to effect on highways by public other when ^{in April + June 1992} resolved to grant consent for erection of poles with 1st applicⁿ. No such harm.

There will be no greater effect on highway users than any other pole - indeed less ~~as at the battle of the~~ ^{poles} than many.

Once pp granted, consent need not be highways Act.

The effect on the CPAs

Rel highway matters. DIP for funds vls authority.

On of having regard to special desirability to conserve & enhance the CPAs. ~~ff~~

Not a qn of having to conserve & enhance, else refuse pp. On then of need.

If neutral, fully meets stat^d req^t - South Lakeland case 1992, if leaves area w/out harm.

Have enhancement to character in terms of a better place to live in by '000s of members of Jewish faith.

Neutral is regard of CPAs which include hundreds of not thousands of items of street furniture including poles. Certainly no harm. Not in visual sense of demonstrable harm. Little change too.

Government Policy.

See Fibbon FFA 4

Fully = known of dest proceeding which does not unduly harm the environment, working in CAs.

Local Policy - VDP. Nov 91 - Aim (1) ^{Above all else maintain & improve the quality of life in the borough.}
for jobs

~~Special~~ ~~the~~ Some of proposals like CA, some outside. If not those in the CA, the ERG could not exist as proposed.

The policy is to pres & enhance the CAs.

~~With work~~ERG policies. ERG 1.1, 1.2 + 1.3

All highly supportive dest plan policies in favour of support for religious & minority groups facilities.

Add to the richness of life esp in North London area.

None are mentioned in off reports or even in Council members press of or!

Enacted policies for CAs, Areas of special character, Special Control of Advertisement Areas and Article 4 areas.

Some of the poles like w/ the areas of special control. There is, it is to be noted, no policy specifically governing the creation of street furniture.

In respect of signs, the controls are subject to criteria, not a total ban. Further, the Article 4 direction area is subject to normal ~~dest control~~ ^{dest control}, not a blanket ban. If pp refused, compensation. Matters of dest rights only.

25(9)

Effect on Nature Conservation

Effect of line on birds. RSPB - no harm.
English Nature - no harm.

Private Law matters.

Including effect on adj't landowners rights. No prejudice. Object in certain cases.

Support

Substantial. Letters + > 5000 petition
Violation + work.
Matter for the operators alone.

Procedure

Difficult to see this angle or ~~the~~ way harm.

The more Brier's the better. The less the likelihood of opposition on grounds of fear of the newness of the proposal.

Had this been a proposal for the just orthodox Jewish synagogues in the area, no doubt many of the same issues would have arisen, on grounds of prejudice of ac-
tion or another.

On p's grounds, there is we say an overwhelming case in favour of the ERV as all independent professional witnesses seem to agree.