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File RHM

30 October 1993

Planning Inspectorate
Room 1203D
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Reference APP/N5090/A/93/224571

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY UNITED SYNAGOGUE ERUV COMMITTEE

1.1 I am writing to express in the strongest possible terms my objection to the application of the United Synagogue Eruv Committee and my support for the decision of the London Borough of Barnet to reject the application.

1.2 I would regret any decision on appeal that the failure of the Borough to consider the revised application within the statutory time limit weakens or, worse, fatally undermines their case for rejecting the proposal in its original or revised form.

1.3 I should be grateful if my views could be brought to the notice of the inspector appointed to review the case.

2.1 My views have been strengthened by reading through the objections received by the Borough before considering the original application. These have been made available to the public as set out in the Chief Executive's letter of 18 October 1993, reference PLG.12698.ASV.NT.

2.2 I had no idea of the strength, depth and breadth of the objections raised and I have to say that I found myself agreeing with nearly all of them.

2.3 This is an ill-considered proposal when looked at from the view point of the wider community and should be rejected.

3.1 It is clear that the officers in advising the members had no foreknowledge of the storm that was to be raised. It is to be decided whether they were rightly overruled by the members.

3.2 I have to say that I am still not sure that the officers' advice that 'visual amenity' is the sole ground for rejecting the proposal is sound and that I remain to be convinced that the Public Works Committee were rightly advised to say that the technical and safety aspects of the proposals have been satisfactorily dealt with.

3.3 On the decision of the Public Works Committee, I would say that although the appellants say that they will inspect the poles and wires to ensure that they are intact on the days they want them to be intact, they have not explained to my satisfaction what resources they have, what measures they will take, what intention they have to maintain the poles and wires otherwise and to indemnify persons injured by faults - a broken wire in the mechanism of a child's cycle or a whiplash injury to the face in a gale could be very serious.

3.4 Given the strength of the objections - to the outdated treatment of women and the infirm which the applicants propose to perpetuate by their proposals, to 'one notionally jointly owned domain' which is offensive to people who thought they had bought a freehold on their property under the law of the land, to ghetto, to nazism, to arbeit macht frei, to national front, to possible acts of ill-intentioned persons, to conduct not conducive to racial harmony, to incitement to racial hatred - it remains for you to decide whether the planning legislation can cope and whether 'visual amenity' is sufficient grounds for rejecting a divisive proposal. I am fairly certain the appellants will not be satisfied by a rejection based on visual amenity - such a rejection will seem unjust (and not only to them).

4.1 I think on the whole that you will be able to decide that planning legislation can cope with the issue because the intention of the law is wider - to provide for justice and good order for all in the development and use of land. Both justice for the wider community and good order could be threatened by acceptance of these proposals. These wider considerations will surely militate against acceptance, and strengthen the objections raised on grounds of visual amenity and the objections (still, in my view, to be properly tested - see para 3.3 above) on technical and safety grounds.

4.2 The central issue on the wider view is whether, given that the appellants admit that the proposals will have an adverse visual impact, but claim that de minimis applies, they should also be required to accept that de minimis also applies to their claim that the proposals will improve the quality of life of a number of people. These objectives could be achieved by other means and the number of people who will directly

benefit will be a minority within the minority consisting of their disabled, their elderly infirm and their young families. The actual extent of the disadvantage necessarily suffered by these people is a matter of judgment, but the number of people who will be outraged by the present proposals seems likely to outnumber them at least tenfold.

4.4 You will note that the appellants have dropped the reference to their mothers with young families in the revised application no doubt because the attitude to women it reveals is so offensive to so many in contemporary Britain, but their attitude in so interpreting the fourth commandment that the disabled and infirm are disadvantaged is also appalling to much contemporary thought.

4.5 Here we begin, on the appellant's own case, to move away from visual amenity and from planning legislation into the realm of justice and good order. Is the disadvantage suffered by a minority within a minority as a result of self imposed religious belief a justifiable claim on our attention?

4.6 Some might say Yes. A student of religious belief might tell you that austerities and self mortification are frequent human responses to real or self imposed threats to identity. Religious leaders may be justified, may be responding to a real need, in seeking to re-impose discipline. But a keeper of the peace would surely reply that they have no right in law to seek to impose the discipline to the discomfort of a larger majority. Practice may be different in other jurisdictions, but in Britain the appellants have no rights to do as they wish, only the obligation and the duty to observe the Queen's peace.

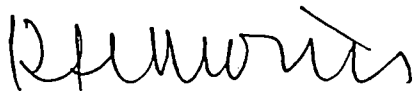
4.7 We may have no objection to what any people do in private, though the law has frequently intervened in private behaviour judged to be against the interests of society as a whole. We may nonetheless object to the reification of private beliefs in public, and in the public streets at that, and I think you will agree that the application is not a justifiable claim on public sympathy. The objections may not all be realistic but most of them are and they are real and held by a very large number of people.

5.1 My reading of the objections raised with the Borough is that the appellants are quite wrong to say that the objections reflect an anxiety raised by a handful of people from within the Jewish community - this is a calumny of people who do not share their views - the concern is much wider. I would add that many good and eminent people have been drawn into supporting the proposal without anticipating the storm which has been caused. Their sensitivities have to be considered and this compounds your difficulty in doing what is right and in the interests of justice and good order for all.

6.1 I am sure many of us wish the whole business would go away or that it could be accepted and forgotten, but I am sorry to say that it is my considered view that it won't and can't. The proposal is divisive and intrusive (on visual amenity grounds alone) and should be rejected firmly and justly and with duly objective consideration of all the issues.

7.1 I should be grateful if you would send me a copy of the decision letter on the appeals in due course.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'R Morris', with a stylized, cursive script.

Robert Morris