

THE UNITED SYNAGOGUE
ERUV COMMITTEE



Mr. J.A. Kosky
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4th October 1994

Dear Jonathan

Thank you for your letter dated 30th September 1994. In fact the decision was very much based on planning merits. We have received a full copy of the Inspector's report and it is extremely positive. He has ruled out all extraneous matters and ruled that the proposals would not harm the character or appearance of the Conservation Area at any of the five locations and that there would be no visual damage to the Conservation Area from the poles and wire. Needless to say, he came to the same conclusion with regard to the poles and wires outside the Conservation Area. He determined that the right test is whether the poles would cause residential amenity to be so seriously harmed that planning permission should be refused. He ruled that this objection had not been made out by local residents and there was no justification for refusal on these grounds.

You may be interested that the Inspector referred to the argument of the objectors who said that there is no real benefit or only a minimal benefit. In answer he asked (has he caught the Jewish bug?) "if that was the case, why would there be Eruvim in New York, Boston and Melbourne and why would two Chief Rabbis give evidence at the Inquiry?" He also opined that if the objectors' arguments about social disharmony were based on attitudes which discourage personal well-being and harmony, then they are either unlawful in terms of the Race Relations Act or contrary to policies which are directed at breaking down barriers in society. He dismissed the argument that the Eruv would set a precedent by saying that there would be no harmful precedent and "if more Eruvim in the UK are provided, the better it would be. Each case would be decided on its merits".

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Rabbi Isaac Bernstein (Finchley), Dayan Ivan Binstock (Golders Green), Rabbi Edward Jackson (Hampstead Garden Suburb), Rabbi Alan Kimche (Ner Yisrael), Rabbi Sidney Silberg (Hendon)

Supervisory Authority

Chief Rabbi Dr. Jonathan Sacks, Dayan Chanoch Ehrentreu, Head of the London Beth Din

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Technical Officer Alan Perrin B.Sc.

As you will appreciate, it was hardly difficult for the Secretary of State to follow the recommendations of his Inspector and this was what in the end he did. Needless to say there was lobbying from powerful objectors who endeavoured to persuade the Secretary of State not to follow the Inspector's report but in the end he obviously felt that there were no good grounds for him to disregard his Inspector's recommendation. If he also felt that following the Inspector's decision might win more votes for his party, then this could have been an added reason for dismissing the objectors' urgings to disregard the very closely reasoned report of the Inspector covering some fifty-five pages.

Needless to say we are delighted and are grateful to the professionals and all those who assisted us on High and down here! Yes, we do still have to deal with the Ministry of Transport and to a lesser extent the local authority whose Public Works Committee did approve the erection of the poles on the highway previously, but we are optimistic as always. The objectors claim to have a few other cards up their sleeves. We know what some of them are and we shall deal with them as they arise. If we meet any serious obstacle, I shall of course come back to you with a view to obtaining the benefit of your experience in these areas. What encourages us most of all is the attitude of Councillor Frank Davis who has publicly stated that now we have the umpire's decision, we have to abide by it and put the conflict behind us. We on the Committee certainly intend to follow a similar line and take a very conciliatory and low-profile stance whilst getting on with the hard work needed to erect the Eruv and achieve the desired result.

With all good wishes

Yours sincerely

G.S. Morris

copy DAS

LB

Ellen Levy