

APPENDIX C

LETTER FROM THE DEPARTMENT OF TRANSPORT



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~~GTN 276~~

Mr P Skinner
LB Barnet
Barnet House
1255 High Road
Whetstone
London N20 0EJ

My Ref:

Your Ref:

22 January 1993

Dear Mr Skinner

I refer to the planning application made by the United Synagogue Eruv Committee.

I enclose a copy of a letter we have just sent to the Eruv Committee from which you will note that the Department does not propose to intervene in the planning application. I should, however, draw your attention to the advice we have received from our lawyers that the Department has no power under highways legislation to permit posts to be erected for the purposes of the proposed eruv on land which retains highway status. Therefore, unless, as the above letter says, the Eruv Committee wish to proceed on the basis that overhead wires crossing highways are to be suspended from positions off the highway, they may wish to consider, if planning permission is granted pursuing the proposal via section 247 of the Town and Country Planning Act 1990 for the stopping up of those parts of any highway in which it is proposed to erect supporting posts. This route will, of course, need to be pursued via the Council.

I am sending a copy of this letter together with a copy of Mr Mance's letter to Ms McGurrian in your planning department. I am also copying this correspondence to Mr G C Brown, Chief Planner, Development Control and trust that he will accept this as a reply to his letter of 5 January.

Yours sincerely

R DEVONPORT
London Network Management Division



THE DEPARTMENT
OF TRANSPORT

JM.D106

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My Ref:

Your Ref: 8 January 1993

Dear Sir

HENDON AND GOLDERS GREEN ERUV

I understand that you act for the United Synagogue Eruv Committee.

This Department received a copy of the public consultation letter issued by the London Borough of Barnet on 7 September 1992 which enclosed a copy of your proposal dated June 1991 in connection with your clients' planning application to establish an eruv in the Borough. The Department is concerned as the highway authority for the trunk roads which would be affected by the proposed eruv.

The Department does not propose to respond to the local authority's public consultation letter. My purpose in writing is to remind you that there is no nexus between the Town and Country Planning Act 1990 and the Highways Act 1980. It is an offence under section 162 of the Act of 1980 to place any rope or wire across a highway so as to be likely to endanger persons using the highway; section 133 enables a highway authority to recover the cost of reinstating damage to footways by excavations or other works; section 143 empowers a highway authority to require the removal by a specified date of structures (defined as including any post capable of causing obstruction) from a highway; and section 178 makes it an offence to place any cable or wire over, along or across a highway without the consent of the highway authority, which may be given conditionally.

I would be glad to discuss with you or your clients whether, and on what conditions, a licence under section 178 of the Act might be given. However, I am advised that the Department has no power under highways legislation to permit posts to be erected for the purposes of the proposed eruv on land which retains highway status. Unless your clients are content to proceed on the basis that overhead wires crossing highways are to be suspended between buildings, posts or other erections off the highway, they may wish to consider, if planning permission is granted, whether to apply to the Secretary of State for an order under section 247 of the Town and Country Planning Act 1990 to be published providing for the stopping up of those parts of any highway in which it is proposed to erect supporting posts.

I am sending copies of this letter to Barnet's Planning Officer, Ms Gurrin; and also to Mr Skinner, the Borough Engineer responsible for the Council's trunk road agency agreement with the Department.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'R. J. Mance', with a long horizontal flourish extending to the right.

R J MANCE
Director
London Network Management Division

LONDON BOROUGH OF BARNET
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TOWN PLANNING AND RESEARCH COMMITTEE

27TH OCTOBER 1993

ESTABLISHMENT OF AN ERUV IN THE BOROUGH

ERUV 2 LOCATION 13

WILDWOOD ROAD N.W.11.

2 WOODEN POSTS

5.5M TALL

Planning Appraisal

Within Hampstead Garden Suburb Conservation Area. One wooden post is proposed at corner of 'Wylde Close Corner.' The property is set well back from the road and is on a substantially higher ground level. In view of this and the dense foliage at the boundary of the property it is considered that the post would not be detrimental to the visual amenities of the occupier.

The 'wire' would be suspended between existing lamp-posts to a second wooden post near the junction of Wildwood Road with Wildwood Rise, close to the flank boundary of 1 Wildwood Rise.

In view of the distance of the property from the pavement, approximately 15m, and the existing lamp-post and telegraph pole in close proximity it is considered that the additional wooden post would not be detrimental to the visual amenities of the occupiers.

Whilst the two posts would result in additional street furniture at each end the utilisation of existing lamp-posts to suspend the wire would leave existing views between the Heath and Heath Extension largely unaffected.

It is considered that there would be no harm to the overall character of the Conservation Area.