



**CORPORATION
OF LONDON**

The Superintendent of Hampstead Heath

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Mr G.C. Brown
Chief Planner, Development Control
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Our Reference

Your Reference

Date

10 June 1998

11 2 JUN 1998

Dear Mr Brown

Eruv 4: Site 13, Wildwood Road

I wrote to you on 14 February outlining our concerns about the damage that would be caused to the trees on the Heath by the Eruv 3 proposals for Wildwood Road, Site 13. I then emphasised the need to resite the poles in order to comply with the Secretary of State's ruling, namely that no works to the trees that may affect the roots or the branches should be undertaken.

The Eruv 4 proposals have now been published without any material change to the positioning of the poles on Wildwood Road, and I understand that the proposals are due to be considered by the Development and Protection Committee on Wednesday 17 June 1998.

Restating the position, the Corporation has strong reason to believe that the poles and wires on Wildwood Road which feature in the Eruv planning proposal would seriously harm nearby trees on Hampstead Heath. Under Section 16 of the Hampstead Heath Act 1871, which has been applied to parts of the Heath added under legislation relating to those added parts and which the Corporation now has to operate, the Corporation has a duty to -

".....at all times preserve, so far as may be, the natural aspect and state of the Heath, and to that end shall protect the turf, gorse, heather, timber and other trees, shrubs and brushwood thereon".

In these circumstances, on behalf of the Corporation I very much hope that your Council:-

(a) has policies in its development plan (particularly environmental policies) which provide for them to resist the current Eruv proposals so far as they include the relevant poles and wires, and that such proposals will be refused permission;

and

(b) takes into account what seems to me to be the highly material factor that another authority with statutory duties (the Corporation as respects Hampstead Heath) finds implementation of the Eruv planning proposal incompatible with the performance of those duties.

Without wishing to take point (b) far into the area of speculation, I think it perfectly possible that if the present Eruv proposals were to receive planning consent from your Council, I would have to advise the Hampstead Heath Management Committee that injunction proceedings should be commenced to prevent those proposals being implemented. Obviously, I hope that does not materialise, but it is a real possibility.

As you know I had hoped that we could all find an alternative, mutually satisfactory way forward, and I very much regret that we should be faced with the possibility of legal action. However, I must re-emphasise that the Corporation of London is deeply concerned about damage to the Heath environment, and is strongly supported by the conservation and environmental bodies associated with us.

I look forward to hearing from you.

Yours sincerely,



Paul Canneaux
Superintendent of Hampstead Heath

copy:

Chairman, Public Works Committee, LBB
Chairman, Development and Protection Committee, LBB
Chairman, Hampstead Heath Management Committee