

BARNET ERUV OBJECTORS GROUP

107 Wentworth Road, London, NW11 ORH

Tel: 0181 455 1691

8 September 1998

The licensing of Eruv 4: objections

The application before the Public Works Committee is to consider whether it, acting as the Highway Authority, is prepared to grant permission to a body, known as the Eruv Committee of the United Synagogue to break up pavements, footpaths and roads and to install poles at 87 locations on the highway, the majority at or near a road junction. See map, Attachment 1.

Town Planning consent gives no right to carry out the work. Unless the installation of each individual pole at a given location is given consent/licence by the Public Works Committee any work associated with its construction constitutes a criminal offence.

Owners of land with any building on it normally own the land to the centre of the adjoining road. The Council has the right to form footpaths, roads, lay drains and erect signs for the general good. Gas, water, electric and recently cable have the right to lay services by Act of Parliament. It is doubtful if the Council has the right to give individuals permission to erect poles on the footpath for private purposes.

Only the Public Works Committee can authorize the installation of each and every pole on the highways [except poles on trunk roads, which are the responsibility of the Highways Agency of the Department of Transport]. No other body or authority exists which can do so. Its decision is final, and there is no right of appeal.

A petition has been presented by the owners of 41 houses whose frontages adjoin the proposed Eruv urging the Council to refuse the Application. Attachment 2.

1. Public Works Committee policy .

The proposed siting of each pole must be considered in the light of the current guidelines of the Department of Environment and the stated policies of the Public Works Committee as the Highway Authority. These have been formulated and established in precise and clear terms, and can be summarized as;

- *Private direction signs are "only to be allowed on the public highway in the interests of public safety"

- *The Council's draft transport strategy "notes the importance of having unobstructed footway" and states that "the Council will secure improvements to the pedestrian environment to make it safer and more

pleasant to walk".

*Planning Policy Guidance, Note 6, DOE 1996, which has been adopted by the Council, "encourages local planning authorities to review in consultation with others the number design siting and maintenance of street furniture and signs".

*The Council has reemphasised that pedestrian widths should be maintained in terms of "minimum path widths 2 metres, to be increased when large flow or more space available".

Extracts from the relevant documents of the Development and Protection Committee and Public Works Committee meetings on 28 January and 5 February 1998 are shown as Attachment 3.

Many of the sites do not comply with some of these policies. None of the sites comply with all of them

2. Pedestrian movement

Barnet Council has undertaken to improve the conditions for pedestrian movement and the policies include a provision for a foot path of 2 metres as the benchmark standard. Yet the plans submitted by the Applicant run wholly counter to these policies, setting up obstructions on the pavement and, in many cases, producing a significant reduction of pedestrian facility.

For example, an Eruv pole planted as near the back of the pavement as possible at Site 13, Wildwood Road, must project at least 0.150m to allow for the concrete surround foundations. The width of the pavement at this point would then only be 1.4m, difficult for the public in general and impossible for the owner of 1 Wildwood Rise who has had a gate built for wheelchair access because she is chairbound. At the corner of Wildwood Rise and Wildwood Road there is also a large tree, a second telegraph pole and a lamp post.

Similarly, the pole on the corner of Site 14, The Bishops Avenue and Hampstead Lane, against the steel boundary of the playing fields, will reduce the width of the paved surface to 1.7m and will push pedestrians on to the grass verge.

The pole positions at Site 42A represent an amendment to the pole positions proposed as Site 42 in the Eruv 3 submission, which was rejected because of the undue narrowing of the pathway and the danger presented to the visually impaired in particular. As Site 42A the poles are now repositioned at the other end of the pathway, next to 52A Greenfield Gardens, but the pathway will still be narrowed by at least 0.6m, and reduced to 1.73m, as before!

At Site 18A, East End Road, moreover, the installation of the proposed Eruv poles would reduce the width of the west pavement from 1.15m to as little as 1.05m. And at Site 50, Tilling Road and Claremont Road, the east pole would reduce the pavement width to 1.3m and the west pole to 0.87m.

At 16 sites the proposed installation of Eruv poles would cause or aggravate

reductions in the pavement width to less than 2m, the Council's own minimum standard. A full list is shown in Attachment 4.

3. Public Safety

The Council has specifically laid down that private direction signs are only to be allowed in the interest of public safety. None of the 87 Eruv poles, as boundary signs, are required in the interest of public safety. On the contrary the installation of gratuitous street furniture inevitably generates further hazards and problems on pavements and roads, both as obstacles and unsafe structures, particularly with the possibility of trailing wires. Indeed, the Barnet Borough Sight Impaired Group has objected strongly to the proposed installation of poles and wires on behalf visually impaired and other disabled people. Representing over 8000 blind and partially sighted Barnet residents the Group has written passionately of the dangers both to its own membership and to the public at large, and the increasing risk of serious accident. A copy of their letter is attached as Attachment 5.

It needs scarcely be added that poles at the roadside and on bridges, with wires stretched across the road and alongside London Underground railway lines, compound the hazards. There is an implicit and fundamental conflict between the duty of the highways authorities to give priority to public safety and convenience, and the construction of the proposed Eruv. Attachment 6 identifies the sites which are of particular concern as hazards, especially in relation to motorways and the London Underground.

4. Construction requirements

The tallest poles proposed are about 6.0m high and must have proper foundations. No specification has, however, been forthcoming about the design of the poles or their installation requirements.

In the original Eruv submission wooden poles were specified, and it is clear that the Inspector understood that the poles were to be made of wood. However at the various different stages of the submission of different Eruv proposals the applicants appear to have substituted metal poles for wooden ones. In this latter detail the applicants would seem to be in clear breach of the Planning Consent and simply, and arbitrarily, ignoring the Inspector.

For stability the poles will need to be buried in a block of concrete some 1.0m deep to act as the foundation. The maximum distance for the pole from the building or boundary wall or fence permitted by the Eruv regulations is 6in. Therefore the foundations will in many cases interfere with the existing wall and cause damage. And, of course, digging and laying such foundations may well cause damage also to services in the pavement.

It should be noted that the Party Wall Act 1996 came in to effect on 1 July 1997. This requires that a frontager must be given formal notice, with detailed plans, if there is any proposal to carry out excavation and erect a structure within one metre of a frontagers boundary wall or external wall. In the event of any dispute surveyors must be appointed on both sides, with the persons proposing the works responsible for all costs and fees, whatever

the outcome. Consent must be obtained before any work commences. This Act is designed specifically to safeguard the essential rights of owners and to see that boundary walls and buildings are not damaged by excavations and works.

5. Trees

In consenting to the Planning Application on Appeal the Secretary of State for the Environment stipulated that "no works to trees, including cutting or damage to branches and roots shall be undertaken in implementing the approved development". It should be emphasized that the Secretary of State is unequivocal that **no** damage is permissible. It is impossible to see how that condition can be met in terms of the plans submitted, particularly bearing in mind the damage projected by the Inspector himself in his report to the Secretary of State.

In this context the Superintendent of Hampstead Heath has written to the Council on behalf of the Corporation of London expressing the gravest anxiety about the plans for the installation of poles at Site 13, Wildwood Road. In one letter he writes, as a qualified arboriculturist, that "it is clear that the proposed developments will cause significant damage to the roots and branches of trees on Hampstead Heath across the whole length of the Wildwood Road site". 2 of his letters are presented as Attachment 7. His comments are, of course, equally relevant to all those sites where it is proposed to install poles next to trees.

6. Indemnity

The practical considerations of installation, maintenance, and insurance of the Eruv poles and wires have never been addressed, either in the Eruv submission or in the reviewing committees. It is essential that the hazards and costs involved are classified in detail, and that, in considering the grant of any licence, the Council is assured of full indemnity, guaranteed and bonded by an appropriate Stock Bank or Primary Insurer, in respect of all aspects of installation, damage, maintenance and accident, so that no charge can possibly fall upon the Council or Barnet residents.

Not least, of course, the Council must determine clearly the ongoing legal authority, responsibility and substance of the entity they are dealing with. Just who are "The Eruv Committee of the United Synagogue"? What is its Constitution? What are its Articles of Association?

7. Rabbinic management responsibility

The importance of a detailed analysis of these practical considerations, and their implications, is highlighted by what little is known about the plans for the management of the proposed Eruv from the submissions of the applicant to date. The only documentary material relating to these issues is contained in the Eruv Manual by Dr Bertram Miller which was submitted to the Council by the Eruv Committee of the United Synagogue as a part of the original application. An extract from this strange document is appended as Attachment 8. It will be seen, for example, that it is a requirement that the

gateways must be maintained intact from Friday night to Saturday night and that symbolic adjustments can be made for this purpose, namely by nailing a 1.0m high piece of plywood to the base as a temporary measure, leaving an unsafe structure for an indefinite period! Such a form of management, under the direction of the Rabbinate, is surely wholly unacceptable to the Council in terms of any consideration of public good and safety.

The Council must appreciate that the proposed Eruv is not in any sense a "one off" installation issue; it must be understood that it would present problems and implications for the Council and the general public for 365 days a year.

8. The inadequacy of the Application

Without solid information about the physical plans for the Eruv, or indeed, any statement of the proposed authorities, responsibilities and procedures, there is little more that anybody can sensibly discuss at this stage. If the proposal is to be considered further, and seriously, it is absolutely imperative that the applicant specifies in detail just how the proposed Eruv is to be constructed and managed, in all aspects and at all stages, that those plans might be subject to the most careful and searching public examination.

It is a corollary that Councillors themselves must be fully and properly briefed before any further consideration is given to the Application. In particular, given the very many problems associated with the individual Sites, it is clearly vital that all members of the Public Works Committee visit all the Sites and acquaint themselves with the proposals for the pole positions.

Meanwhile, and particularly given the sufficiency of the reasons outlined in 1 - 6 above, the Committee is urged to refuse the Application.

May 1998

**PETITION TO BARNET COUNCILLORS FROM HOUSEHOLDERS AFFECTED
BY A POLE & WIRE CONSTRUCTION OUTSIDE THEIR HOMES**

1. Barnet Council's stated planning policies require that ALL new development proposals 'improve the pedestrian environment' and 'minimise the risk of accidents to pedestrians' (UDP M6.1, M6.2). The Council's highway policy in respect of private signs on the highway is that they are only to be allowed 'in the interest of public safety'.
2. **On 28th January & 2nd February 1998 the Development & Protection Committee & Public Works Committee confirmed these policies.**
3. None of the 80 Eruv gate posts and wire structures comply with these policies. Many add seriously to the risk of physical conflict. None is required 'in the interest of public safety'.
4. It is the Council's and the Members' obligation to take account of the fact that the Eruv gate posts are to be placed within 6" of the adjoining home owner's boundary fence or wall. We, as adjoining owners, protest that we will suffer permanent loss of amenity and comfort deriving from the Eruv gate posts.
5. None of these structures are installed and maintained by publicly responsible bodies, e.g. local authority or utility company, both of whom are legally accountable.
6. We object to our homes being marked out as ERUV border.
7. It is the concern of some of us that if these structures are erected our families and/or our homes could be the target of a violent attack or abuse.
8. It cannot be right to allow the public footpaths and highways of Barnet to be used to mark out a large area of the Borough with poles and wires, an area socially, religiously and racially mixed, so that a minority of the population should be able to ameliorate its own strict rules of Sabbath Observance.

SITE No.	NAME	ADDRESS	SIGNATURE
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LONDON BOROUGH OF BARNET

Item No.	15
Page No.	125-146

<u>Committees</u>	Development and Protection Public Works
<u>Dates</u>	28 January 1998 5 February 1998
<u>Subject</u>	Street Furniture Clutter
<u>Contributors</u>	Acting Director of Environmental Services
<u>Status</u>	Public
<u>Ward</u>	N/A
<u>Enclosures</u>	Appendix A - Report to Public Works Committee, 29 March 1994 Appendix B - Interim Draft Guidance Note "Street Furniture Layout"

1. SUMMARY

- 1.1 To review the Council's policy for the placement of street furniture, to avoid unnecessary clutter on footways.
- 1.2 This report was originally presented to the Public Works Committee at its meeting on 13 January 1998, but was not considered, due to the termination of that meeting at 10.00 pm, under Standing Order 61. Despite this, the report was still presented to the meeting of the Development and Protection Committee held on 28 January 1998.

2. Recommendation/Conclusions (For decision by both Committees)

- 2.1 That the Interim Guidance on "Street Furniture Layout", attached at Appendix B to this report, be approved.
- 2.2 That the Guide referred to in 2.1 above be revised at such time as the new London Streetscape Manual (as referred to in paragraph 8.3 of this report) is produced.

For decision by Public Works Committee

- 2.3 That the Acting Director of Environmental Services be instructed to prepare a sample town centre plan, setting out a review of Council-provided street furniture and report thereon to a future meeting of the Committee.

3. RELEVANT PREVIOUS DECISIONS

- 3.1 P Wks Cttee 29/3/94 dec 7 - There is a general principle of not permitting the attachment of any apparatus to street lighting columns except in certain specified circumstances. The decision of Public Works Committee in March 1994 reaffirmed this policy.
- 3.2 P Wks Cttee 7/1/86 dec 32 - Public Works Committee Dec 7/1/86 - 32 adopted a policy on the erection of private direction signs on the public highway, such signs only to be allowed access in the interests of public safety or to facilitate access from the signed road network. This policy was reaffirmed in March 1994.
- 3.3 TP&R Cttee 27.4.94
- 3.4 Council 30/4/96 & 8/7/97

4. POLICY CONSIDERATIONS

- 4.1 The Council's Corporate Plan 1997-2001 identifies as a key aim and theme for action a sustainable high quality environment (page 2). It commits the Council to continuing to address transport issues, with the aim of improving accessibility for all Barnet's people, while protecting the environment, and to promoting the use of walking as a way of getting around the Borough (page 5). It further expresses the Council's intention to make the environment safer and more pleasant for pedestrians, especially in town centres and around schools (page 13).
- 4.2 The Borough Unitary Development Plan (UDP) sets out policies favouring maintenance and improvement of the character and quality of the environment throughout the Borough (policy G1). Full consideration of all relevant aspects of environmental impact in assessing land use or development proposals (policy G2), enhancing the special value of conservation areas (policy G3), encouragement of new uses, buildings and infrastructure which contribute to the vitality and attractiveness of the Borough's town centres (policy G13) and support and promotion of proposals to encourage facilities for pedestrians (policy G23).
- 4.3 The UDP also sets out policies regarding townscape and design, indicating that development proposals should be compatible with the established character and architectural identity of existing or adjoining properties and the general locality (policy T1.1), that development conflicting with the need to safeguard and enhance the landscape and to features contributing to the identity of areas of special character will not be permitted (policy T2.1). On maintaining town centre retailing, the UDP indicates that the Council will encourage proposals which enhance the attractiveness and vitality of town centres, including environmental improvement schemes and improved access for pedestrians (policy S2.4).
- 4.4 The Council's draft Transport Strategy (currently subject to consultation) sets targets for reducing traffic levels by 10% by 2010, reducing car trips by 20% by 2006, reducing "school runs" by 10% by 2001 and increase walking journeys to work by 10% by 2006. It notes the importance of having unobstructed footways and states that the Council will secure improvements to the pedestrian environment to make it safer and more pleasant to walk, concentrating initially in areas of substantial

pedestrian movement such as town centres and around schools.

- 4.5 Planning Policy Guidance Note 6 ("Town Centres and Retail Developments", published by the Department of the Environment in 1996) states that street furniture and signs, if not well designed and co-ordinated, can cause visual clutter. It encourages local planning authorities to review in consultation with others, including the relevant highway authority, the number, design, siting and maintenance of items of street furniture, paving and signs.

5. RESOURCE IMPLICATIONS

- 5.1 The estimated cost of this work is £10,000, for which there is no specific budget provision. If the work is to go ahead, the cost must be contained within available revenue budgets related to the provision and maintenance of street furniture and progressed as and when maintenance works are undertaken. The consequence of undertaking this project within these budgets will be to reduce the amount of work spent on maintenance. Additionally, as improvement works are undertaken as part of town centre enhancements and local Agenda 21 partnership schemes, opportunities will be taken to rationalise and install street furniture in line with Council guidance.

6. MONITORING OFFICER'S OBSERVATIONS

- 6.1 None

7. HEAD OF PAID SERVICES' OBSERVATIONS

- 7.1 None

8. BACKGROUND INFORMATION/OFFICERS' COMMENTS

- 8.1 There are a wide range of structures and signs on the public highway which fulfil a variety of functions from providing a service, ensuring the safety and comfort of highway users, controlling use of the highway, through to providing information to pedestrians and drivers. Collectively, these structures and signs are termed as street furniture.
- 8.2 Street furniture can be provided directly by the Council, as highway authority, or by statutory bodies as part of their service provision. The report to the 29 March 1994 meeting of the Public Works Committee set out in detail the range of street furniture used on the highway, the associated legislative powers and the current Council policy relating to the provision of such furniture. The report concluded that the then Director of Technical Services should monitor the effectiveness of existing policies and report to a future meeting on strategies to reduce clutter. To assist Members, a copy of the 29 March 1994 report is attached as Appendix A to this report.
- 8.3 Members should be aware that English Heritage, the Government Office for London, the Pedestrians Association and the London Forum are currently producing the London Streetscape Manual. Officers of the planning and traffic engineering groups have been involved in working groups to help formulate proposals within the



HIGH STREET SHOPS

STREET FURNITURE LAYOUT

A guide to the placement of furniture on the street.

Interim draft



Street Furniture Layout - Interim Draft

A Guide to the Placing of Furniture in the Street

Introduction There is an increasing demand by the general public for well designed public places that make use of materials of appropriate quality. This document is intended as a guide to engineers, planners and statutory undertakers who are involved in the positioning furniture on the public highway within the London Borough of Barnet.

These are guiding principles. Each site will be treated on its individual merits, but these principles will form the basis of any decision made. There already exists some legislation and standards relating to certain aspects of work on the highway. Largely, these relate to safety. Siting often relies on common sense, the location of any piece of street furniture is always a compromise between many factors.

English Heritage, the Pedestrian Association and the London Forum are soon to publish the London Streetscape Manual. The Manual intends to set out basic design principles and hopes to establish a benchmark of quality and consistency for streetscape and street furniture throughout London. This Barnet document is a local technical guide in advance of the publication of the London Manual.

General Principles

- ☐ Is the street furniture needed?
- ☐ Maintain smooth unobstructed pedestrian routes
- ☐ Consider visibility of and for pedestrians and drivers
- ☐ Avoid distracting drivers or pedestrians within the zig-zag area of pedestrian crossings
- ☐ Maintain visibility of traffic signals or traffic signs
- ☐ Maintain minimum 450 mm clearance from the carriageway
- ☐ Maintain a minimum headroom of 2.1 metres
- ☐ Consider the effects on the disabled (visually impaired, mobility impaired)
- ☐ Avoid trip hazards
- ☐ Avoid obstructing pedestrian or vehicle access to properties
- ☐ Coordinate colour and style with other furniture
- ☐ Consider the overall impact of the furniture in the street scene
- ☐ Consider placing furniture at boundaries
- ☐ Consider the quality of the furniture
- ☐ Consider private forecourts
- ☐ Consider the need of frontagers to maintain their property
- ☐ Group furniture together, for example cycle stands and litter bins placed in the "shadow" of telephone kiosks and trees

Bus Stops

- ☐ Consider movement of passengers
- ☐ Avoid blocking the visibility of approaching buses
- ☐ Avoid obstructing bus alighting and entry points
- ☐ Consider siting shelter and seats on exit side of stop

Litter Bins

- ☐ Liaise with Met Police on security aspects
- ☐ Avoid using cast iron
- ☐ Position away from seats

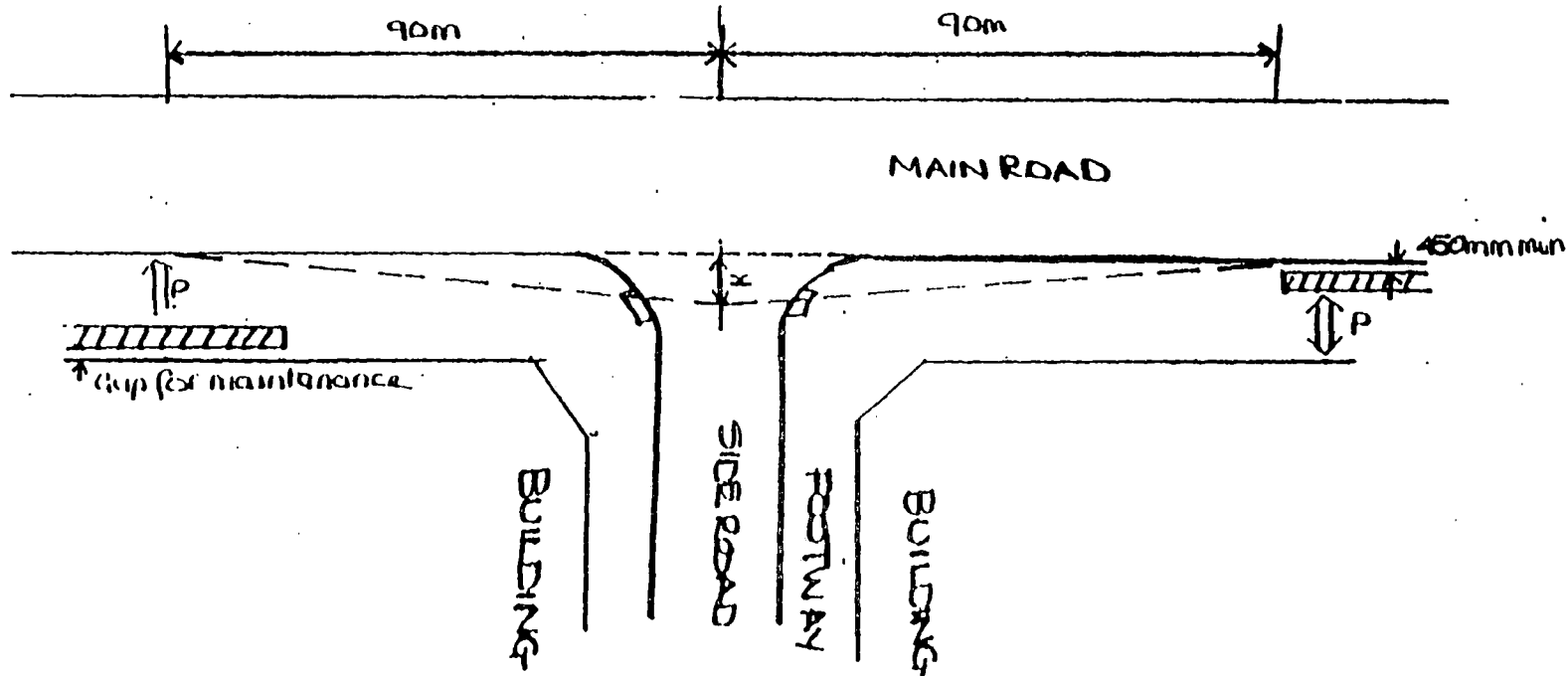
Cycle Stands

- ☐ Inverted "U" shape preferred
- ☐ Liaise with cycle groups

Telephone Kiosks, Cable Television Control Boxes, Free Standing Royal Pouch Boxes and Other Furniture

- ☐ The above guidelines generally apply but it is recommended that informal discussion and consultation be held with the council in advance of submitting formal notice

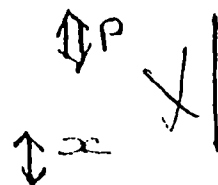
DESIRABLE VISIBILITY REQUIREMENTS FOR INSTALLATION OF STREET FURNITURE



Desirable zone for erecting street furniture



Lines over which unobstructed visibility should be provided



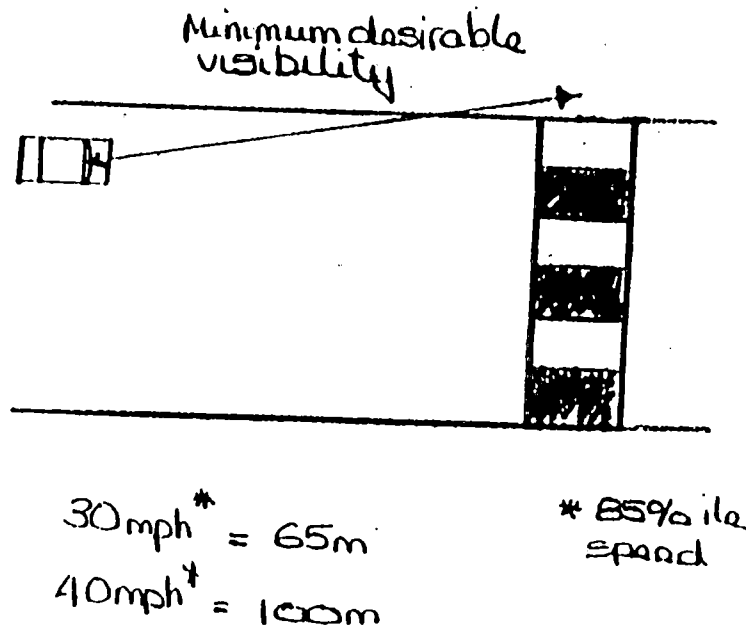
Maintain pedestrian path width if possible
(Minimum 2.0m to be increased when large flow or more space available)

9 metres (ideal)

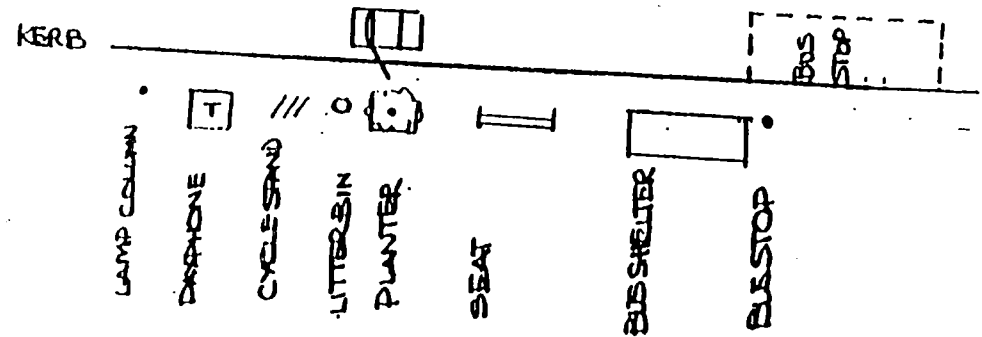
4.5 metres (lightly trafficked simple junction)

2.4 metres ('exceptional')

AT PEDESTRIAN CROSSING



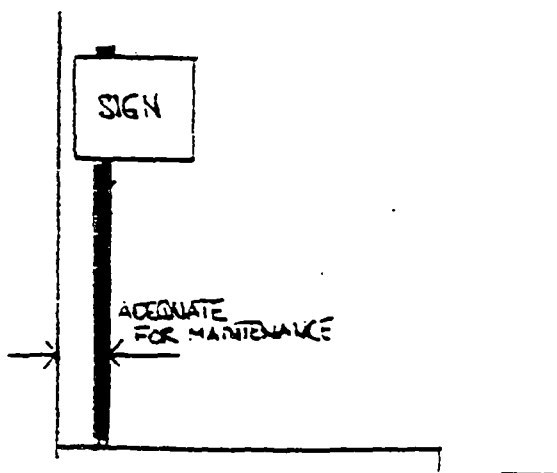
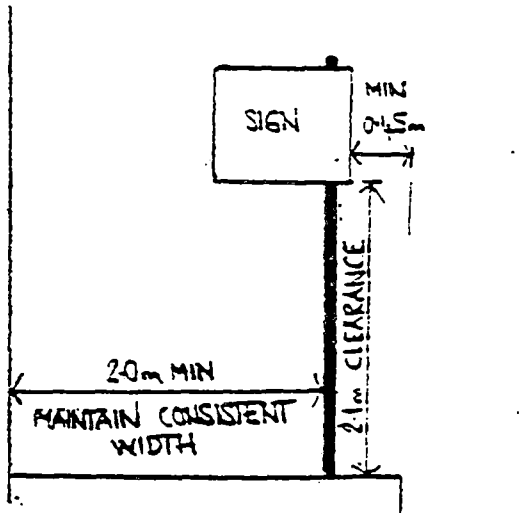
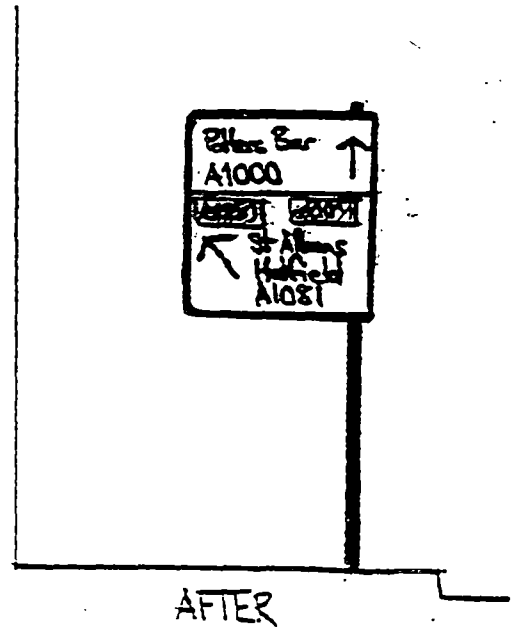
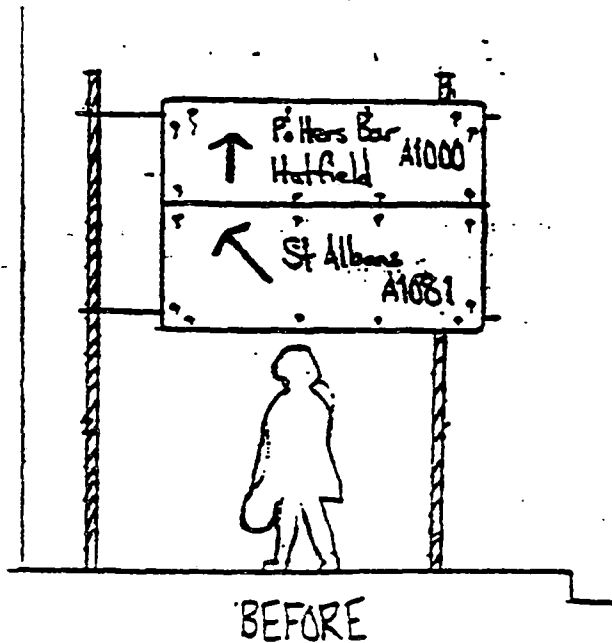
TYPICAL LAYOUT



FURTHER ADVICE

Refer to "Transport in the Urban Environment"
 At grade pedestrian crossings para. 22.7
 Footways and cycleways para. 35.5
 Visibility para. 38.7

EXAMPLES IN REDUCING SIGN CLUTTER.



Reduction of Sign Clutter

Signs have a significant impact on the street. They need to perform their function in respect of safety or information but their adverse impact can be minimal.

Consider

- ☐ is the sign really necessary?
- ☐ use minimum "X" heights where vehicle speeds are low
- ☐ combine old and new signs rather than adding new sign
- ☐ change the shape of the sign to a more efficient layout

Reduce Posts

- ☐ can the sign be fixed to a lighting column
- ☐ use bollards or columns for waiting restriction signs
- ☐ some signs can be incorporated into illuminated bollards or traffic signal aspects
- ☐ reduce the size of the sign to use only one post

Avoid Positioning Signs

- ☐ in the middle of the footway, use the front or back
- ☐ in front of shop or house windows, place them at boundaries
- ☐ where they are detrimental to the street scene such as in front of important buildings or views

Use Commonsense

BARNET ERUV OBJECTORS GROUP, 107 WENTWORTH ROAD, LONDON, NW11 ORH

2nd September 1998.

TELE: 0181 455 1691

REF: ERUV 4-19

SCHEDULE OF ERUV SITES WHERE THE ERECTION OF POLES REDUCES THE PAVEMENT WIDTH TO BELOW 2 METRES. (6'6").

For an Eruv Pole up to 6.5 metres high (21 ft) a diameter of 150 mm (6") is assumed and will be 150 mm (6") from the wall giving a projection of 300 mm. (1' 0")

SITE 13 WIDWOOD ROAD, NW11. Pavement at 1 Widwood Rise. Pole will be opposite existing telegraph pole and will reduce pavement to 1.400 width.

14. HAMPSTEAD LANE AND BISHOPS AVENUE N6 North post on Bishops Avenue, pavement reduced to 1.700.

18A. EAST END ROAD N2. ROAD BRIDGE OVER NORTHERN LINE.. West pavement reduced to 1.050 and East Pavement reduced to 1.150,

20. NORTH CIRCULAR ROAD, N2. ROAD BRIDGE OVER NORTHERN LINE. Both pavements on North and South sides reduced to 1.200 width.

21. SQUIRES LANE N3. ROAD BRIDGE OVER NORTHERN LINE. New road widening scheme. North west pavement reduced to 1.555. South East new road width reduced by 300mm.

22. REGENTS PARK ROAD, N3. ROAD BRIDGE OVER NORTHERN LINE.. North Pavement widths are 1.550 and 1,600. Poles by side of lamp posts.

26. COLIN DEEP LANE, NW4. ROAD BRIDGE OVER NORTHERN LINE. Both pavement widths reduced to 1.800.

29A. TEMPLEHOFF AVENUE. ROAD BRIDGE AND CIRCLE OVER RIVER BRENT. Both Pavement width reduced to 1.500

42A. HENDON WAY AND FOOTPATH TO GREENFIELD GARDENS NW2. Footpath width reduced to 1.730

49. TILLING ROAD. AT ENTRANCE TO TESCO AND TOYS-R-US East post reduces pavement width to 1.700

50. TILLING ROAD AND CLAREMONT ROAD. East Pole reduces pavement width to 1.300 and west pole width to .870

Total of sixteen pavement widths reduced by poles to below 2 metres.

SITES ON BRIDGES OVER LONDON UNDERGROUND NORTHERN LINE.

18A. Bridge at East End Road, N2

18B. Bridge at Prospect Place, N2

20. Bridge at North Circular Road, N2

21. Bridge at Squires Lane, N3

22 Bridge at Regents Park Road, N3

33. Bridge at Stanley Road, N2

SITES ON HIGHWAYS AGENCY ROADS.

17. Great North Road, N2

2 poles and 30m line

20, North Circular Road and L.T. Railway N2

3 poles and 35m line

24 Great North Way NW4 near Five Ways

4 poles and 58 m line.

25 Watford Way NW4 near Five Ways

3 poles and 55 m line

26 Colin Deep Lane, NW4 over M.1 mtrway

2 poles and 18 m line

27 Station Road NW4 over M.1 motorway

2 poles and 16 m line

41 Hendon Way at Cricklewood Lane NW2

3 poles and 37 m line

Barnet Borough Sight Impaired



A SUPPORT GROUP FOR THOSE WITH
PARTIAL OR COMPLETE LOSS OF SIGHT

Registered Charity No. 1058045



Honorary President;
Harry Daile

Chairman;
Joyce Dale

ENQUIRIES:
Telephone
and
Answerphone
0181 343 3450

STREET ISSUES CAMPAIGN

=====

PLEASE REPLY TO:

Michael Corfin Vice-chair BBSI c/o 51 Brook Avenue Edgware HA8 9UZ (958 7996)

Mr Clive Townsend
Planning Dept. Finchley and Golders Green Area,
London Borough of Barnet,
Barnet House,
1255 High Road, Whetstone,
LONDON N20 0EJ

11th June 1998

Dear Mr Townsend,

OBJECTION TO PLANNING APPLICATION FOR ERUV 4

BBSI strongly objects to the above planning application for the reasons concerning pedestrian safety and obstruction on the pavements of this Borough, particularly as they affect visually impaired and other classes of disabled people. These are detailed elsewhere in this letter. I shall be grateful if you will kindly place this objection before the Development and Protection Committee at its meeting on Wednesday 17th June.

We are the organisation which acts on behalf of the visually impaired people in the Borough. There are over 8000, visually impaired people in the Borough. This figure comprises the Registered blind, the Registered partially sighted and those known to be registerable. The figure does not include the very large number of Senior Citizens in the Borough who do not admit to having sight problems. (Between 20 and 25% of the residents of the Borough are over retirement age. Of these close on half are estimated to have sight problems). The figure also, does not include people with night blindness. This condition is particularly associated with age these (night blind people) are virtually blind at night, except that they can just see the street lights. Many elderly group often do not admit to being (night) blind and are therefore even more at risk.

The poles are proposed to be placed on pavements and pedestrian footways and verges of the highways within the Borough. As such there is a danger that all pedestrians will be obstructed by the development. The proposals must therefore be judged against the relevant policies in the Development Plan, (the Barnet Unitary Development Plan.[UDP]).

We are informed that there is a section in the Barnet UDP policy (M6.1 and M6.2) which provides that:

- a) The plan states that new development **"must be properly designed to make walking as safe and enjoyable as possible pedestrian trips to local activities account for a high proportion of movement in Barnet..... so the needs of pedestrians require as much consideration as any other means of transport"**. The plan goes on to say (part 9.4.6) that **"in addition to improving the pedestrian environment the Council aims to reduce the level of accidents to pedestrians and to help make walking more pleasant"**. This is particularly relevant for visually impaired people who are less likely to have access to a car and therefore more likely to walk than fully sighted people.
- b) Policies M6.1 and M6.2 are designed to meet those aims. Policy M6.1 states that **"the Council will ensure that the safety of road users, particularly those at greater risk, will be fully taken into account when considering planning applications for new developments"**.
- c) Policy M6.2 states that **"the Council will seek to improve Facilities for pedestrians..... to minimise the risk of accidents to pedestrians..... with particular attention to those groups most likely to be at risk such as the elderly, children, and people with disabilities"**. M 6.2 goes further than M6.1 because it requires proposals to improve facilities and minimise the risk of accidents.

In the light of these clear policies the position of the blind and the partially sighted and the night blind dictates the refusal of this application in its present form. From the point of view of all these people, the siting of the Eruv posts (i.e leaving only a six inch gap between the boundary wall and the Eruv pole) is dangerous.. Blind people use boundary fences and flank walls adjoining them as a guide . Their cane is put out in front of them to tap and feel the wall step by step. Many experienced blind people may walk up to three or four miles per hour using a long cane technique . In view of the positioning of these posts the cane is likely to get caught between the post and the wall and any sort of injury could happen. The cane could spring back or break, this could be very dangerous. We would like to suggest that anyone promoting the Eruv tries to negotiate a length of street with an Eruv post in it, blindfold, like a blind person with the aid of a cane at three miles an hour.

There is a more serious possibility. One of the things that a guide dog can't do too well, is to judge height. If for example because of vandalism or other causes, such as high wind, collision or poor construction of foundations, the wire was hanging less than say six feet from the ground, the blind person and the dog could be involved in a very nasty accident.

Very similar circumstances apply to the possibility of a cyclist or motor cyclist on the road becoming entangled in the wire, although here the risk of serious injury or death is even greater.

By way of additional example we refer you to the possibility of a blind person with or without a guide dog, or a partially sighted person having to deal with the hazard of a fallen post, or a tangle of wire.

If these poles are permitted, unless there is a regular system of routine maintenance, followed by checks/monitoring there will be an increasing risk of serious accident. Unfortunately this type of monitoring/maintenance is rarely carried out on a long term basis.

This is not a proposal that can possibly be acceptable to a Council, whose declared policy is that **"the Council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering planning applications"**.

REMINDER: Policy M6.2 states that "the Council will seek to improve Facilities for pedestrians..... to minimise the risk of accidents to pedestrians..... with particular attention to those groups most likely to be at risk such as the elderly, children, and people with disabilities"

It is apparent that these considerations have never been properly taken into account in formulating these proposals.

There are also particular situations which we know about.

We particularly draw your attention to location 22 at Regents Park Road to which we object where we believe two poles are to be placed close to the existing lamppost, impeding pedestrians. This site has only been considered previously in the light of 'Visual impact' only.

At location 21 Squires Lane the western pole is to be placed close to the lamppost, adjacent to a narrow bridge, thus tending to push pedestrians onto the carriageway. This site has only been considered previously in the light of 'Visual impact' only.

We have also been told of other proposals:

Locations 42 and 47 are on footpaths, which are narrow. The application proposes, two posts opposite each other on either side of the footpath will narrow them further. Posts placed in this manner at these locations will, in our view, inevitably impede pedestrians blind or sighted including mothers with children, and/or buggies and wheel-chair users and they will present particular danger for the blind and the partially sighted.

It is clear that these structures should not be allowed on pedestrian footpaths which are designed as a specific amenity for pedestrians. Eruv Locations on these footpaths have previously been refused by the Council on this account, and the objection remains since the proposed location does not in any material effect, differ from the locations refused on the 815197 i.e They are on the same narrow footpath at a different point.

From the point of view of the blind and partially sighted these locations must be refused.

We must point out that there is now an additional planning policy in Barnet that **no private street signs 'are to be allowed except in the interests of Public Safety.** This policy is relevant to all of the structures. The observance of this policy requirement, is a major matter for the blind and partially sighted. As we understand it, these structures are proposed as street signs to mark out the border of an Eruv. They are certainly not required for public safety. From the point of view of the blind and partially sighted this policy dictates refusal by the members.

We as blind and partially sighted people expect the Council Members to ensure that the planning policies of the Borough are carried out. This means that items of the type proposed must be sited off the footway

In our view these all amount to compelling planning reasons which justify a refusal of planning permission in this case. The development is contrary to policies in the development plan, and falls foul of s54A of the 1990 Planning Act, which requires, planning decisions to be taken. in accordance with the development plan.

Signed,

A handwritten signature in black ink, appearing to read 'Michael Corfin', with a stylized flourish at the end.

Michael Corfin
(Vice-chair)

Please refer any queries to Michael Corfin 958 7996

**PLEASE REPLY IN LARGE PRINT - 18 or 20 POINT,
sans serif, bold. Thank you.**

BARNET ERUV OBJECTORS GROUP

107 Wentworth Road, London, NW11 ORH

Tel: 0181 455 1691

Attachment 6

June 1998

SCHEDULE OF POLES THAT PRESENT MAJOR DANGERS

- 18a EAST END ROAD Two poles adjoining bridge parapet of London Transport Railway. Additional hazard broken pole/wire falling onto railway line.
- 18B PROSPECT PLACE Two poles adjoining bridge parapet of London Transport Railway - as 18a
- 19 HOLY TRINITY CHURCH & TEMPLE Pole on pavement in front of electric intake box. Danger to life on installation.
- 21 SQUIRES LANE Two poles adjoining bridge parapet of London Transport Railway - as 18a
- 22 REGENTS PARK ROAD Two poles adjoining bridge parapet of London Transport Railway. As 18a
- 24a & 24B GREAT NORTH WAY Wires attached to Footbridge accessible to pedestrians crossing bridge. Wire if broken falls onto Great North Way
- 26 COLINDEEP LANE & M1.MOTORWAY Two poles adjoining the parapet wall of the bridge and mesh fence over the M1 Motorway. Additional hazard of poles falling onto M1
- 27 STATION ROAD & M1 MOTORWAY Two poles adjoining the parapet of the bridge over the motorway. One is central on the bridge over the motorway below. As 26
- 33 STANLEY ROAD 2 Poles adjoining bridge parapet of London Transport Railway as 18a
- 38 FINCHLEY ROAD NW2 From the balustrade in front of the garden of the Public House, access can be gained easily to the wire and pole



The Superintendent of Hampstead Heath

Paul Canneaux 0181-348 9908 (option 16)

Heathfield House
132 Archway Road
London N6 4HH
Facsimile 0181-348 1677

Direct Line

0181-348 9908

Exchange 0181-348 9908

Our Reference

Supt/HH

Your Reference

Date

18 December 1996

Chief Executive
London Borough of Barnet
The Town Hall
The Burroughs
Hendon
NW4 4BG

Dear Sir,

Planning Application: Eruv 3

In view of the consideration now being given by the London Borough of Barnet to the revised proposals for the Eruv, I am writing to advise the Council that the conditions for planning consent laid down by the Secretary of State in his Appeal judgement dated 20 September 1994 cannot be met by these revised proposals at Wildwood Road, Site 13.

In granting consent the Secretary of State stipulated that *"No works to trees, including cutting or damage to branches and roots shall be undertaken in implementing the approved development"*, Para 15 Application Eruv 1 [iv] and Application Eruv 2 [iii]. We have evaluated the implications of the proposals for the installation of poles and wires at Site 13 and it is clear that the proposed development will cause significant damage to the roots and branches of trees on Hampstead Heath across the whole length of the Wildwood Road Site.

We do not wish to make changes to the disposition of trees at the Wildwood Road Site, and, therefore, request the Council to ensure that any proposals for development of the Eruv should be amended to take those conditions fully into account with respect to Site 13.

Yours faithfully,

P.A. Canneaux
Superintendent of Hampstead Heath



**CORPORATION
OF LONDON**

The Superintendent of Hampstead Heath

Paul Canneaux MSc (Horticulture)

Heathfield House
132 Archway Road
London N6 4HH
Facsimile 0181-348 1677

Direct Line

0181-348 9908

Exchange 0181-348 9908

Our Reference

Supt/HH

Your Reference

Date

14 February 1997

London Borough of Barnet
Directorate of Environmental Services
For the Attention of Mr G. C. Brown
Development & Protection Division
Development Control Section
Barnet House, 1255 High Road
Whetstone
N20 0EJ

Dear Mr Brown,

Thank you for your letter dated 30 January concerning the proposed Eruv, Wildwood Road. I appreciate the time and trouble you have taken in giving such a detailed reply.

I note from your letter that the Council's Public Works Committee still have to consider the granting of a licence under Section 50 of the New Roads and Street Works Act and Section 178 of the Highways Act for the erection of poles and wire on/over the highway. I must say that while the idea of hand digging to accommodate these poles would seem to be a way round the problem, I have to make very clear the position that it is impossible to either hand dig or mechanically excavate any hole without damaging roots when in such close proximity to the trees concerned. Accordingly, as far as this area of Wildwood Road is concerned, the easiest way out of this apparent dilemma would be to simply comply with the Secretary of State's decision, namely that no works to trees that may affect the roots or the branches should be undertaken. This would then mean that the Eruv would need to be resited elsewhere where trees are not a problem. I would be very grateful if you would draw this point to the attention of the Public Works Committee when they have this matter under their consideration. Would you please let me know if there is another method that I should use to bring it to their attention, if by going through you this is not the appropriate way. I would be grateful for your assistance.

Many thanks for writing to me.

Yours sincerely,

Paul Canneaux
Superintendent of Hampstead Heath

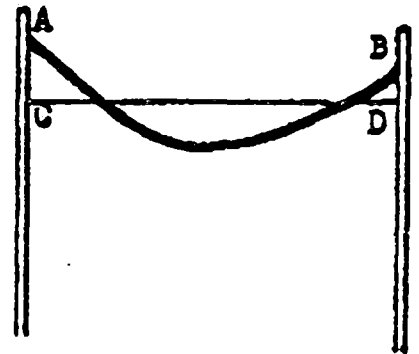
Members should note,
1) The document of which this is
an extract was submitted by or on
behalf of the Eruv Committee to Barnett
as part of the papers and submissions
leading up to the initial applications
for Eruv consent.

ERUV
MANUAL
by
Dr. Bertram
Miller

20. A three-piece frame in the shape of a "ches" is not kosher for a lechi. The top piece constitutes a blockage (chatzitzta) between the vertical shafts and the Eruv line. If the wire crosses the ches midway between the two vertical shafts, the tzuras hapesach is also invalid because the wire is not over the top of the lechi.

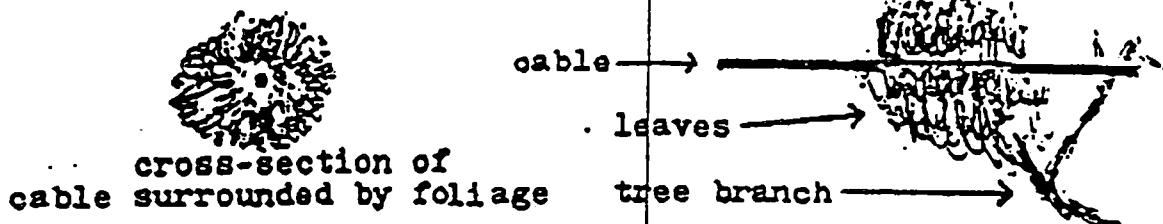


21. Lechis may be put only under wires which are as taut as possible. The halacha requires that a line between two poles must look "straight" in order to qualify as a tzuras hapesach. Some authorities permit Eruv lines to sag no more than three tefachim. (In any case, an Eruv line must not dip below 10 tefachim from the ground.) The accepted practice today is to use utility wires even though they may sag more than three tefachim over distances of 150 feet or more (as long as the wires remain over the lechis in a normal wind).



Lines which sag substantially (AB in the diagram), even though they are taut, or lines which blow more than three tefachim in the wind are questionable. A common solution to this problem is to string a separate line (CD in diagram).

22. If a tree branch pushes a telephone cable or Eruv rope substantially off a straight course, it must be corrected. Cut the branch. If the line is pushed only slightly off a straight course, it is questionable. Consult a rav.
23. There is a view which holds that a cable which is completely enveloped by tree branches and leaves for a distance of 10.5 inches out (from the cable) in all directions is "broken." Therefore, consult a rav to ascertain if the leaves and branches in such locations must be cut away.



Note for Members, please.
Lechis ~~at~~ four poles
Tzuras hapesach — gateway.

Only the pulpit rabbis and the synagogue presidents (or their designates) have this secret phone number.

B. (Yet to be needed.) Shabbos comes and the Eruv is not kosher.

Should Shabbos arrive before all our repairs are completed, the Eruv president will tell the shule callers on the secret number that the Eruv has not been repaired-it is not kosher. The Eruv inspector will call a gentile pole climber on Friday afternoon and make arrangements for the gentile to come to his home as soon as he returns from work. The gentile, who is aware of what the inspector may and may not do on Shabbos, will load the tools, materials, etc. into his own car. Some authorities permit the gentile to drive the inspector to the location(s) which need repair. The inspector will supervise the repair(s). It must be understood that the inspector will in no way physically assist with the repair(s) or do any melacha.

When the gentile has repaired the Eruv to the inspector's satisfaction, he will drive back to the inspector's home to return the tools and left-over materials. Although the gentile may do melachos for the community, at no time may he do a melacha for the inspector. If, for instance, the gentile has his own tools and materials, and therefore, has no reason of his own to drive back to the inspector's home, the inspector would either have to walk home from the location of the repair, or from the gentile's home, etc. Some authorities do not permit the inspector to ride in the gentile's car at all on Shabbos.

Note: Since the Eruv was not kosher at the beginning of Shabbos the Eruvei Hatzeiros would not be "in effect." Therefore, carrying, etc. would not be permitted, m'd'rabbanan. The purpose of the repairs would be to eliminate or minimize the possibility of people being nichshal in hotza'a m'd'oraisa.

Emergency repairs.

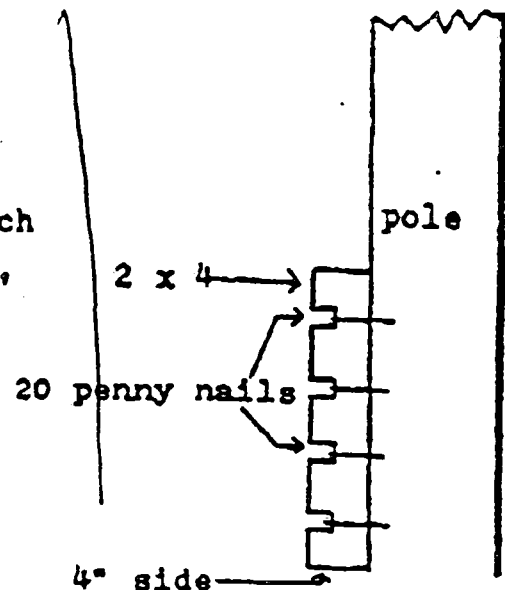
It is not always possible to make a permanent lechi repair late Friday afternoon. We have developed three varieties of emergency temporary repairs. Situation 1: The wire is extremely high (35' to 60') and the break in the lechi cannot be reached. Solution: Nail a wide piece of plywood, 40+ inches tall, at the base of the pole underneath the wire. Certainly a utility company would only permit such a lechi on a temporary basis (remove it on Sunday) in a lightly travelled or deserted location. Situation 2: The utility wire is only about 20' high but a) there is no one to climb the pole and b) the plywood lechi described above is not appropriate. Solution: Nail a 40+ inch piece of 2" x 4" lumber to the pole as the lechi. If the pole does not lean and the wire touches the pole, the top of the board may be under the wire when the 4" side of the board is nailed to the pole. If the Rav believes this alignment is questionable, nail the 2" side of the board to the pole. When the attachment is made on the 2" side, the board will extend out from (continued on p. 16)

For Members. Rav = Rabbi

9. It is worthwhile to notify the local police that Eruv crews will be making pole attachments.
10. It is harder than it would seem to get local political officials to sell the rights to the domain to the local Eruv committee. Each municipal attorney involved will go overboard in protecting the interests of the locality.
11. It is almost inevitable that volunteer crews working in the woods will come out covered with poison ivy, poison sumac, etc. Make sure that crew members can recognize these plants and know that poison oak looks similar but is a vine.
12. Mr. Albert Donnelly, Public Works Coordinator of the Baltimore Gas and Electric Company, was our contact during the years of construction. He is willing to speak by phone to any utility company employee in your area to explain how harmless an Eruv is. Mr. Donnelly is extremely knowledgeable about what we did. His phone number is 301-234-6841.
13. Our Eruv was down only one Shabbos during its first year. A large storm hit Baltimore that Thursday night and knocked out power in 130,000 homes. Our inspector was able to make all repairs except one: a 2.5 inch diameter telephone cable was felled by a tree. Although our lechis were still in place on the poles involved, the telephone company did not raise the cable until Shabbos afternoon or Sunday.
14. After the construction of our Eruv we stockpiled extra lechis, nails, tips, twine, etc. This material was often needed on short notice when the cable television company began their assault on the Eruv.
15. A record of Eruv repairs should be kept by the inspector on index cards. This file will facilitate the identification of problem areas and problem poles.

Continued from p. 14)

the pole 3 5/8". It will be necessary to notch the 2 x 4 as shown, pre-drill the nail holes, and paint the lechi brown. We have such 2" x 4" lechis already prepared. Situation 3: Neither of the above two solutions are feasible or appropriate. Solution: Construct your own tzuras hapesach with bailing twine and molding. Twine which crosses a street must be at least 18' high, but twine not crossing a street can be as low as 10' to 12'. Pull the twine taut. Each of these temporary repairs should be removed soon after Shabbos in order not to annoy neighbors, utility personnel, etc.





Councillor Ruth Nyman

Hale Ward

Edward Black
32 Hampstead Way
London NW11 7JL

Home Address:

3 Manor Drive

Mill Hill

London NW7 3ND

☎ 0181-959 3369

17th August 98
e-mail: email:nyman@virgin.net

Dear Edward

Re: Eruv

Well, it's been a long time coming, but I've finally managed to get together all the documents that I think you were referring to when we last spoke. Sorry about the delay, but first I had to get through the last few weeks of term, then to deal with all the things that I had deferred to the summer holidays!

Regards

A handwritten signature in black ink, appearing to read "Ruth", written in a cursive style.



From Barnet Eruv Objectors Group 17/6/98
SITE 13 - WILDWOOD ROAD, NW11 (6) Posts

This is an new application for all six pole and wire structures .
There have been several changes from the previous applications
The line of the wire has been changed and one of the poles has
been moved to a new position, onto a particularly narrow part of
the pavement. A further pole has been removed altogether.

If you approve this site you are voting for inevitable damage to
the Heath trees and to the Conservation area. in direct breach of
Council's policy T3.1 'no development proposal to harm a
Conservation area'

1) You now have the benefit of the evidence of the Corporation of
the City of London. The superintendent of Hampstead Heath
has considered the condition designed to safeguard the trees at
Wildwood Road and has concluded that the erection of poles at
location 13, as described in the application, will have an adverse
impact on the character and health of the trees. That evidence
was not before the Secretary of State in 1994.

2) PPG 15, the Government's guidance on Conservation Areas
has now been published. That document details the important
contribution that trees can make to the appearance of a
Conservation Area. The trees lining Wildwood Road make a very
significant visual, historic contribution to the character and
appearance of the Hampstead Garden Suburb Conservation.
Area and the proposals, will have an adverse impact on the trees
and will thus cause harm to the Conservation Area. PPG 15, an
important material planning consideration in this case, was not
before the Secretary of State in 1994.

3) In the light of the threat of legal proceedings contained in the
letter of Corporation of London dated 10th. June 98, if this site is
approved. You will require some written assurance from the
Officers that there is no reasonable likelihood of any costs
falling upon the Council as a result of any proceedings that may
be brought by the Corporation of the City of London either now
or in the future.

From Barnet Eruv Objectors Group 17/6/98
Site 42 Greenfield Gardens (narrow footpath) Site
47(narrow footpath) New Sites

22 Regents Park Rd, Site 21 Squires lane, Old sites
not previously considered in terms of safety or M6.1 or
M6.2 or in terms of new street policies Visual impact does
not affect the Blind and partially sighted .

What affects them is safety

If you vote in favour of these sites you are voting against
the specific stated objections as to safety of the 8000 Blind
and Partially Sighted expressed in the letter before you.
You vote in breach of Council UDP Planning policies
M6.1 M6.2 and all of the new street policies.

You are responsible for this decision and we are sure that
you would not favour these locations and would ask for
these poles to be moved to other sites.

You should require before dealing with this matter
further, that the Officers consider every individual site in
the in the light of its safety to the blind and partially
sighted and to other vulnerable groups groups. They
should supply you with with a written certificate of
safety. Barnet Visually Impaired will have to be consulted
in respect of each site location.

We urge you to refuse the application.

From Barnet Eruv Objectors Group 17/6/98

Site 13 single pole outside 1 Wildwood Rise. Narrow pavement access further narrowed by Eruv poles reducing pedestrian access below minimum of 2 metres, to 1metre 400 Breach of UDP M6.1 and M6.2, and minimum pedestrian width prescribed by new planning policies.

Site 42 Greenfield Gardens (narrow footpath)

Site Further narrowed by Eruv poles reducing pedestrian access to 1metre 700 ,below minimum of 2 metres prescribed by new planning policies . Breach of UDP M6.1 and M6.2 and all new street policies.

Site 14 Hampstead Lane and Bishops Avenue narrow pavement access further narrowed by Eruv poles reducing pedestrian access to 1metre 600 below minimum of 2 metres prescribed by new planning policies . This will push people on to the verge. Breach of UDP M6.1 and M6.2 and all new street furniture policies

If you vote in favour of these sites you are voting in favour of reducing established minimum safety standards required for pedestrian access You vote in breach of Council UDP Planning policies M6.1 M6.2 and all of the new street policies.

You are responsible for this decision and we are sure that in the light of this you would *not favour these locations and would ask for these poles to be moved to other sites where there is adequate access.*

You should require before dealing with this matter further, that the Officers measure every individual site in the in the light of the narrowing of pedestrian access involved and they should supply you with with a written statement of safety. .



The Superintendent of Hampstead Heath

Paul Canneaux RHS, Dip Hort Wisley

Heathfield House
432 Archway Road
London N6 4JH
Facsimile 0181-348 1677

Direct Line
0181 348 9908

Exchange 0181-348 9908

Mr G.C. Brown
Chief Planner, Development Control
London Borough of Barnet
1255 High Road
London
N20 0EJ

Our Reference

Your Reference

Date
10 June 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".

Elizabeth and Jeffrey Segall
308 Cricklewood Lane
London NW2 2PX
Tel/Fax: 0181-455 5005

12th June 1998

Member of Development & Protection Committee
Barnet Council

Dear Councillor *Nyman*,

Officers' Report on Eruv 4 Application

The Report recommends that you approve the Application. However, the discussion on the Eruv's civil rights implications (pp20-22) misrepresents or ignores key objections, including the coming implementation into British law of the European Convention on Human Rights. Consequently, we believe that approving the Application could put Barnet Council in breach of its duties as the local planning and highways authority.

In addition, as civil rights issues were ignored by the Public Inquiry, the previous Secretary of State was not in a position to take them into account. Therefore, these are additional concerns of considerable weight affecting all of the locations, invalidating conclusion 8.3.10.vi and justifying refusal of the whole Application.

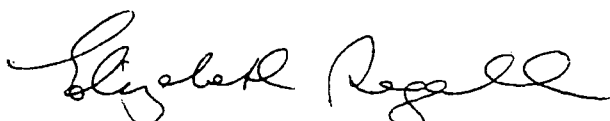
Our detailed reply to the Report is enclosed. In summary:

1. The Report fails to state that the poles are at the rear of pavements primarily to meet a religious stipulation, whose purpose is to cause obstruction to free passage by creating impassable gaps at the rear of pavements to form the actual Eruv Boundary.
2. The Report ignores that as a result everyone would be compelled to pass through one of the privately-owned religious symbolic 'gateways', and that for some citizens this experience will deny them their right to enjoy their use of Barnet's highways.
- 3 It is absurd to claim that the poles have significance only to orthodox Jews (p20). If this were true, the Council has the duty now to justify to the public the purpose of apparently useless poles-and-wire constructions in their streets, i.e. passage through the Boundary.
4. Eruv makers in Pennsylvania obtained consent for the use of houses as part of the Eruv Boundary to conform to ancient religious requirements, showing respect for the home, and Barnet should do likewise. The acceptance by Barnet of the £4000 gift from the Eruv Committee is regarded by the latter's religious supervisory body as symbolically over-riding the requirement for individual consents. Barnet should show respect for the home by requiring planning permission for the religious use of these dwellings.
5. The Officers appear to misunderstand the relevance of Section 19A of the Race Relations Act. Only persons of Jewish ethnicity could benefit from the Eruv installations, therefore planning permission would be discrimination. In addition, the absence of any benefit to people of another ethnicity is not subjective, but a fact (8.3.4.3).

As you know, it is your responsibility to vote according to your personal judgement, not blindly to accept Officers' Reports or local party policies.

We urge you not to vote in favour of a proposal which allows religious law to override human rights.

Yours sincerely,



12th June 1998

Riposte to Officers' Report on Planning Application for Eruv 4

We note that the Report addresses civil rights issues in response to objections, but we consider that the Officers ignore or misrepresent our key objections. Consequently we believe that if the Officers' recommendation to approve the Application is accepted, Barnet Council could breach its duties as the local planning and highways authority.

1. Key material planning consideration

- (a) The Report fails to state that the poles are to be sited to leave a gap of no more than three handbreadths between them and their adjacent existing structure, as a religious stipulation, and that this stipulated siting is a material planning consideration.
- (b) It also fails to state (8.1.6) that the purpose of this siting is to cause obstruction to free passage by creating impassable gaps at the rear of pavements.

2. Highways Act, Section 137

Moreover, the Report fails to inform that these obstructions to free passage could amount to unlawful wilful obstruction because the specific intention of the impassable gaps is permanent obstruction: i.e. to complete the Eruv Boundary between the poles-and-wire 'gateways' and the designated existing Boundary structures. The obstructions would not be caused only on the day of the week for which a religious need is claimed, but on every day, allowing them to fulfil a territorial perception. (It is noteworthy that there are no poles-and-wire constructions in the Strasbourg and Amsterdam Eruvs, and few in American urban Eruvs.)

3. Highways Act, Section 130, and European Convention Article 9

- (a) The Officers continue to ignore the fact that the stipulated siting would compel everyone, when entering or leaving the Eruv area, to pass through one of the privately-owned religious symbolic gateways. Hence they do not consider that for some citizens this experience will deny them their right to enjoy their use of Barnet's highways.
- (b) Article 9 of the European Human Rights Convention provides the right to protection from a manifestation of a religion or other belief which infringes any right of anyone else. The Officers' assertion (p20) regarding *the physical proximity ... denial of freedom of conscience* is not the issue. As secular humanists we will be offended in our streets by the Eruv Committee and by Barnet Council in the experience of being compelled to pass through the religious 'gateways'. We have some Christian neighbours who share such feelings. All people affronted in this way are entitled to protection. Moreover, if the Officers' statement (p20) that *to anyone else they* ['gateways'] *are simply poles and wires* is correct, the Council has the duty now to inform the public that the purpose of the apparently useless poles-and-wire constructions in their streets would be to allow passage through the Eruv Boundary.

4. Convention Article 8 and the Human Rights Bill

- (a) The Officers' Report considers that the designation of the external walls of dwellinghouses within private land as existing Eruv Boundary is acceptable without the consent of the residents. Officials of the Lower Merion, Pennsylvania, Eruv obtained such consent, showing respect for the home. By this comparison, the Officers are showing disrespect for the home. Moreover, ancient Jewish law requires the consent of residents who are Eruv non-believers; by this criterion also, the Officers are showing disrespect for the home.
- (b) If affected residents do not have a *right of veto* (8.2.4 p21) on this issue, the Development and Protection Committee does have this right. Yet the Officers have refused to accept this matter as a

material planning consideration. In doing so, they have deprived these residents of an open and democratic decision on whether planning permission should be required for the religious use of their residential buildings under the Planning (Use Class) Order. Thus the Officers caused previous Planning Committees to show disrespect for the home.

(c) Barnet Council proactively empowered the Eruv Committee to designate the walls of homes as Boundary, without the consent of the residents, by accepting (and refusing to return) a gift of £4000 from the Applicant, which is regarded by the latter's religious supervisory body as symbolically overriding the ancient religious requirement for individual consents.

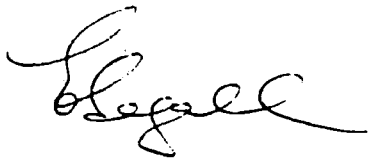
(d) The Officers' Report ignores that it is the absence of residents' or planning consent which infringes Article 8 of the European Human Rights Convention by showing disrespect for the home, and fails to note the provision in the Human Rights Bill that it will be "unlawful for a public authority to act in a way which is incompatible with a Convention right".

5. Race Relations Act, Section 19A

The Officers appear to misunderstand the relevance of Section 19A. The point is that only persons of one particular ethnicity could benefit from planning permission for this private 'development' in Barnet's streets; no person of another ethnicity could benefit from it; therefore planning permission for it would be discrimination.

The Officers' comments are irrelevant that non-orthodox Jews would not be discriminated against (8.3.4); that Jews as well as non-Jews would have to *pass through the poles* (8.3.4.2); that *the test of less favourable treatment is not a mere subjective one* (8.3.4.3), because in this case, the absence of any benefit to people of another ethnicity is not subjective, but a fact.

.....



56, PURLEY AVENUE,
LONDON, NW2 1SB,

TELE: 0181 452 1798

15th June, 1998

ERUV 4 - 9

To Barnet Eruv Objectors Group.

You asked me to visit the Eruv Sites and to report where the erection of poles would restrict the width of the pavement to below the recommended width of two metres.

Shortly after I started, I went to site 17 at Station Road Hendon where there is the bridge over the M 1 Motorway. I was so concerned at the danger of this proposal that I thought I should write to you immediately so you could make the Councillors considering Application No 4. aware of the position. I would suggest that they go to the site and stand on the centre of the bridge on the north side and look over the railings and they will find they are over the centre of the M 1. They may remember the complaints that were made about the railing and its meagre height of 1 metre. It remains the same.

It is at this position and against the railings that the Eruv Pole is to be erected without the normal crash barrier protection. If a vehicle crashes into the pole and it falls over the low railings onto the M 1 the result will be catastrophic. The first question that will be asked will be, "Who gave permission to put it there." The Committee will not be able to hide behind some Minister long gone, or some Government Department. It will be Barnet Council that will be blamed.

As you know I am a Chartered Architect and have done work in this Borough since 1935, over 60 years. I am most concerned at the danger involved in this Application concerning the M 1 and the Northern Line bridges.

I am sure there are many more similar sites but these are the two sites I have measured up. If I can be of further help please let me know and if you want to pass this information to the Press please do so.

Site 13. Wildwood Road NW11 outside 1 Wildwood Rise. If a pole is erected where shown opposite the telegraph pole it will reduce the width of the pavement to 1 m. 400 and is below Council requirements.

Site 14. Hampstead Lane N6 at the corner of The Bishops Avenue Erecting a pole against the fence to the playing field will reduce the pavement to 1 m 600 and will be below Council requirements.

Site 42A. Greenfield Gardens at footpath from Hendon Way. The erection of two poles will reduce the width of the footpath to 1 m 730 below Council requirement..

CECIL LUSH., F.R.I.B.A. Chartered Architect.