

to: Mr. E. Jones, 15 The Vale, London NW11 8SE

Tel: 081 4555 5404

25 Oct 1993

To: The Director of Planning, Barnet L.B.
7th Floor, Barnet House, 1255 High Road,
WHETSTONE, London N20 0J

Dear Sir

ERUV: 2nd APPLICATION.

I oppose the application for the following reasons.

1. Repugnancy.

The proposal is repugnant to English Constitutional Law. The Council would, in effect, authorise Notices saying: "No Jew can carry anything beyond here on the Sabbath". It is ironic that posts & wires in Wildwood Road, for example, would be passed under by anyone walking from the Heath Extension to Kenwood House, the home of the great Chief Justice, Lord Mansfield, famous for "let the slave go free" in *Somerset v. Stewart* 1772 20 St. Tr. 1. It would take England - "the land of the free" - back even to pre-Cromwell days. Lord Mansfield would turn in his grave. It would be totally against the English common law tradition of the liberty of the subject. The law of England does not recognise such bars on grounds of race, creed or colour. Jews from abroad have sought refuge here since the 17th Century, glad of our tolerance & freedom. Frankly, this application is an abuse of that freedom & hospitality - to seek to erect these contraptions to overcome an intolerance of their own creation which is contrary to our common law tradition - the very law under which they are protected.

Those who seek asylum here because of our tolerance should not abuse that tolerance by seeking to relieve their own intolerance by imposing these contraptions upon us. They certainly have no right to cry "anti-semitic" when we oppose those contraptions.

2. WILDWOOD ROAD: Map Ref. 13.

(a) No lamp posts in the Borough carry wire above the ground. The wire would be highly visible (it is intended to define a boundary & therefore must be visible) to anyone approaching the Heath from the lower ground across the road, i.e. from the open Heath Extension - particularly with a low sun from

the South-West on a winter's afternoon, when the trees at the back would be bare. The "Planning Appraisal" on p.46 of last February's Report by the Planning Dept. to the Town Planning & Research Committee refers to "dense foliage" - but that argument would apply only in the height of Summer, & even then would not be convincing on a sunny day. At no time of the year would it apply to the whole 250 metre span of poles & wire e.g. at the Wyldes Close end where the trees are more scattered & further back from the line of the wire (between the 2nd, 3rd & 4th poles from the end). The peaceful illusion of being in the country, so carefully preserved over the years, would be destroyed. The objectionable aspect would be stronger for walkers on the Extension than for motorists on the road, & this area is particularly wonderful & refreshing for walkers, especially during the short days of winter.

(b). Wildwood Rd., the pavement & the deep ditch at the back form a well defined boundary in themselves. The applicants accept "natural boundaries" elsewhere. If they insist on poles & wires when there are such boundaries in this unspoilt area, one must suspect their true motives.

(c). It is true that there is already a telegraph pole outside No. 1 Wildwood Rise. It is one of the very few in the Borough with overhead wires on to-day's busy roads. But the 2 wires here run inwards to the house - NOT for 250 metres across the line of vision of anyone on the Heath Extension. The proposal for another pole for the sole purpose of the Eruv at this spot, on the inside of the pavement, between the very near existing lamp post & telegraph pole (both on the outside edge) is ridiculous.

3. SITTING OF POSTS ON THE INSIDE (OR REAR) OF THE PAVEMENTS.

The applicants propose to site poles throughout the Borough on the inside, or rear, of pavements, whereas all public utility poles are on the outside edge (i.e. next to the road). Blind people, who find their way along pavements by feeling for lamp posts ~~by feeling~~ with their sticks, would be confused - this could be very dangerous. Such siting would be selfish & irresponsible.

Moreover, the posts & wire here

4. MAP REFS. 03, 15, 25 & 28 - Hendon Way, Aylmer Rd., Watford Way & Park Rd. reserved from such extraneous objects. The

There would be 3 posts at each of these sites, one in the middle of the road, carrying wires across the road, & all at,

traffic can be justified.

6. NATURAL JUSTICE.

Members of the Eruv Committee who are also members of the Town Planning & Research Committee should be barred from voting at the meeting of the latter committee when it deals with the proposal. The rules of natural justice under the common law governing fair decision making apply - particularly the rule "nemo iudex in causa sua" (nobody is to be a judge in his own cause), a rule which is NOT limited to courts of justice. It applies to the decision-making of the Planning Committee. In this particular case it means there must be no suspicion of bias. Such suspicion would clearly attach to any member of the Eruv Committee. A mere ~~and~~ "declaration of interest" by a Councillor would NOT be enough - unless the objectors to the application waive their rights to object to such a councillor participating in the decision. PLEASE NOTE THAT I DO NOT WAIVE MY RIGHT IN THIS CASE. PLEASE let me know if a member of the Eruv Committee votes

7. FUTURE MAINTENANCE & LIABILITIES.

At a public meeting, called by the Eruv Committee, in the Dunstan Road Synagogue on 22 Feb 93, the applicants refused to give the names of any guarantors for any costs arising out of the Eruv. If by any chance this application is granted, I trust something more precise will be demanded than the vague reference to "a protocol to cope with worn components" in the para of this application dated "May 1933" which is headed "Maintenance". I understand "protocol" to mean simply a record of preliminary negotiations in international law. The applicants should define what meaning they have for "protocol" in this context. The Report to the Planning Committee which accompanied the Chief Executive's letter of 16 Feb 93 to all members of that Committee significantly omits from para 2.1 (re "Conditions") any condition relating to future maintenance or to compensation for any loss, injury or damage caused by the Eruv. Such omission should please be rectified.

Yours faithfully,

