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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.

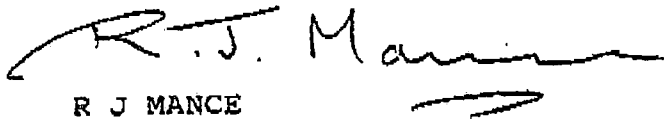
This Department received a copy of the public consultation letter issued by the London Borough of Barnet on 7 September 1992 which enclosed a copy of your proposal dated June 1991 in connection with your clients' planning application to establish an eruv in the Borough. The Department is concerned as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



R J MANCE
Director
London Network Management Division

14 JAN 1993