

222 Grays Lane Road
London WC1X 8HB

Telephone 071-837 2222
Telex 8814928 Winkaw G
Facsimile 071-833 2860
DX 255 London

Partners

David T D Harrell
Stephen P Williams
Philip Goldenberg
Stephen D Kon
Jonathan A Mettiss
Jonathan E Blake
John Eldridge
Robert I Burrow
Gilliam S Smith
John F C Williams
Charles Abrams
Jeffrey S Smith
Michael A Trask
Peter W Anderson
Bruce Gardner
Nicola S Walker
Peter J Davis
Michael Rose
Ian A E Insoley
Tim Taylor
Josyane R Gold
Patricia E Thomas
David S Ryland
Brian Eagles
John M Ogler
Bryan J Pickup
Nigel S Palmer
Martin J Bowen
Colin R H Paul
Nicholas Shattock
Alan Aistell
Rhonda Baker
Peter McInerney
Martin Wright
Graeme D Levy
Richard Slowe
Raymond D Black
David L Hinds
Michael N Mettiss
Simon McLeod
Ralph J Cohen
Eleanor Paul
Bernard Clarke
Matthew D J Hunsdon
John R Olsen
Rhodri Davies

Consultants

Jonathan M L Stone
Denis J Ross
Lord Clinton-Davis
Sidney Prevezer

**Brussels Resident
Counsel**
Leonard Hawkes

*State Bar
of California

Brussels Office
Square de Meets 19
Bte 3
1040 Brussels
Belgium

Telephone +32 2 511 6240
Facsimile +32 2 511 6917

SJ Berwin & Co

By Facsimile and Post 071 433 3934

Your ref DS
Our ref 126/250/0203N/jmJ
Partner responsible 126
Date 25 January 1993

Dear David

ERUV

I refer to your fax dated 20 January 1993 and our subsequent telephone conversation.

The comments made in the Department of Transport's letter to Alan Perrin dated 8 January 1993, concerning the requirement for a stopping up order in this case, are correct. Under Section 247 of the Town and Country Planning Act 1990, the Secretary of State may, by order, authorise the stopping up of any highway, if he is satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under the Act.

Clearly, small areas of public highway will need to be stopped up in order to install the requisite posts. For your information, the procedure under Section 247 of the Act, briefly, is as follows:

Following receipt of the completed application form, statement of reasons and full supporting documentation, the Secretary of State will publish a notice of his intention to make a stopping up order. The consultation exercise is wide spread - notices are published in the local newspaper, displayed on the highways concern, and the draft order will be served on the local authority and all statutory undertakers having apparatus in, under or over the highway concerned.

A period of twenty eight days is allowed for objections. The point to note is that if an objection is received from the local authority or undertakers on which notice is served, and the objection is not withdrawn following negotiation with the applicant, a public inquiry must be held. If, however, the local authority, or undertakers concerned, do not object, or indeed withdraw any objections, the Secretary of State may dispense with an inquiry if he is satisfied that it is unnecessary in the special circumstances of the case. I should point out that the discretion afforded to the Secretary of State is very wide. It may well be that an inquiry is held, for the

David Schreiber Esq

-2-

22 January 1993

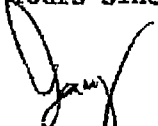
reasons we have discussed, even if the London Borough of Barnet and relevant undertakers do not object to the proposals.

In terms of timing, one would have to allow approximately five months from the date of making the application for an order to be made. If an inquiry is held, however, the period before a decision can be taken on the order will be considerably longer. It would therefore be advisable in this case, before making formal submission to the Department, to sent the required documentation in draft for their comments. This is of particular importance in relation to the preparation of the plan accompanying the order and the identification of the relevant areas of highway. The draft documentation can be submitted to the Department in anticipation of the planning permission, so that no delay is occasioned following the receipt of planning permission in submitting the application.

I should point out that there is an alternative stopping up procedure under the Highways Act 1980, which does not involve the Secretary of State for Transport, although that procedure does not apply in the case of the stopping up of trunk roads.

Although the background political situation will obviously have tactical consequences, the Department have offered to meet to discuss the way forward. I would advise that this offer is taken up at the earliest opportunity - I would of course be happy to attend such a meeting together with Alan Perrin, on your behalf.

Yours sincerely



Daniel Drukarz

cc Alan Perrin Esq
Edward Black Esq

N.B. Has council or Eddie Dunn been in contact?

David Schreiber Esq
9 West Heath Road
London
NW3 7UX