

United Synagogue Eruv Committee
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30th April 1993

Mr R J Mance
Director, London Regional Network
Department of Transport
2 Marsham Street
London SW1 3EB

Dear Mr Mance,

Re: The Barnet "Eruv" - Procedure for Initiating Stopping Up Orders

Further to our telephone conversation yesterday, I am writing to outline the particular dilemma in which the Eruv Committee finds itself in respect of forthcoming decisions relating to our proposals.

As you are aware, Barnet Council refused permission for the erection of groups of poles between which wires would be suspended at high level to designate the perimeter of the proposed Eruv. The option now available to us is to appeal to the Secretary of State. Whilst we will for a number of reasons elect to appeal via the Written Representations route, it is likely that either Barnet or the DoE will decide that the appeal is of sufficient public interest to merit a full Public Inquiry. The intermediate procedure of an informal Hearing is not appropriate to our scheme.

Should the appeal be successful, we would need to then turn to your department and initiate the procedure to acquire both a licence to suspend wires over Trunk Roads, and also to publish a Stopping Up Order and invite Public comment. In the event of any objections it seems probable that the level of interest generated will require that a further Public Inquiry is held. The application would then be examined in the context of highway safety, loss of public footpaths etc.

The prospect of funding the first (Planning) Public Inquiry and to then repeat the entire process for highways considerations is one which we believe to be detrimental to both parties in respect of the costs in both time and money. It would of course be devastating to our community, if having won a hard fought Planning Appeal, the eruv is then blighted by a refusal on some new grounds brought to light during the second Inquiry. It would save money for our Committee, the Local Authority, the Department and the general public if both Inquiries could be dealt with together.

Whilst we appreciate that under the Town and Country Planning Act 1990, section 247 the "standard" route to the publication of a Stopping Up Order (and its ramifications) is one which requires Planning consent as a starting point (as indicated in your letter of 8/1/93), we are hopeful that your legal department, upon examination of the issues involved can find a way in which both Public Inquiries can be amalgamated and run in tandem.

You had pointed out that if a new application were lodged in respect of the Eruv then the appropriate legal machinery may already exist to enable the Inspector to hold a simultaneous Inquiry. You will be aware that the strategy of the submission of a second modified plan which could then be considered by the Inspector together with the first refused scheme (by virtue of its non-determination by Council), is common to many Appeal proceedings and is an option which is being considered.

Accordingly I would be most obliged if you could put our proposal to your Legal Department at the soonest opportunity. All the money to fund these proceedings has to be raised by public donation and the opportunity to reduce, in a substantial way, such funding would be of considerable assistance.

I look forward to hearing from you in the near future.

Yours sincerely,

Alan Perrin