



HIGHWAYS
AGENCY

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Dear Mr Levy
ERUV

We were in touch about the eruv earlier this year when we discussed the mechanics of agreements under section 278 of the 1980 Highways Act. I have since obtained further legal advice.

I am sure you will be pleased to know that such an Agreement and therefore an abortive cost undertaking will not now be required. The reason for this is that section 278 applies only to works which a highway authority may itself carry out either under Part V of the Act or by orders made under that Act. We are not empowered to construct eruv gateways. Construction of the gateways would be "street works" within the meaning of section 48(3) of the New Roads and Streetworks Act 1991. They can therefore be constructed at the expense of the Eruv Committee with the consent of the highway authority by way of a section 50 licence.

Yours sincerely
Shelagh E. Best

MS SHELAGH E BEST
LNMD DEVELOPMENT CONTROL