

Our ref:

2 July 2001

Direct line : 020 7941 4070
General fax: 020 7941 4465
Email : derekturner@tfl.gov.uk

Ken Livingstone
Mayor of London
Romney House

THE ERUV IN BARNET

A matter has arisen that is within my delegated power to deal with, but I would appreciate your views before I take action. As you may know, there has been a longstanding proposal by the United Synagogues in Barnet for an eruv in that area. TfL's involvement is relatively minor, in that we have been asked to grant a licence for certain apparatus to be placed on the street.

An eruv is an area circumscribed by a symbolic line, within which certain activities forbidden to Orthodox Jews on the Sabbath are permitted. Within the eruv's boundary, for example, believers are permitted to carry keys, handkerchiefs and spectacles and to push prams and wheelchairs on the Sabbath, as they would in their own houses. An eruv is not a religious requirement, but merely one option for non-observance of Sabbath restrictions. The limits of an eruv are of immense significance to those that believe in its mystical meaning but should be of practically none to those who do not. Advocates claim the eruv would greatly enhance the quality of life for all observant Jews, but will have no adverse effect on other Jewish or gentile people. About 10,000 people are estimated will benefit.

An eruv must have a continuous boundary that is usually marked by a man made or natural feature such as a river, railway line or boundary wall. It only needs to be marked with 'gateways' where large gaps such as roads run through it, and the boundary is then continued across by means of a line held up by posts. While the eruv can make use of the features already in place, the poles and wires forming the gateways require planning permission and, if on the public highway, a licence from the highway authority for that road. The posts and line have no intrinsic religious significance and there are no ceremonies associated with their construction or use.

There are over 150 eruvs all over the world, including many in Europe and the USA (the Washington one includes the White House). This would be the first large scale one in Britain. The proposed eruv in Barnet has a circumference of about 11 miles and the boundary is almost all existing features such as the M1 and the Northern Line. To complete the boundary where there are no existing features, a total of 1004 posts are required. Where the boundary crosses a road, a

single strand of 0.3mm thick nylon fishing wire would be strung from the tops of twenty feet high poles to allow traffic to move beneath. There are about thirty 'gateways' of which six are on the TLRN on the A1, A41 and A406.

The proposal has a long history, and planning permission to erect the gateways was originally granted in 1994 after a public inquiry. Revisions to the layout were approved by Barnet Council in 1998 and again in 2000. Having obtained all the necessary planning permissions, what remained was the granting of licences by the highway authorities under Section 50 of the New Roads and Street Works Act 1991 to "place the apparatus in the highway" which would cover the installation and maintenance of the works with our agreement. The licence would have to be granted by TfL in respect of the poles and wires on the TLRN. Barnet has already granted a licence for the remainder of the gateway poles and wires across their roads.

There is strong support from many quarters for the proposal, although the proposed eruv has generated controversy and two main opposition groups have been active. The opponents' main concerns have been that the poles would be an obstruction of the highway; it would be an infringement of human rights to have to walk beneath the wire; it would create a precedent for other ethnic street boundaries; and the poles and wires will be unsafe. Most of these are planning matters that have been resolved. Brian Coleman, GLA Member for Barnet and Camden has been asked by the objectors to intervene and reopen planning issue but he has declined. The objectors' approach to the Highways Agency (HA), which was responsible for what are now TLRN roads until July 2000, has been to try to convince them they should not grant a licence for the poles.

The HA met the opponents in 1998 and again in 1999 following an approach from Rudi Vis MP. The HA took the view that they could be safely accommodated on what were then trunk roads and also considered the legal position. Barnet Council had obtained Counsel's opinion that such poles and wire can be treated as apparatus for the purposes of Section 50 of the New Road and Street Works Act 1991 and this view was confirmed by the HA's legal adviser. However, the HA did not grant the licence before the roads passed to TfL last year. The positions of the poles and the arrangements for the wire suspended between them have since been investigated by my staff and their view is that there are no safety or other issues that would preclude granting the licence for the TLRN roads.

The proposed eruv is an important amenity that will enable thousands of Orthodox Jews in north west London to enjoy the Sabbath to the full. It is not in any sense mystical or holy, nor is it a claim on territory, and is of no more significance to those who do not use it than a postal district or street sign. I am therefore minded to grant a licence to the United Synagogue Eruv Committee for the poles and wires on TLRN roads under Section 50 of the Act. However, this may bring a negative reaction from the objectors' groups and I would welcome your advice before I proceed.

DEREK TURNER
MANAGING DIRECTOR