

**LOCATION:** Woodside Park ERUV

**REFERENCE:** B/03356/11

**Received:** 20 July 2011

**Accepted:** 09 September 2011

**WARD(S):** Brunswick Park, Coppetts,  
East Barnet, East Finchley, Mill Hill,  
Oakleigh, Totteridge, West Finchley,  
Woodhouse

**Expiry:** 04 November 2011

**Final Revisions:**

**APPLICANT:** Trustees for The Woodside Park Synagogue

**PROPOSAL:** In connection with the creation of an Eruv\* in Woodside Park, the construction of pole and wire, or wooden, gateways, or 1m high posts known as 'leci' at the following locations:

- 1: East end of pedestrian bridge over railway, to the rear of 104-106 Alverstone Avenue, EN4 8EE (2, 3.5m high poles and connecting wire)
- 2: Adjacent to 1 Beresford Avenue N20 0AD and the Electricity Sub Station adjoining the Petrol Filling Station, Russell Lane (2, 6m high poles and connecting wire)
- 3: Land rear of 47 and 49 Beresford Avenue N20 0AD (2 no., 6m high poles with connecting wire)
- 4: Bridge over railway Oakleigh Road South and junction with Beaconsfield Road N11 (2 no., 6m high poles with connecting wires)
- 5: Railway bridge Friern Barnet Road close to the junction with Station Road, N11 1ND (2 no., 6m high poles with connecting wires)
- 6: Footbridge at New Southgate Station (2 no., 1m high leci)
- 7: Under the Railway bridge at Pinkham Way A406 (1 no., 1m high leci)
- 8: North Side of Bridge over Pinkham Way A406, Pegasus Way N11 3PW (2 no., 6m high poles with connecting wires)
- 9: Footbridge at Atlas Road adjoining the A406 (3 x sets of 2 no., 6m high poles with connecting wires)
- 10: North Side of Bridge over A406, Colney Hatch Lane N11 (2 no. 6m high poles with connecting wires)
- 10A: North Side of Colney Hatch Lane Footbridge over A406 (1 no., 6m high pole with connecting wires)
- 11: Footbridge over A406 near Coppetts Close N12 0AG (2 no., 3.5m high poles with connecting wire)
- 12: Bridge Over A406 at High Road N3 2AX (2 no., 6m high poles with connecting wire)
- 13: North Side of Footbridge over A406, Abingdon Road N3 (2 no., 5m high poles with connecting wire)
- 14: Long Lane N3 under A406 (2 no., 1m high leci)
- 18: Adjacent to Frith Manor Orchard, Partingdale Lane NW7

1NX (2 no., 6m high poles with connecting wire)

19A: Rear of 164 and 166 Chanctonbury Way N12 7AD (3m high 'rustic' gateway constructed with 2 hardwood uprights with a hardwood beam across the top)

0: Woodside Park Club Southover N12 7JG (3 no., 6m high poles with connecting wire)

20: Footpath adjacent to 65 & 67 Michleham Down N12 7JJ (2 no., 3.5m high poles with connecting wire)

21: Footpath adjacent to Laurel Farmhouse and Beatrice Court Totteridge Green N20 8PH (3m high 'rustic' gateway constructed with 2 hardwood uprights with a hardwood beam across the top)

22: Fronting Cardinals, 23 Totteridge Village N20 8PN and adjacent to Normandy, 1 Northcliffe Drive N20 8JX, fronting Totteridge Village (3 no., 6m high poles with connecting wire)

22A: Fronting Eagle House 42 Totteridge Village N20 8PR and Stonehaven 31 Totteridge Village N20 8PN (2 no., 6m high poles with connecting wire)

25: Access way between 92 and 94 Totteridge Lane N20 8JG (2 no., 3.5m high poles with connecting wire)

26: Adjacent to 75 Oak Tree Drive N20 8QJ and 62 Great Bushey Drive N20 8QL (2 no., 6m high poles with connecting wire)

27: Footpath Adjacent to 84 Totteridge Lane N20 8QQ (2 no., 3.5m high poles with connecting wire)

28-30: Adjacent to Dollis Valley Green Walk Between Brookmead Court and 64 -76 Totteridge Lane N20 8QG (3 no., 6m high poles with connecting wire)

31: Brook Farm Open Space Bridge Over Northern Line (2 no., 3.5m high poles with connecting wire)

32: Adjacent to Turners Court Great North Road EN5 1EG and 6 Great North Road EN5 1JS (2 no., 6m high poles with connecting wire)

33: Netherlands Road, Between Temple Lodge and 92 Netherlands Road EN5 1BU and Stevenson Close Flats opposite (2 no., 6m high poles with connecting wires)

34: Adjacent to Hall at 1 Stevenson Close EN5 1DR (2 no., 6m high poles with connecting wire).

## **RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement; Arboricultural Implications Assessment Tree Protection Plan dated November 2010; Ecological Assessment prepared by BioScan dated 5.4.11; E-mail from Andrew Warner Dalton Warner Davis LLP dated 10.1.12 Detailing 10mm Wire Diameter at Sites 0 Southover and 31 Brook Farm OS; E-mail from Nina Jones Dalton Warner Davis LLP dated 19.4.12 Stating Bat Boxes for Sites 0, 27 and 31 will be Provided as the Poles are Installed on Site; E-mail from Nina Jones Dalton Warner Davis LLP dated 15.11.11 Detailing Use of Translucent Fishing Wire Proposed, 0.5mm Diameter; Site 1 Alverstone Avenue 1:200 @ A4 plan; Site 1 Alverstone Avenue 1:500 @ A4 plan; Site 1 Alverstone Avenue Photo with Poles Superimposed; Site 2 Russell Lane 1:200 @ A4 plan; Site 2 Russell Lane 1:500 @ A4 plan; Site 2 Russell Lane Photos with Poles Superimposed; Site 3 Beresford Avenue 1:200 @ A4 plan; Site 3 Beresford Avenue 1:500 @ A4 plan; Site 3 Beresford Avenue Photos with Poles Superimposed; Site 4 Oakleigh Road North 1:200 @ A4 rev A; Site 4 Oakleigh Road North Photos with Poles Superimposed; Site 5 Friern Barnet Road 1:200 @ A4 plan; Site 5 Friern Barnet Road Photos with Poles Superimposed; Site 6 New Southgate Station 1:200 @ A4 plan; Site 6 New Southgate Station Photo with Leci Superimposed; Site 7 Pinkham Way A406 1:200 @ A4 plan; Site 7 Pinkham Way A406 Photo with Leci Superimposed; Site 8 Pegasus Way over A406 1:200 @ A4 plan; Site 8 Pegasus Way Photo with Poles Superimposed; Site 9 A406 Footbridge Atlas Road 1:500 @ A4 plan; Site 9 A406 Footbridge Atlas Road Photo with Poles Superimposed; Site 10 Colney Hatch Lane over A406 1:200 @ A4 plan; Site 10 Colney Hatch Lane over A406 Photo with Poles Superimposed; Site 10A Colney Hatch Lane over A406 Footbridge 1:200 @ A4 plan; Site 10A Colney Hatch Lane over A406 Footbridge 1:500 @ A4 plan; Site 10A Colney Hatch Lane over A406 Footbridge Photo with Poles Superimposed; Site 11 Coppetts Close Footbridge Over A406 1:200 @ A4 plan; Site 11 Coppetts Close Footbridge Over A406 1:500 @ A4 plan; Site 11 Coppetts Close Footbridge Over A406 Photo with Poles Superimposed; Site 12 High Road A1000 Over A406 1:200 @ A4 plan; Site 12 High Road A1000 Over A406 1:500 @ A4 plan; Site 12 High Road A1000 Over A406 Photo with Poles Superimposed; Site 13 Footbridge over A406 Abingdon Road 1:200 @ A4 plan; Site 13 Footbridge over A406 Abingdon Road Photo with Poles Superimposed; Site 14 Long Lane Under A406 1:200 @ A4 plan; Site 14 Long Lane Under A406 Photos with Lecis Superimposed; Site 18 Partingdale Lane 1:200 @ A4 plan; Site 18 Partingdale Lane Photo with Poles Superimposed; Site 19A Chantonbury Way (rear of no 164) 1:200 @ A4 plan; Site 19A Chantonbury Way (rear of no 164) Photo with 'Rustic' Gateway Superimposed; Site 0 Southover 1:200 @ A4 plan; Site 0 Southover Photo with Poles Superimposed; Site 20 Michelham Down FP 1:200 @ A4 plan; Site 20 Michelham Down FP Photo with Poles Superimposed; Site 21 Laurel Farm House FP 1:200 @ A4 plan; Site 21 Laurel Farm House FP Photo with 'Rustic' Gateway Superimposed; Site 22A Totteridge Village 1:200 @ A4 plan; Site 22A Totteridge Village 1:500 @ A4 plan; Site 22A Totteridge Village Photo with Poles Superimposed; Site 22 Totteridge Village/ Northcliffe Drive 1:200 @ A4 plan; Site 22

Totteridge Village/ Northcliffe Drive Photo with Poles Superimposed; Site 25 Totteridge Lane (no 94) 1:200 @ A4 plan; Site 25 Totteridge Lane (no 94) Photo with Poles Superimposed; Site 26 Oak Tree Drive/ Great Bushey Drive 1:200 @ A4 plan; Site 26 Oak Tree Drive/ Great Bushey Drive Photos with Poles Superimposed; Site 27 Totteridge lane (no 84) 1:200 @ A4 plan; Site 27 Totteridge lane (no 84) Photos with Poles Superimposed; Sites 28-30 Totteridge Lane/ Dollis Brook OS 1:500 @ A4 plan; Sites 28-30 Totteridge Lane/ Dollis Brook OS Photos with Poles Superimposed; Site 31 Brook Farm OS 1:200 @ A4 plan; Site 31 Brook Farm OS Photos with Poles Superimposed; Site 32 High Road A1000 1:200 @ A4 plan; Site 32 High Road A1000 Photos with Poles Superimposed; Site 33 Netherlands Road 1:200 @ A4 plan; Site 33 Netherlands Road 1:500 @ A4 plan; Site 33 Netherlands Road Photo with Poles Superimposed; Site 34 Stevenson Close 1:200 @ A4 plan; Site 34 Stevenson Close Photo with Poles Superimposed.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. No site works in connection with the development hereby approved shall commence until a Detailed Arboricultural Method Statement, in accordance with the recommendations of the Arboricultural Implications Assessment Tree Protection Plan dated November 2010, has been submitted to, and approved in writing, to the Local Planning Authority. All tree works shall be carried out in full accordance with the approved specification and the BS3998: 2010 Recommendation for Tree Works (or as amended).

Reason:

To protect the character and appearance of the area and safeguard the health of existing trees which represent an important amenity feature.

4. The development hereby permitted shall not begin until details of the external colour of the poles have been submitted to and approved by the Local Planning Authority.

Reason:

To safeguard the appearance of the locations.

5. On installation of the approved poles at sites 0, 27 and 31, bat boxes shall be provided at these sites in accordance with the recommendations of the Ecological Assessment prepared by Bioscan dated 5.4.11, and the e-mail from Nina Jones of Dalton Warner Davis LLP dated 19.4.12. The bat boxes shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

To contribute to the biodiversity of the area, in accordance with Barnet's Development Management Policy DM16.

6. With reference to the pole and wire 'gateways' hereby approved at sites 22 and 22A, only one or the other may be constructed, not both.

Reason:

To protect the character and appearance of this part of the Totteridge Conservation Area.

7. A Construction and Maintenance Strategy, for works hereby approved to the Transport for London Road Network public highway, shall be submitted to and approved by the Local Planning Authority, in consultation with Transport for London, prior to construction work commencing on site. The Strategy shall include details on how the Eruv structure (poles, wire, Leci) would be properly constructed and maintained in a safe manner, which would not compromise the smooth and safe flow of pedestrians and traffic on the TLRN public highway.

Reason:

To ensure that disruption to pedestrians and traffic on the TLRN road network would be kept to a minimum.

8. Details of the design and materials to be used for the proposed Eruv structures on the TLRN network must be submitted to, and approved by, the Local Planning Authority, in consultation with Transport for London, prior to work commencing on site.

Reason:

To ensure a safe and satisfactory appearance of development on the Transport for London Road Network.

9. The poles hereby approved at site 3, land rear of 47 and 49 Beresford Avenue, shall be treated upon installation with anti climb paint 2m above adjoining ground level. The anti climb paint shall be retained and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason:

In the interest of maintaining the security of the adjacent residential properties.

10. The wire to be used at gateways 31 and 0 shall be 10mm diameter and shall be permanently maintained at that diameter throughout the life of the Eruv.

Reason:

In the interest of nature conservation.

## INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in National Planning Policy Framework (NPPF) 2012 The Mayor's London Plan July 2011 and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:

### The Mayor's London Plan (2011)

Policy 3.1 Ensuring Equal Life Chances for All  
Policy 3.16 Protection and Enhancement of Social Infrastructure  
Policy 6.10 Walking  
Policy 7.1 Building London's Neighbourhoods and Communities  
Policy 7.2 An Inclusive Environment  
Policy 7.4 Local Character  
Policy 7.5 Public Realm  
Policy 7.8 Heritage Assets and Archaeology  
Policy 7.16 Green Belt  
Policy 7.17 Metropolitan Open Land  
Policy 7.19 Biodiversity and Access to Nature  
Policy 7.21 Trees and Woodlands

### Adopted Barnet Unitary Development Plan (2006):

GBEnv1 Character  
GBEnv2 Design  
GBEnv4 Special Area  
GBEnv5 Accessible Environments  
D2 Character  
D5 Outlook  
D9 Designing Out Crime  
D12 Tree Preservation Orders  
D13 Tree Protection and Enhancement  
HC1 Conservation Areas- Preserving or Enhancing  
HC5 Areas of Special Character  
GGreenBelt  
GMOL Metropolitan Open Land  
O1 Green Belt/ Metropolitan Open Land  
O7 Green Belt/ Metropolitan Open Land- Adjacent Land  
O12 Green Chains  
O13 Green Chains  
L15 Metropolitan Walks  
M11 Safety of Road Users  
CS1 Community and Religious Facilities

### Core Strategy (Submission version) 2011:

CS1 Barnet's Place Shaping Strategy- Protection, Enhancement and Consolidated Growth- The Three Strands Approach  
CS5 Protecting and enhancing Barnet's Character to Create High Quality Places  
CS7 Enhancing and Protecting Barnet's Open Spaces

CS10 Enabling Inclusive and integrated Community Facilities and Uses  
CS12 Making Barnet a Safer Place

Development Management Policies (Submission version)2011:

DM01 Protecting Barnet's Character and Amenity

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM15 Green Belt and Open Spaces

DM16 Biodiversity

DM17 Travel Impact and Parking Standards

ii) The proposal is acceptable for the following reason(s): -

It is considered that the proposed 'gateways', by virtue of their siting and design, would not represent unduly intrusive additions in the street scene and would not result in an over proliferation of street furniture within the various townscapes. The developments proposed at the locations within the Conservation Area would have a neutral impact on its character and appearance. The openness of the Green Belt and/ or Metropolitan Open Land would not be compromised by the 'gateways' proposed.

A summary of the development plan policies relevant to this decision is set out in Tables1 and 2 below.

**Table 1: London Plan (July 2011) Policies**

<u>Policy</u>	<u>Key Requirements</u>
3.1 Ensuring Equal Life Chances for All	Proposals should protect and enhance facilities and services that meet the needs of particular groups and services. Loss of such facilities without justification or replacement should be resisted.
3.16 Protection and Enhancement of Social Infrastructure	Proposals that provide high quality social infrastructure will be supported in light of local and strategic needs assessments. Proposals that result in loss of social infrastructure in areas of defined need without re-provision should be resisted. Facilities should be accessible to all members of the community and be located within easy reach by walking, cycling and public transport. Multiple use of premises encouraged where possible.
6.10 Walking	Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2 An Inclusive Environment	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.

7.4 Local Character; 7.5 Public Realm;	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
7.8 Heritage Assets and Archaeology	Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. New development should make provision for the protection of archaeological resources, landscapes and significant memorials.
7.16 Green Belt	The strongest protection should be given to the green belt, in accordance with national guidance. Inappropriate development should be refused except in very special circumstances. Development will be supported if it is appropriate and helps to secure the objectives of improving the green belt as set out in national policy.
7.17 Metropolitan Open Land	The Strongest protection should be given to Metropolitan Open Land. Inappropriate development should be refused except in very special circumstances giving it the same protection as the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable when the openness of the MOL is maintained.
7.19 Biodiversity and Access to Nature	Proposals should: <ul style="list-style-type: none"> <li>- Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity.</li> <li>- Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites.</li> <li>- Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.</li> <li>- When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest the following hierarchy will apply, avoid adverse impact; minimise impact and seek mitigation; in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.</li> </ul>
7.21 Trees and Woodlands	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.

**Table 2: Barnet UDP (May 2006) Saved Policies**

<u>Policy</u>	<u>Key Requirements</u>
G BEnv1 Character; G BEnv2 Design; G BEnv3 Safe Environment	<ul style="list-style-type: none"> <li>Enhance the quality and character of the built and natural environment.</li> <li>Require high quality design.</li> <li>Provide a safe and secure environment.</li> </ul>
G BEnv4 Special Area	Protect buildings, areas, open spaces and features of special value.
D2 Character	Protect or enhance local character and respect the overall character and quality of the area.
D5 Outlook	Adequate sunlight, daylight, privacy and outlook for adjoining and potential occupiers and users.
D9 Designing Out Crime;	Development designed to reduce crime and fear of crime.
D12 Tree Preservation Orders; D13 Tree Protection and Enhancement	<p>Trees –</p> <ul style="list-style-type: none"> <li>Make Tree Preservation Orders if appropriate</li> <li>Retain and protect as many trees as practicable</li> <li>Ensure appropriate new planting</li> </ul>
D15 Other Hedgerows	<p>Hedgerows –</p> <ul style="list-style-type: none"> <li>Retain and protect hedgerows where practicable</li> <li>Encourage new hedgerow planting</li> </ul>
HC1 Conservation Areas – Preserving or Enhancing	Development must preserve or enhance the character and appearance of conservation areas.
HC5 Areas of Special Character	Development which fails to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character will be refused.
G Green Belt – Green Belt	The Council will safeguard the permanence and integrity of the Green Belt.
G MOL – Metropolitan Open Land	The Council will safeguard the permanence and integrity of the Metropolitan Open Land.
O1 Green Belt/Metropolitan Open Land; O2 Green Belt/Metropolitan Open Land - New Buildings and Uses;	Except in very special circumstances refuse any development in Green Belt not compatible with its purposes and objectives and that would harm visual amenity or not preserve openness.
O7 Green Belt/ Metropolitan Open Land – Adjacent Land	Proposals which would have a detrimental effect on visual amenity or the openness, purposes and objectives of these designated areas will be resisted.
O12 Green Chains; O13 Green Corridors	<p>Green Chains &amp; Green Corridors:</p> <ul style="list-style-type: none"> <li>Resist proposal which would adversely affect character, function or nature conservation value</li> <li>Promote missing links</li> <li>Planning obligations sought to enhance nature conservation value</li> </ul>
L15 Metropolitan Walks	Protect Metropolitan Walks.
L19 Sports Grounds and Playing Fields – New Provision	<p>Proposals to provide new or improved sports grounds and playing fields will be acceptable if they:</p> <ul style="list-style-type: none"> <li>Do not have a demonstrably harmful impact on the amenity of nearby residential properties or other uses;</li> <li>Do not have a demonstrably harmful impact on the character and appearance of the site and the</li> </ul>

	surrounding area; <ul style="list-style-type: none"> <li>• Are designed to be accessible by people with disabilities;</li> <li>• The site is easily accessible by walking, cycling and public transport.</li> </ul>	
M11 Safety of Road Users	The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.	
CS1 Community and Religious Facilities	Community facilities should be appropriately located, not have demonstrably harmful impacts on character and amenity, be designed to be accessible by people with disabilities.	

2. The applicant is advised that any structures to be sited within or project over adopted highway will require licences under the Highways Act in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process.  
  
Please note that licenses under the Highways Act will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner.
3. Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
4. Any ongoing maintenance works to trees in the Conservation Area and/ or protected by a Tree Preservation Order, will require notification/application in accordance with Tree Preservation Legislation.
5. The applicant must obtain the necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other consent(s) under relevant highway and traffic legislations prior to construction work commence on site.
6. The applicant would be fully responsible to maintain the proposed Eruv Poles, wire and leci to be placed on the TLRN public highway at all times.
7. The applicant would be liable for the cost of rectification work to be undertaken to rectify damages caused to the TLRN public highway resulting from construction and maintenance of the proposed Eruv structures.
8. The applicant would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and Leci to be erected on the TLRN public highway.
9. TfL requests that each of the Eruv sites on the TLRN public highway be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commence on site, and should be ready for inspection upon demand by TfL at any time.

10. No construction and maintenance work to the Eruv structures shall be undertaken on the TLRN public highway without prior consent from TfL. The work shall be carried out in full accordance with relevant existing health & safety legislation and rules, as well as direction and guidance provided by TfL.
11. The proposed Eruv poles are to be placed so as to cause minimum impact on the maintenance of any of TfL's structures with a minimum distance of at least 300mm and subject to TfL's approval.
12. TfL reserves the right to revoke consents/ licences, and request the removal of the proposed Eruv structures on the TLRN at any time, if the existence of such structure(s) would be deemed no longer appropriate in the interest and benefit of public, highway operation and road users on the TLRN (e.g. highway maintenance, statutory undertakers' requirement, safety and highway network development).
13. Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
14. In accordance with the general guidance given in the Traffic Signs Regulations and General Directions 2002, the applicant should ensure that structures located at the front of the kerb, on a verge or a footway should be a minimum of 0.45m away from the kerbline on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
15. The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.
16. The footbridge at New Southgate Station is operational land. The installation of two lechi at site 6 would require the consent of Network Rail.
17. The erection and retention of the poles at Site 31, Brook Farm Open Space Bridge Over Northern Line, will require the applicant to enter into a lease with London Underground Limited. The creation of the lease and the sum required for the period of the lease will be payable by the applicant. London Underground Limited will be involved in the erection of the poles and their maintenance and this will be chargeable to the applicant.

## **1. MATERIAL CONSIDERATIONS**

### **National Planning Policy Framework (NPPF)**

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document has replaced all PPGs and PPSs and condenses national guidance into a 50 page document as part of the reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The key theme of the new guidance is that Local Planning Authorities should approach applications with a presumption in favour of sustainable development.

The 3 identified dimensions to sustainable development are: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including a social role. This is defined as: 'supporting strong, vibrant and healthy communities with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

One of the 12 identified core land use planning principles that should underpin both plan making and decision taking, states that planning should 'take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

The NPPF identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions should aim to achieve places which promote (inter alia) 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'. Planning policies and decisions should 'plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

#### The Mayor's London Plan: July 2011

The replacement London Plan was published in July 2011 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan provides strategic planning policy for all London Boroughs for the period up to 2031. The following policies in the London Plan are relevant to this application:

Policy 3.1 Ensuring Equal Life Chances for All  
Policy 3.16 Protection and Enhancement of Social Infrastructure  
Policy 6.10 Walking  
Policy 7.1 Building London's Neighbourhoods and Communities  
Policy 7.2 An Inclusive Environment  
Policy 7.4 Local Character  
Policy 7.5 Public Realm  
Policy 7.8 Heritage Assets and Archaeology  
Policy 7.16 Green Belt  
Policy 7.17 Metropolitan Open Land  
Policy 7.19 Biodiversity and Access to Nature  
Policy 7.21 Trees and Woodlands

#### Relevant Planning Policy Framework:

##### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case:

GBEnv1 Character  
GBEnv2 Design  
GBEnv4 Special Area  
GBEnv3 Safe Environments  
D2 Character  
D5 Outlook  
D9 Designing Out Crime  
D12 Tree Preservation Orders  
D13 Tree Protection and Enhancement  
D15 Other Hedgerows  
HC1 Conservation Areas- Preserving or Enhancing  
HC5 Areas of Special Character  
GGreenBelt  
GMOL Metropolitan Open Land  
O1 Green Belt/ Metropolitan Open Land  
O7 Green Belt/ Metropolitan Open Land- Adjacent Land  
O12 Green Chains  
O13 Green Chains  
L15 Metropolitan Walks  
M11 Safety of Road Users  
CS1 Community and Religious Facilities  
Totteridge Conservation Area Appraisal Statement dated

Core Strategy (Adopted) 2012

Development Management Policies (Adopted) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the Unitary Development Plan (UDP) remain. The Core Strategy and Development Management Policies DPD will replace these 183 policies.

THE Core Strategy was adopted by the Council on 11 September 2012. It is now subject to 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS1 Barnet's Place Shaping Strategy - Protection, Enhancement and Consolidated Growth - The Three Strands Approach  
CS5 Protecting and enhancing Barnet's Character to Create High Quality Places  
CS7 Enhancing and Protecting Barnet's Open Spaces  
CS10 Enabling Inclusive and integrated Community Facilities and Uses  
CS12 Making Barnet a Safer Place

The Development Management Policies document provides the Borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies were adopted by the Council on 11 September 2012. It is now subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216 sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity  
DM03 Accessibility and Inclusive Design  
DM06 Heritage and Conservation  
DM15 Green Belt and Open Spaces  
DM16 Biodiversity  
DM17 Travel Impact and Parking Standards

Relevant Planning History:

H/01834/10: Mill Hill Eruv, 19 Sites in the Mill Hill Area. Approved 6.7.10

H/00921/09: 9 sites around the Edgware Area to Complete the Stanmore/ Canons Park Eruv. Approved 25.6.09

W13797: Edgware Area Eruv. Approved 24.11.04

Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv) Planning History

Eruv1

Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Refused 24/02/1993.

Eruv2

Installation of street furniture (comprising groups of poles connected by thin high level wire) to complete the identification of the perimeter of a defined Eruv. Refused 27/10/1993.

An appeal against the refusal of planning permission Eruv1 and Eruv2 was heard at a Public Inquiry in December 1993. On 20 September 1994 the Secretary of State for the Environment allowed the appeal and granted planning permission subject to conditions.

Eruv 3 and 4

Erection of street furniture comprising groups of poles (usually 2) between which is suspended at high level a wire to designate the perimeter of a nominated Eruv. Approved 08/01/1997 and 7/7/1998.

Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community.

Two rounds of consultations have been undertaken, the first round comprised the standard planning consultation letter and some 125 replies were received.

A further round of consultation was then undertaken which specifically drew attention to the potential equalities impacts of the application and the provisions of the Equality Act 2010. As part of this consultative process consultees were requested to complete a questionnaire to provide information in respect of protected characteristics as defined in the Equality Act 2010 so that these factors could be taken into consideration when the LPA is determining the application.

This section of the report summarises the responses to both rounds of consultation.

#### First Consultation Round

Neighbours Consulted: 1531

Replies: 125

Neighbours Wishing To Speak: 12

61 letters of objection have been received. The objections may be summarised as follows (the number in brackets represents the number of occasions that particular comment was raised):

(1) The objection letters contained some 278 comments which suggested that overall from reading the objection letters and consultation responses it is clear there is a widely held and strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv. Consultees expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (55)
2. The potential imposition of religious symbols/designation on members of other faith groups and secular persons. (73)
3. Ecological concerns particularly about trees and bats. (22)
4. The visual impact on the street scene from having more street furniture especially in the conservation area (83) of which 14 were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles. (8)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion (37)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (5)
- The potential cost to the Council (3)
- Eruvim already exist elsewhere in the borough and neighbouring authorities (14)

- The extent of the consultation was inadequate (6)

As a result of the public consultation process 31 letters in support of the application were received.

The comments received in support of the application may be summarised as follows (the number of brackets represents the number of occasions that particular comment was raised):-

- It will benefit the elderly, disabled and those of limited mobility who would be able to use aids such as wheelchairs, walking sticks, zimmer frames on the Sabbath to enable them to visit the synagogue. (15)
- It will benefit young children and families with young children who would be able to use pushchairs on the Sabbath to enable them to visit the synagogue for worship. (17)
- It will improve the quality of life for those members of the Jewish community who are currently affected by the absence of an Eruv. (17)
- It will not cause any problems to anyone. (12)
- There are other Eruvim in the borough and the concerns raised at the time of their consideration have not come to fruition. (11)
- It will discourage existing residents from moving away – putting Woodside Park Synagogue on a level playing field with many other communities that have Eruvim (“Eruv” plural) in place, such as Golders Green, Hendon and Edgware. (4)
- It will provide an incentive for new families to move into the Woodside Park, Totteridge, Whetstone and West Finchley areas which is vital for the long-term sustainability and renewal of the Jewish community in these places. (3)
- It will join up with other Jewish communities in Barnet, and beyond, allowing people to benefit from a wider network of Eruvim. (4)
- Would not disturb existing street furniture. (1)
- Existing Eruvim are relatively inconspicuous and the proposal will be harmless and inoffensive. (9)
- No planning disadvantages arise from the proposal. (1)

#### Internal /Other Consultations:

- Traffic & Development - raise no objections subject to informatives
- RSPB London Office - No reply received.
- Natural England - no objections subject to the Detailed Arboricultural Method Statement being adhered to and the use of thick gauge wire in appropriate locations where bats have been identified. Natural England welcomes the addition of well placed bat boxes.
- Environment Agency - No comments to make in regards to this application.
- Metropolitan Police Service (H) - No reply received.
- EDF - No reply received.
- Street Lighting - No reply received.

- Green Spaces (inc Allotments) - No reply received.
- Environment & Transport, Green Spaces - No reply received.
- Railtrack Property - No reply received.
- Railtrack PLC - No reply received.
- RSPB - North West London Group - No reply received.
- Transport for London - No objections in principle but advise that the applicants will need to obtain the necessary licences and agreements from TfL in respect of locations under their control.
- EDF Energy Network - No reply received.
- EDF Energy - No reply received.
- Brook Farm Allotments and Horticultural Society - No reply received.
- Totteridge Residents Assoc. - No reply received.
- Mill Hill Residents Association - No reply received.
- Partingdale Lane Residents Association - No reply received.
- Woodside Pk Gardens Suburb RA - No reply received.
- London Wildlife Trust Barnet Group - object on the grounds that the proposed wire may be harmful to bats, if it is then the applicants may be liable for prosecution under the appropriate legislation. The Local Planning Authority has a duty to ensure that the EU directive on bats is upheld. Particular concerns re the following sites 19a, 21, 27, 28-30 and 31. Totteridge is an environmental conservation area with ponds, SSI's and The Darlands all within green belt. Introducing an undetectable wire into flight paths will have a detrimental impact on wildlife.
- Network Rail - No reply received.
- Mill Hill Preservation Society - No reply received.
- Network Rail - Infrastructure Protection - No reply received.
- London Underground - Infrastructure Protection - The erection and retention of the poles on LUL land will require the applicant entering into a lease with LUL.
- Trees and Landscaping- no objection subject to conditions and informatives
- Coppetts Wood Conservationists – object to the proposal in respect of sites 8,9,10, 10a, 11 and 12 on grounds of potential damage to Bats and birdlife. Suggest alternative sites or the use of thicker high visibility wire.
- Access in Barnet - No objection in principle but it needs to be ensured that poles do not narrow any pathway.
- The Totteridge Conservation Area Advisory Committee Any increase in street furniture and hence visual clutter within the conservation area, unless required by law, or clearly in the interests of *all* residents, would be inappropriate and should be resisted. Also the proposal to prune trees and shrubs to accommodate the poles and wire is unacceptable as this would adversely impact on this part of the Conservation Area.
- Councillor Brian Coleman has written in support of the application stating:-

"I fully support the request by the Trustees of Woodside Park Synagogue to establish an Eruv for the four square mile area encompassing Whetstone, Oakleigh

Park, Totteridge and parts of Finchley. It is my belief that granting the Eruv will not cause any negative effects for the wider population within the designated boundary, and would significantly improve the lives of my orthodox Jewish residents.

Barnet has an established history in granting such applications, as demonstrated when the Council approved the UK's first and largest eruv that covered Hendon, Hampstead Garden Suburb and Golders Green. A second was created in Edgware in 2006, and a third approved in 2010, which received 400 letters of support from residents. All of these previous Eruv were extensively consulted on, and been subject to a public enquiry, which resulted in the then Secretary of State ruling in favour of granting the Eruv. The previous cases are particularly useful to cite, as the areas were similar in character to this current application.

The borough's UDP policy reflect a positive view in regard to religious and community developments. Specifically policy GCS1 (Community facilities) states "The council will seek to ensure that an adequate supply of land and buildings is available for community, religious, education, health and social care facilities in order to meet the needs of residents". In addition paragraph 9.3.1.2 states "the council recognises that there is a need for a range of community and religious facilities in Barnet to support the requirements of different ethnic, religious, social and interest groups in the borough. The council will monitor and review provision of community and religious facilities in the borough, and will encourage proposals for such facilities that meet identified need". I would argue that this application identifies a clear need, and more than meets that need."

- The Council of Christians and Jews-see the allowing of Eruvim as part of the wider community's embrace and engagement with minority groups. The Eruv allows members of the Jewish community with poor mobility, for e.g. mothers with babies, people with disabilities and the elderly, greater access and mobility to attend their place of worship on the Sabbath.
- The Board of Deputies of British Jews [THE BOD] - has written in support of the application. It highlights the benefits of the Eruv to the Jewish Community and notes that concerns about the impact on the character and appearance of an area as well as the diversity of an area encompassed by an Eruv have not materialised in the existing Eruvim within the Borough, no concerns have been raised in meetings with other faith groups, the Eruv equipment is not identifiable as Jewish symbols, the best case for the Eruv is the successful operation of similar schemes elsewhere (a fuller summary is included as an appendix).

#### The Second Round of Consultation (on equalities impacts)

The results of the second round of consultation in which neighbouring residents were reconsulted can be summarised as follows:

In response to the questionnaire, of the 99 questionnaires returned 52 objected to the proposed, 42 were in support and 5 made no comments.

In addition to the questionnaires a further 7 letters of objection were received and these comments are also included in the following summary:-

- (1) The objection letters and questionnaires contained some 100 comments which reinforced some of the objections in the first round of consultation, that there is

a widely held and strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv. Once again objections expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (12)
2. The potential imposition of religious symbols/designation on non-believers. (16)
3. Ecological concerns about trees and bats in particular. (9)
4. The visual impact on the street scene from having more street furniture especially in the conservation area (44) of which 4 were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles etc. (5)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion. (14)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (2)
- The potential cost to the Council (1)
- The extent of the consultation was inadequate (3)
- The proposed Eruv is unnecessary and will only benefit a small proportion of the population (14)

The comments in support of the application may be summarised as follows:

- It will benefit the elderly, disabled and those of limited mobility who would be able to use aids such as wheelchairs, walking sticks, zimmer frames on the Sabbath to enable them to visit the synagogue. (22)
- It will benefit young children and families with young children who would be able to use pushchairs on the Sabbath to enable them to visit the synagogue for worship. (19)
- It improves the quality of life for those members of the Jewish community who are currently affected by the absence of an Eruv. (9)
- It will not cause any problems to anyone. (10)
- There are other Eruvim in the borough and the concerns raised at the time of their consideration have not come to fruition. (4)
- It will discourage existing residents from moving away – putting Woodside Park Synagogue on a level playing field with many other communities that have Eruvim (“Eruv” plural) in place, such as Golders Green, Hendon and

Edgware. (1)

- It would be of little impact on the majority of the community but greatly benefit the minority. (3)
- Beneficial to all the community being inclusive and promoting equality. (5)
- Will enable the carrying of medication on the Sabbath. (2)

Date of Site Notice: 15 September 2011 and 15 March 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The proposed Eruv would include areas of Friern Barnet, Finchley Central, North Finchley, Woodside Park, Totteridge, Whetstone and Oakleigh Park. The perimeter of the Eruv will abut the North West London Eruv on its eastern boundary, the proposed Barnet Eruv along its Northern boundary and the approved Mill Hill Eruv on its west boundary.

### Proposal:

An Eruv is a continuous boundary designated in accordance with Jewish Law. Whilst Jewish Law prohibits Orthodox Jews from carrying on the Sabbath, carrying is permitted within the defined boundary of an Eruv, as is the use of pushchairs, wheelchairs etc.

The Eruv boundary is formed by utilizing continuous local features such as fences or walls alongside roads, railways or terraced buildings. However, where this continuity is not possible due to breaks in the boundary, e.g. roads, then this breach must be integrated by the erection of a notional 'gateway'. Such a gateway consists of posts or poles linked on top by a wire or cross bar crossing the highway.

Two established Eruvs in the borough currently exist: The Edgware Eruv and the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv).

At all sites, common with the established Eruvim in the borough, it is intended that the poles will be erected flush (within 20cm) with wall or fence boundaries. The posts, which would have a dimension of 76mm, would be painted in a colour that best blends with the surroundings. 6m tall poles and wire gateways would be installed at 18 sites, 5m tall poles and wire gateways would be installed at 1 site, 3.5m tall poles and wire gateways would be installed at 6 sites and 3m tall 'rustic gateways' (consisting 2 hardwood uprights and a hardwood cross beam) would be installed at 2 sites. In total, 40, 6m high poles; 2, 5m poles; 12, 3.5m poles and 4 'rustic gateway' uprights are proposed. The connecting wire would be translucent and 0.5mm in diameter, however at sites "0" Southover and "31" Brook Farm Open Space the wire diameter would be 10mm.

Where available an existing structure, e.g. bridges, over the roadway can be used in order to close a gap in the boundary. In these instances a small pole constructed out of mild steel in the form of a box section (1m in height, with a depth of width of 5mm) would act as a small symbolic doorpost attached to the side of the bridge or other structure. The leci would be screwed or otherwise attached to the vertical surface. Leci are proposed at 3 locations.

### Highways Licence

The erection of the 'gateways' on the highway would require a licence under the Highways Act. It would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted.

The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security, technical specification (including colour of poles and type of wire) etc.

The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

### Planning Considerations:

The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.

Policy support for the principle of the proposal is found at UDP policies GCS1 and CS1 which seek to promote the provision of community and religious facilities to meet the needs of the borough's residents. Policy CS10 of the Adopted Core Strategy seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. Policy DM13 in respect of community uses seeks to ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties. Depending on the location of the proposed Eruv equipment different policies will apply. The policies in respect of Character, Design, Road Safety will apply almost universally, more specific policies such as those relating to conservation areas will depend on the precise location of the equipment.

Each of the proposed locations is dealt with individually below.

#### Site 1: East end of pedestrian bridge over railway, to the rear of 104-106 Alverstone Avenue, EN4 8EE (2 x 3.5m high poles and connecting wire)

The poles would be sited abutting the metal palisade fencing at the east end 'entrance' to the bridge over the railway line, accessed via a pedestrian footpath from Alverstone Avenue. The poles would be sited either side of the footpath and would be opposite an existing lamp post.

The siting of the proposed poles would be acceptable and would not impact on the character and appearance of the footpath, nor would they obstruct the public highway. Further the 3.5m high poles, with wire span of approx 2m, would not represent an undue visual intrusion to users of the path.

#### Site Specific Comments Received

- Visually obtrusive to neighbouring residents

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

- The fact that the poles can be seen does not automatically mean that they are unacceptable. The street scene will not be adversely affected.

#### Site 2 Adjacent to 1 Beresford Avenue N20 0AD and the Electricity Sub Station adjoining the Petrol Filling Station, Russell Lane (2 x 6m high poles and connecting wire)

One of the poles would be sited on the north side of Russell Lane, adjoining the electricity sub station site to the west of The Cavalier Public House. The 2nd pole would be sited on the south side of Russell Lane abutting the flank garden boundary of no.1 Beresford Avenue.

The poles would be viewed against the backdrop of existing lamp posts 8m in height, bus stop, and street and commercial signage. Whilst there is currently other street furniture in the locality, it is considered that this location could accommodate 2 additional poles without detriment to the appearance of the street scene.

#### Site Specific Comments Received

- Extremely dangerous to traffic, unsightly and unattractive

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

- The poles would be 6m in height and would not impede any vehicles. Their siting would not interfere with visibility splays, sight line nor impede the public use of the highway. They are not considered to be visually obtrusive.

#### Site 3: Land rear of 47 and 49 Beresford Avenue N20 0AD (2 x 6m high poles with connecting wire)

The poles would be sited on the rear access way that serves properties in both Beresford and Weirdale Avenue. The poles have been sited to ensure that vehicular access to the properties would not be affected. It is considered that the introduction of the poles in this location, which would be viewed against the green backdrop of trees, shrubs and ivy on and abutting the access way, would not detract from the visual amenities of the neighbouring residents.

To ensure that the installation of the poles would not give rise to a risk of reduction in security, the poles will be treated using anti-climb paint above 2m in height and an appropriate condition is recommended.

#### Site Specific Comments Received

- The alley behind nos. 38/ 40/ 42/ 44 Weirdale Ave is in constant vehicular use
- No 49 Beresford Ave has never had any official vehicular access to the rear of their property
- Provided the Eruv poles are placed exactly as illustrated I will still be able to get my car into and out of my property and have no objection to the planning application. No alteration whatsoever may be made to the siting as I have a long car and my turning position at the crossroads must not be compromised.

Site 4: Bridge over railway Oakleigh Road South and junction with Beaconsfield Road N11 (2 x 6m high poles with connecting wires)

One pole would be sited on the north side of Oakleigh Road North at the commencement of the bridge over the railway line with the second pole sited on the east side of Beaconsfield Road at the junction with Oakleigh Road North. The pole would be sited to ensure that the existing road signage is not obscured.

2 additional poles could be accommodated in this location without detriment to the street scene. The siting of the poles would not harm the visual amenities currently enjoyed by nearby residents.

Site Specific Comments Received

- A dangerous road for traffic

Comments on Grounds of objection Not Addressed in the Appraisal Above

The poles would be 6m in height and would not impede any vehicles. Their siting would not interfere with visibility splays or sight line.

Site 5: Railway Bridge Friern Barnet Road close to the junction with Station Road, N11 1ND (2 x 6m high poles with connecting wires)

Two 6m high poles with connecting wire would be sited on the north and south side of the road where it crosses the railway line. The pole to the south side would be sited behind the "Welcome to Barnet" sign. The pole to the north side would be sited to the east of the road traffic sign and would not obscure it from the view of oncoming traffic.

Whilst there are already a number of traffic signs and other street furniture in this part of Friern Barnet Road it is considered, due to the careful siting of the poles, that they can be accommodated without detriment to the appearance of the street scene.

Site Specific Comments Received

- A dangerous road with lots of traffic. Why do people want to walk here?

Comments on Grounds of objection Not Addressed in the Appraisal Above

The poles siting, which would be subject to licence under the Highways Act, would not interfere with visibility splays or sight line. The footfall on the existing busy pedestrian route would not be materially altered. The Eruv cannot function as intended unless it forms a contiguous boundary so in certain cases it needs to be sited in a particular place to provide that contiguous boundary.

Site 6: Footbridge at New Southgate Station (2 x 1m high leci)

The borough boundary between Barnet and Enfield bisects the railway line on a north south axis. Whilst the actual Station is within the London Borough of Enfield, the west side of the footbridge is within the London Borough of Barnet.

The footbridge is operational land and the consent of Network Rail would be required.

The introduction of 2 lecis to either side of the footbridge would be acceptable. The 1m high lecis would have a depth and width of 5mm. They would be sited beneath the top projecting 'lip' of the bridge enclosure and would not represent a danger to the visually impaired or any other users of the bridge.

#### Sites 7, 9, 11 and 13

These sites are located on the Transport for London Road Network (TLRN) for which Transport for London (TfL) is the statutory highway authority.

TfL has confirmed that it has no objection to the proposals in principal subject to recommended conditions being met in full. It is recommended that TfL's conditions be attached as conditions or informatives if planning permission is granted.

The sites are addressed in the individual appraisals below.

#### Site 7: Under the Railway bridge at Pinkham Way A406 (1 no., 1m high leci)

The land to the west side of the railway line above is within the London Borough of Barnet.

1 leci proposed on the south side of the North Circular Road under the railway bridge.

The leci would have a depth of 5mm and a safe pavement width would remain.

#### Site Specific Comments Received

- No one is going to walk down the A406. Poles would be a danger to busy traffic as well as unsightly.
- Given the size and siting of the leci it would not be obtrusive in the street scene.

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

Given their size and siting, the lechs would not be obtrusive in the street scene.

The lecis are subject to the grant of a licence. TfL have thus far raised no objection to the siting of the lecis, subject to the inclusion of the recommended conditions and informatives.

#### Site 8: North Side of Bridge over Pinkham Way A406, Pegasus Way N11 3PW (2 x 6m high poles with connecting wires)

The two 6m high poles with connecting wire would be sited on Pegasus Way on the north side of the North Circular Road.

The poles would abut the approx 4m high brick features on either side of the road over the North Circular.

The poles would be viewed against the backdrop of the brick walls and could be accommodated without harm.

Site 9: Footbridge at Atlas Road adjoining the A406 (3 sets of 2 no x 6m high poles with connecting wires)

The poles would be sited at the base of the 3 separate access routes available to pedestrians using the foot bridge over the North Circular Road. The introduction of the poles would not impact on the appearance of this trunk road. Further the open space to the rear is sited above a steep bank. The poles, which would be lower in height than the existing adjoining light columns which are 10m in height, would not detract from the character of the area.

Site 10: North Side of Bridge over A406, Colney Hatch Lane N11 (2 x 6m high poles with connecting wires)

The two 6m poles with connecting wire would be sited to the east and west side of Colney Hatch Lane, on the north side of the North Circular Road.

This location is characterised by existing traffic signals, directional signs and lamp posts 10m in height. The introduction of 2 additional poles in this location would not detract further from the busy street scene. Traffic signage and/ or signals would not be obscured.

Site 10A: North Side of Colney Hatch Lane Footbridge over A406 (1 x 6m high pole with connecting wire)

The single pole would be sited approx 13m from the pole proposed on the west side of Colney Hatch Lane (see above) with a connecting wire. The pole would abut the bridge railings.

As per site 10, it is considered that the introduction of an additional pole in this location would not detract further from the street scene. Traffic signage and/ or signals would not be obscured.

Site 11: Footbridge over A406 near Coppetts Close N12 0AG (2 x 3.5m high poles with connecting wire)

The 3.5m high poles would be sited approx 6m from the entrance to the pedestrian footpath which leads to the footbridge over the North Circular Road and approx 15m from the nearest residential property at Coppetts Close.

The poles, sited outside of the pedestrian railings enclosing the footbridge, would not be visually intrusive nor out of keeping in this location.

Site 12: Bridge Over A406 at High Road N3 2AX (2 x 6m high poles with connecting wire)

Two 6m high poles with connecting wire sited on the east and west side of the High Road where the road bridges over the NCR.

This is a busy location in terms of street furniture, with existing lamp posts 10m in height, a phone mast, traffic signals, road signage and bus shelters all in close proximity.

The road has 4 traffic lanes with a central island at this location. In this spacious setting it is considered that 2 additional poles could be accommodated without causing demonstrable harm to the appearance of the street scene.

Site 13: North Side of Footbridge over A406, Abingdon Road N3 (2 x 5m high poles with connecting wire)

The poles would be sited at the base of the stepped and ramped access routes available to pedestrians using the foot bridge over the North Circular Road. The introduction of the poles would not impact on the appearance of this trunk road nor impede or inconvenience users of the footbridge.

Site 14: Long Lane N3 under A406 (2 x 1m high leci)

The 1m high leci would be sited on either side of the road under the road bridge carrying the NCR traffic. Two existing boxed housing units for electrical equipment (approx 1m in height with a projection of approx 500mm) are sited at the back edge of the pavement under the bridge. The leci would have a depth of 5mm and would be visually intrusive or harmful to highway safety.

Site 18: Adjacent to Frith Manor Orchard, Partingdale Lane NW7 1NX (2 x 6m high poles with connecting wire)

This location is within the Metropolitan Green Belt.

The pole proposed on the south side of the road would be sited near the existing phone mast and adjacent to the mast's utilities box. On the north side, abutting the boundary with Frith Manor Orchard House, the pole would be sited over 20m from the vehicular access to Firth Manor Orchard House. (The house itself is sited over 30m from the road.) Subject to the roadside verge planting being retained, the outlook from this property would be unharmed. A detailed Arboricultural Method Statement is required via condition to ensure that the hedgerows are protected.

The poles are sited to ensure that the green character and openness of this location is not compromised. Accordingly, having regard to the existing street furniture, it is considered that the introduction of 2 poles, having regard to the existing street furniture, would not detract from either the openness or visual amenity of this part of the Green Belt.

Site 19A: Rear of 164 and 166 Chanctonbury Way N12 7AD (3m high 'rustic' gateway constructed with 2 hardwood uprights with a hardwood beam across the top)

The land to the rear of nos. 164 and 166 Chanctonbury Way is a Site of Borough Importance for Nature Conservation and is within the Metropolitan Open Land designation.

The footpath between nos. 164 and 166 is very narrow. Any further narrowing of this path would not be acceptable and accordingly the 'gateway' is proposed to the rear of 164 at the entry to the open space. The access and enjoyment of users of the open space would not be compromised by the proposal.

The hardwood uprights and lintel, which would have an overall height of 3m and diameter of 18mm, would be viewed against the backdrop of the 2 neighbouring garden fences and would not detract from the green character of the area nor be inappropriate in this sylvan setting.

The Ecological Assessment states that the proposed gateway location would directly impact on ubiquitous woodland species in this location: namely common nettle, cleavers, broad leaved dock and herb Robert. The botanical interest of the area which will be affected is low and the loss of species would have a negligible effect on the ecological interest of the Folly Brook and Darland's Lake Nature Reserve Site of Borough Importance for Nature Conservation. No pruning or root disruption of nearby trees would result. Further no evidence of protected species was found in the vicinity of the proposed gateway location. As access to the site is possible via the alleyway, no ecological damage will ensue from accessing the site.

Site 0: Woodside Park Club Southover N12 7JG (3 x 6m high poles with connecting wire)

3 poles are proposed on the back edge of pavement fronting the Woodside Park Social Club.

This site, which is within Flood Plain Zone 3, is designated Metropolitan Open Land (MOL) and is a Site of Borough Importance for Nature Conservation. The Environment Agency have advised that they have no comments to make on the proposal.

This part of Folly Brook and Darland's Lake Nature Reserve Site of Borough Importance for Nature Conservation adjoins an area characterised by built development fronting the road. There are telegraph poles, together with street lighting columns 8m in height, in the immediate vicinity. When viewed against the backdrop of the existing trees, even in winter, the proposed development would be set in the context of existing vegetation and lighting columns and these features would serve to limit the effect of the proposal.

With regard to the MOL, the development is considered to be small scale, set within the linear built development characteristic of Southover, and would not therefore harm the established character of the open space.

The southernmost pole would be located adjacent to a wire mesh fence on the boundary between the pavement and the woodland edge. The Folly Brook enters a culvert under the road a few meters away. The botanical species which would be directly impacted by the installation of the pole are all common species including dead nettle, dandelion, ivy and cleavers. The pole will push through the upper branches of hedgerow vegetation, although no pruning is required as the upper level of the pole will be higher than the vegetation. As the pole foundation may lie within the root protection area of a nearby group of trees a Detailed Arboricultural Method Statement is required to avoid/minimise root damage (as recommended in the Arboricultural Implications Assessment), and required by condition if planning permission is granted.

The central pole would be sited on grassland. The pole would pass through the canopy of a hawthorn which the Arboricultural Implications Assessment recommends be side pruned to obtain 1m clearance. The pole would not be within the root

protection area of the hawthorn. The Detailed Arboricultural Method Statement would include these works.

The northernmost pole would be sited on bare earth adjacent to the boundary with 5 Southover. There is no botanical interest in this area which would be affected by the pole's siting.

No evidence of any protected species was found in the vicinity of the proposed pole locations. Whilst it is likely that bats may forage along Folly Brook, the Ecological Assessment concludes that no potential roosting sites would be affected by the proposed poles.

Natural England have raised no objections to the planning application, however they do note that the use of a thick gauge wire would provide an 'object' for bats to echo locate and would be a simple precautionary solution. The wire diameter at site 0 would be 10mm.

The National Planning Policy Framework states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Ecological Assessment notes that whilst the impact on the nature reserve site is considered negligible, the provision of a bat box on the southernmost pole would constitute a minor enhancement. A condition is recommended to ensure that the box would be provided in accordance with the Assessment's recommendations.

#### Site Specific Comments Received

- Unsightly in this attractive area and would adversely impact to the church on Longland Drive

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

- The church at Northiam is sited over 600m from the proposed poles which themselves carry no overt religious symbols or adornments. The church has been consulted and no objection has been received. The poles would not be visually obtrusive to the Church nor would they impede access to the Church.

#### Site 20: Footpath adjacent to 65 & 67 Michleham Down N12 7JJ (2 x 3.5m high poles with connecting wire)

The 3.5m high poles, connected by wire, would be sited between no.'s 65 and 67 Michleham Down approximately 7.5m from the back edge of footpath. The pole to the north of the footpath has been sited to ensure that the facing flank windows to no. 67 are unaffected by the proposal. The pole to the south would be sited approx 6m forward of the 2 storey side extension to no 65. Whilst the poles would be visible at an oblique angle from the front windows to no 65, it is considered that the poles would not result in a significant diminution of the visual amenities enjoyed by the occupiers of no 65 such as to cause harm or warrant refusal.

The footpath is over 2.5m wide. The introduction of poles 76mm in diameter sited abutting the boundaries with residential neighbours would not restrict access pedestrian access to the parkland to the rear or prejudice pedestrian access across the footpath.

It is considered that the poles could be accommodated without detriment to the amenities of the neighbouring occupiers, the street scene or access to the parkland to the rear.

### Site Specific Comments Received

- Object most strongly to the proposal
- Although Jewish consider the proposal has no merit
- Upset that the path next to my house will be defaced
- It will affect the diversity of the area. Woodside Park Synagogue has an ageing congregation

### Comments on Grounds of objection Not Addressed in the Appraisal Above

As stated earlier in the report, the proposal would provide a positive benefit to the elderly members of the synagogue.

### Sites 21, 22A and 22

These sites fall within the Totteridge Conservation Area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid, in the exercise of planning functions, to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It has been held that preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves the character and appearance unharmed.

It is acknowledged that the introduction of 4 poles, with the required wire span, plus one 'rustic gateway' (comprising hardwood uprights and lintel) would introduce minor visual changes in the Conservation Area and whilst the poles would not positively preserve or enhance the area, it is considered that the poles would leave the character and appearance of the area unharmed.

The sites are addressed in the individual appraisals below.

Site 21: Footpath adjacent to Laurel Farmhouse and Beatrice Court Totteridge Green N20 8PH (3m high 'rustic' gateway constructed with 2 hardwood uprights, diameter 18mm with a hardwood beam across the top, diameter 18mm)

This site is within the Totteridge Conservation Area and group TPOs adjoin the site. The public footpath is a designated Barnet Walk.

Two 3m high hardwood uprights with lintel above are proposed at the entrance to the public footpath. Both the adjoining buildings are included on the Statutory List of Buildings of Special Architectural or Historic Interest (Grade II). Whilst abutting the close boarded fences enclosing the curtilages of these listed buildings, the development would not impact on the setting of the buildings, nor detract from the outlook or amenities currently enjoyed by the occupiers.

The design and materials reflect the wooden gateway feature to Southover on the opposite side of the pond. It is proposed that the gateway be sited at the entrance to the footpath accessible to pedestrians to ensure that it may be sited at the widest point and the width of the footpath available to pedestrians would not be reduced.

It is considered that the proposed 'gateway' would not detract from the character and appearance of this part of the Conservation Area and would leave the character and appearance unharmed.

The development would be sited between 4 and 5m from 2 Yew trees protected by TPO's within the curtilage of Laurel Farmhouse, and 5m from the protected Oak in Beatrice Court. Whilst there is a likelihood of some encroachment within the Root Protection Areas (RPA), the risk of significant damage can be minimised by the use of appropriate techniques which must be set out in the Detailed Arboricultural Method Statement. This will be required to be submitted and agreed prior to work commencing. An appropriate condition is recommended.

#### Site Specific Comments Received

- How could anyone want to spoil Totteridge Green with a 3m high gateway?
- The proposal would detrimentally impact the Church on Totteridge Lane.

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

The proposed gateway would be sited over 850m (as the crow flies) from St Andrew's Church, the setting and character of which would not be affected by the proposal.

No response to consultation has been made on behalf of St Andrew's Church.

#### Site 22A: Fronting Eagle House 42 Totteridge Village N20 8PR and Stonehaven 31 Totteridge Village N20 8PN (2 x 6m high poles with connecting wire) Proposal

This site is within the Totteridge Conservation Area.

The following is an extract from the Totteridge Conservation Area Character Appraisal Statement:

“St. Andrews Church, rebuilt in 1790, is a key building and landmark. The church yard, ancient yew tree, plain fencing together with lychgate and small green with war memorial provide a picturesque setting for the church.” The Church is also referred to in the appraisal statement as a key location, focal point and landmark.

Two 6m poles and connecting wire are proposed. The wire would over sail Totteridge Manor Association land. The pole on the north east side of the road would be sited on the back edge of the grass verge fronting the south west corner of Eagle House which is sited approx 8m from the boundary. There are a number of trees within the curtilage of Eagle House including evergreens. The trees are approx 6-7m in height and the pole's position would be outside of the Root Protection Areas.

The pole on the south west side of the road would abut the close boarded fence fronting Stonehaven, 31 Totteridge Village. The pole would be located at a centre point between the trees within the curtilage of Stonehaven. The trees are between approx 5-6m in height and the pole's position would be outside of the Root Protection Areas. The pole would be sited approx 18m from the facing flank elevation of the house.

In view of the presence of the trees and the siting and orientation of both Eagle House and Stonehaven, it is considered that the visual amenities currently enjoyed by the occupiers would not be compromised by the development.

### Site Specific Comments Received

- Poles and wiring adjacent to St Andrew's Church will detract from a beautiful and historic site and be insensitive.
- Poles would be higher and out of keeping with the lamp posts in this area where limiting the height to 5.5m has helped to conserve the rural aspect.
- Site is in the heart of the Conservation Area and should not be cluttered with unnecessary street furniture which will do nothing to conserve or enhance the area.
- Use of land that the TMA have sought to protect from any development is crass.
- Understand that wires associated with an Eruv have caused injury to bats. Bats inhabit the Totteridge area and nothing should be installed that could harm these particularly vulnerable creatures.
- Object to the noise and disturbance resulting from installation.
- Potential traffic hazard.
- No benefit to the wider community to balance the disadvantages of the installation.
- The beneficiaries will represent a tiny proportion of the local population eyesore, create additional street clutter when it is neither necessary or appropriate.
- Proposed pole exposed and exceptionally obtrusive.
- Will create additional clutter.
- St Andrews church is Grade II Listed.
- Will reduce width of footpath used by mothers & young children with pushchairs making it dangerous to users.
- Parishioners of the Church will be required to pass through the Eruv. Offensive and contentious.

### Comments on Grounds of objection Not Addressed in the Appraisal Above

St Andrew's Church, the Church yard and its setting have the appearance of a quintessential English village church. There is no existing street furniture fronting the Church, nor are there any plans to introduce such additions as lamp posts in this location. It is considered that the pole proposed approx 20m's from the church yard would not detract from this important Listed Building and its setting, and the character of this important site in the Conservation Area would be preserved.

The poles would be 1m higher than existing lamp posts, however their greater height would have a negligible impact.

Site 22: Fronting Cardinals, 23 Totteridge Village N20 8PN and adjacent to Normandy, 1 Northcliffe Drive N20 8JX, fronting Totteridge Village (3 x 6m high poles with connecting wire)

This additional gateway site is an alternative to Site 22A. If planning permission is granted the recommended condition stipulates that only one or the other could be constructed.

The site does not require any detailed approval from the Totteridge Manor Association, whose land Site 22A the wire crosses over, and bearing in mind the

third party comments about proximity of site 22A to St Andrew's Church, the poles would be over 100m from the curtilage of the Church.

The pole fronting Cardinals would be sited between the Oak and Sycamore trees within the boundary of the property, sited fronting the picket fence. The house is sited approx 20m's from the back edge of the pavement. Whilst the pole would be visible from the property, it would be partly screened from view by the trees which have a height of between 5-7m. It is considered that the introduction of a pole, 6m in height 76mm in diameter, in this position would not be so harmful to the outlook and visual amenities of the occupiers of The Cardinals as to warrant the refusal of the application.

There is an existing lamppost, 5m in height, sited at the back edge of pavement between Cardinals and its neighbour. The additional pole would not be a discordant addition to the street scene and would not detract from the character and appearance of the Conservation Area.

The 2 poles proposed to the north east side of the road, adjacent to the side boundary of Normandy, 1 Northcliffe Drive, would be sited to the rear of the green fronting Totteridge Village. The poles would be well screened by the extensive vegetation in this location and would not impact on the character and appearance of this part of the Conservation Area. The poles may encroach into the Root Protection Area of nearby trees and some pruning of branches may be required. The use of appropriate techniques to minimise damage will be submitted in the Detailed Arboricultural Method Statement which will be required byway of planning condition.

The house at Normandy, 1 Northcliffe Drive, is sited some 80m from the property's boundary with Totteridge Village. It is considered that the introduction of 2 poles in this location would have a negligible impact on the amenities and outlook currently enjoyed by the occupiers.

The positioning of poles 2 & 3 adjacent to Normandy, and the wire which will span to pole 1, are likely to require minimal end pruning of branches of a group of trees identified as G3 in the Arboricultural Implications Assessment, in order to achieve the adequate clearance required to facilitate the installation of the poles. It should be noted that trees within this group are still relatively young trees (young mature) and will continue to grow for some time. This new growth will quite possibly require on-going maintenance to ensure conflict between branches and the poles/wire does not occur. It is anticipated that the necessary pruning works required can be undertaken from ground level using high level pruning equipment, and that the use of chainsaws will not be required. It is recommended that works are undertaken in line with BS3998:2010 *tree work - recommendations*. Whilst there is a likelihood of some encroachment within the Root Protection Areas (RPA), the risk of significant damage can be minimised by the use of appropriate techniques which should be detailed in the required Detailed Arboricultural Method Statement.

#### Site Specific Comments Received

- Potential accident hazard caused by the distraction of 6m poles. Would hold the Council liable if another accident occurred on us turning right into Northcliffe Drive
- See no reason why we should have to view pole everyday to accommodate a small religious minority

- Not appropriate in the Conservation Area, detrimental to the look of the area
- Scheme benefits only a small section of the community for a short part of the week, to the detriment of the whole local population for the whole time
- Pole would be sited right by the entrance to house and driveway. There is a very narrow path this side of Totteridge Village and already have a restricted view when driving out. This would add to the danger
- Many Totteridge Academy pupils use this side of the road to get to the bus stop.

Site 25: Access way between 92 and 94 Totteridge Lane N20 8JG (2 x 3.5m high poles with connecting wire)

The two 3.5m high poles with connecting wire, would be sited adjoining no. 94 Totteridge Lane, crossing the access way which leads to the Totteridge Tennis Club at Great Bushey Drive. The poles would be sited approx 5m from a mature ash tree which is approx 15m high. No pruning would be required and the Detailed Arboricultural Method Statement will address how any small diameter roots present will be protected.

Due to the siting of the neighbouring properties, the extensive vegetation and the height of the proposed poles, it is considered the development could be accommodated in this location without undue detriment to the amenities currently enjoyed by the direct neighbours, or the character and appearance of the street scene.

Site Specific Comments Received

- See no reason for these poles and wires to be installed
- Inappropriate for the environment
- Excessive street clutter
- Loss of vegetation
- Unsightly
- Add to excessive clutter
- Better to reuse existing posts and poles and use those remaining for the eruv rather than introduce additional unsightly poles to add to the clutter.

Site 26: Adjacent to 75 Oak Tree Drive N20 8QJ and 62 Great Bushey Drive N20 8QL (2 x 6m high poles with connecting wire)

Two 6m high poles with connecting wire are proposed. One, on the west side of Great Bushey Drive, would be sited on the flank boundary of no. 75 Oak Tree Drive. The second is proposed between 62 and 64 Great Bushey Drive.

The Totteridge Tennis Club and sports ground is situated at the end of the road, to the rear of 75 Oak Tree Drive. This attractive open space which is not enclosed is within the Green Belt.

The pole to the west side would be sited to the flank boundary of no 75 Oak Tree Drive. The pole would not be sited in front of facing flank windows. The pole would be sited approx 20m from the boundary with the Green Belt and it is considered that the introduction of further street furniture in this location could be accommodated without impact on the openness or appearance of the Green Belt.

The pole between nos. 62 and 64 would be sited on the back edge of pavement on the party boundary between this pair of semi detached houses, mirroring the siting of lighting columns in the road which are 6m in height. It is considered that the pole would not be unduly intrusive when viewed from these properties and would be in keeping with existing street furniture in the road.

#### Site Specific Comments Received

- Development will be detrimental to the value of our properties
- Do not wish another structure outside this corner property with very narrow pavement which is well used to access fields and tennis club
- Leave little room for push chairs etc and could be dangerous
- Unattractive appearance
- Quite enough existing street furniture for resident with poor eyesight to negotiate
- Attractive nature of area will be adversely affected
- No Orthodox neighbours at all
- There are more important projects for Barnet Council to concentrate on. 99% of the community will surely be against this
- 6m poles out of proportion with the character and size of road
- Adverse impact on the surrounding area adjoining residents
- Use would be inappropriate for the area
- Post may involve the removal of tree outside our house
- Visually obtrusive
- Unnecessary clutter
- Wire will be visually obtrusive
- Reduce pavement width and increase damages to pedestrians

#### Site 27: Footpath Adjacent to 84 Totteridge Lane N20 8QQ (2 x 3.5m high poles with connecting wire)

This location is within the Green Belt. One of the poles would be sited close to the river bank and would be within Flood Plain Zone 3. The Environment Agency have advised that they have no comments to make on the proposal. The proposed siting of the poles lies a short distance from the boundary of the Upper Dollis Brook Site of Borough Importance for Nature Conservation.

One pole would be sited 8.1m from the back edge of pavement, 4m from the facing flank elevation of no 84 Totteridge Lane. The pole would not be sited directly in front of facing windows

The second pole would be sited adjacent to the Residents' Association information board, 0.7m from the pavement. Minor pruning of the long lateral branches of the Willow tree on the other side of the bank may be required but the pole would be sited outside of the RPA.

It is considered that two poles in the positions proposed could be accommodated in this sensitive location without unacceptable intrusion on this open setting.

The Ecological Assessment notes that the botanical interest of the areas to be affected is low, consisting only of ubiquitous species found elsewhere within the local

vicinity. Further no evidence of protected species was found. Bats are likely to forage along the Upper Dollis Brook though it is not considered that any potential roosting sites would be affected or that the poles and wires would interfere with the bats' foraging and commuting.

The National Planning Policy Framework states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Ecological Assessment notes that whilst the impact on the neighbouring nature reserve site is considered negligible, the provision of a bat box on the northernmost pole would constitute a minor enhancement. A condition is recommended to ensure that the box would be provided in accordance with the Assessment's recommendations.

#### Site Specific Comments Received

- Not appropriate to use 2x 3.5m high poles in this location. If the scheme goes ahead the Council should apply a condition that this opening is furnished with a rustic gateway.
- Given relative open nature of the site the proposed poles and wire would be much more obvious and obtrusive
- Add to existing clutter and will be an eyesore and widely visible
- Should utilize existing lamp posts rather than add further clutter
- Existing tree will need to be regularly pruned which will detract from its appearance
- Better to reuse existing posts and poles and use those remaining for the eruv rather than introduce additional unsightly poles to add to the clutter.

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

- The distance between the 2 poles would exceed 8m. The use of a rustic gateway would not be suitable at this required distance and would have a greater visual intrusion on this Green Belt site than 2 slim line poles with a 0.5mm wire.

#### Sites 28-30: Adjacent to Dollis Valley Green Walk Between Brookmead Court and 64-76 Totteridge Lane N20 8QG (3 x 6m high poles with connecting wire)

The Dollis Valley Green Walk is within the Green Belt. The frontage to Totteridge Lane is uncluttered and open with little street furniture to intrude on this open aspect.

Three 6m poles connected by wire would be erected along the roadway to join up a gap between the flank wall of the commercial parade and a hedgerow enclosing Brookmead Court across the open entrance into the Dollis Brook open area.

The wire will pass through the upper branches of a group of ash and sycamore trees located between the westernmost and central poles, and a lime tree located between the central and easternmost poles, which will need to be pruned to facilitate the wire.

The pole adjacent to Brookmead Court has been sited to minimise the chance of encountering roots of the oak and elder tree. The required Detailed Arboricultural method Statement will be followed to avoid/ minimise root damage.

It is considered that the proposed poles could be accommodated in the street scene without detriment to the Dollis Valley Green Walk. The poles would be viewed in the

context of, and follow, the linear urban street scene and, whilst adjoining the Green Belt, would not unduly intrude on its openness or green setting.

#### Site Specific Comments Received

- A Green Walk should be just that.
- Should not be straddled by invisible wires that will do untold damage to wildlife
- Barnet won a lucrative grant to enhance this green belt facility. The construction of an Eruv is not part of this.
- Sites 28-30 will be particularly unattractive as this runs across the Green Walk which is used or passed by thousands of people every day
- Wholly inappropriate locations, would be hugely visually intrusive and inconsistent with the surrounding environment.
- Add to existing unacceptable clutter in this locality
- Trees would need to be pruned and kept pruned
- Detract from the character of the area and enjoyment of users of this open space.
- Inappropriate that any one group should install symbols of their religion/belief in an area of public enjoyment
- Add to excessive clutter
- Better to reuse existing posts and poles and use those remaining for the eruv rather than introduce additional unsightly poles to add to the clutter.

#### Site 31: Brook Farm Open Space Bridge Over Northern Line (2 x 3.5m high poles with connecting wire)

Brook Farm is within the Green Belt and is a Site of Borough Importance for Nature Conservation. The land is also within a designated Green Chain.

The poles would be sited at the bridge crossing the Northern Line.

The poles would be sited on the east side of the bridge adjacent to the brick wall. The poles would not detract from the openness of the Green Belt in this setting, particularly in view of the existing safety fencing already in situ.

The poles would be sited on the small patches of amenity grassland on the public side of the railway fence. Although the botanical interest of the habitat beyond the fence is greater, the Ecological Assessment concludes that it is not anticipated that any of the identified species would be adversely affected by the installation of the poles. No evidence of protected species was found in the vicinity of the pole locations however it is known that the railway supports a population of common lizard and slow-worm and it is likely that the green corridor is also used by foraging/commuting bats. Whilst there may be some tree roosts along the line, no trees are close enough to the locations for there to be any impact, nor are there any overhanging branches.

The National Planning Policy Framework (dated 27.3.12) states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Ecological Assessment notes that whilst the impact on the nature reserve site is considered negligible, the provision of a bat box on either or both poles would constitute a minor enhancement. A condition is recommended to ensure that the boxes would be provided in accordance with the Assessment's recommendations.

Natural England have raised no objections to the planning application, however they do note that the use of a thick gauge wire would provide an 'object' for bats to echo locate and would thus provide a simple precautionary solution. The wire diameter at site 31 would be 10mm.

#### Site Specific Comments Received

- See no reason for these poles and wires to be installed
- Inappropriate for the environment
- London Underground Limited (LUL) have confirmed that the erection and retention of the poles on their land will require the applicant entering into a lease with LUL.

#### Site 32: Adjacent to Turners Court Great North Road EN5 1EG and 6 Great North Road EN5 1JS (2 x 6m high poles with connecting wire)

The pole to the west side of the Great North Road would be sited between Turners Court, a purpose built flatted development, and no. 9 Great North Road, whilst the pole to the east side would be sited fronting no. 6 Great North Road, to the south of the property's vehicular access.

The pole to the west side of the road has been sited 1m from the commencement of the dropped kerb to no 9, having careful regard to avoid being sited directly in front of the facing windows to Turners Court. The minor pruning of the ash tree within the landscaped setting of Turners Court will be required. The required Detailed Arboricultural Method Statement will be followed and the consent of Turners Court residents and/or management committee will be required. The tree is not included in a Tree Preservation Order.

The pole to the west side of the road has also been sited to avoid being sited directly in front of the facing windows.

It is considered that the introduction of 2 additional 6m high poles could be accommodated without causing a detriment to the character and appearance of the street scene, or the outlook and amenities enjoyed by neighbouring occupiers.

#### Site Specific Comments Received

- The poles will affect the visual amenity and outlook from Turners Court. The land falls towards the west and the level of Turners Court is significantly lower than the highway making the poles look more prominent.
- Poles will increase the street clutter at this location as there is a lamp post located nearby.
- The majority of residents of Turners Court are elderly. The pavement at this point will be narrower making it difficult to manoeuvre a wheelchair. As well as Highways considerations, this engages the Equalities Act 2010 and it is incumbent on the case officer and Planning Committee to assess the application against the obligations imposed by the Act.
- The poles (at least one) will be placed in front of a tree protected by a TPO. This will draw the eye away from the tree and affect the enjoyment of the public of the tree, reducing the benefit and defeating the object of the TPO.
- As natural roosting sites have become more scarce due to development, so the

number of artificial roost sites has increased in the form of houses, bridges etc. The location of the Eruv and its structures is likely to affect bats and their roosts. It is essential that the presence or otherwise of protected species, and the extent that they maybe affected by the development is established before planning permission is granted, otherwise all relevant material planning considerations may not have been addressed in making the decision. In these circumstances a bat survey is required.

- A Public Authority has a duty to have regard to the requirement of biodiversity in carrying out its functions. The Bioscan Ecological Assessment leaves out consideration of sites 32-34. These sites should be assessed prior to the consideration of the application.

#### Comments on Grounds of objection not addressed in the appraisal above

- The pole to the west side of the road would be sited forward of a landscaped bank fronting Turners Court. The pole would not be sited directly in front of the block but would be sited approx 2m's south of its flank wall. The block is sited over 19m's from the back edge of pavement. Whilst the poles may be seen by the occupiers of Turners Court this does not in itself amount to a compelling reason for refusal.
- If planning permission were to be granted, the available pavement fronting both Eruv poles would remain sufficiently wide to allow 2 wheelchairs or 2 people to pass side by side. There would be no adverse impact on those with the protected characteristic of disability under the Equalities Act 2010.
- No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of the proposed gateway. the decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration. Given the site's situation, bats or other protected species are unlikely to be encountered and therefore an Ecological Assessment of site 32 was not required.

#### Site 33: Netherlands Road, Between Temple Lodge and 92 Netherlands Road EN5 1BU and Stevenson Close Flats opposite (2 x 6m high poles with connecting wires)

The pole on the south west side of the road would be sited on the boundary between Temple Lodge and no. 92 Netherlands Road and the pole opposite would be sited fronting the flats at Stevenson Close.

The pole to the south-west side of the road has been sited 1m from the commencement of the dropped kerb to no 92, having careful regard to avoid being sited directly in front of the facing windows to Temple Lodge.

The London Plane trees sited on the pavement on the north east side of the road are protected by a group TPO in recognition of the trees high public amenity value. The pole has been positioned to be centrally sited between 2 of the protected plane trees. The required Detailed Arboricultural method Statement will be followed to avoid/ minimise root damage.

The pole would be sited in front of the stairwell to flats 8-13 Stevenson Close which is located over 20m's from the close boarded fence enclosing the development from the highway.

It is considered that the introduction of 2 additional 6m high poles could be accommodated without detriment to the character and appearance of the street scene, or the outlook and amenities enjoyed by neighbouring occupiers.

#### Site Specific Comments Received

- Object to the proposed Eruv which, amongst 31 other sites, will run between Temple Lodge and 92 Netherlands Road.
- Eruv's construction is inappropriate for this quietly diverse area, with no synagogue, which houses families and elderly who have a mix of religious views or no religion
- Believe there will be more noise and disturbance resulting from Eruv
- Considerable disruption when Jewish Festival held in the Venture Scout Hall opposite Temple Lodge
- Eruv will bring worshippers from all over London who have no Eruv bringing more noise and disturbance
- Cause more problems with parking, access and traffic
- The scale and ugly appearance of the Eruv will cause loss of amenity and character
- Eruv would constitute selfish behaviour to those who moderate views, and practice religion in our homes and places of worship, not on the streets
- Detrimental impact on the appearance of Netherlands Rd
- Treasure the collection of London Plane trees and bird life
- As natural roosting sites have become more scarce due to development, so the number of artificial roost sites has increased in the form of houses, bridges etc. The location of the Eruv and its structures is likely to affect bats and their roosts. It is essential that the presence or otherwise of protected species, and the extent that they maybe affected by the development is established before planning permission is granted, otherwise all relevant material planning considerations may not have been addressed in making the decision. In these circumstances a bat survey is required.
- A Public Authority has a duty to have regard to the requirement of biodiversity in carrying out its functions. The Bioscan Ecological Assessment leaves out consideration of sites 32-34. These sites should be assessed prior to the consideration of the application.

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

- The Eruv would allow carrying on the Sabbath. This does not include driving a car
- The Eruv poles are required to 'close' gaps in the Eruv boundary, most of which is delineated by existing boundary features. The poles and wire gateways would not form a focus for the Jewish community but are a required device to complete the boundary and establish the Eruv for its intended purpose.
- No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of the proposed gateway. the decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration. Given the site's situation, bats or

other protected species are unlikely to be encountered and therefore an Ecological Assessment of site 33 was not required.

Site 34: Adjacent to Hall at 1 Stevenson Close EN5 1DR (2 x 6m high poles with connecting wire)

2 poles with connecting wire are proposed to cross Stevenson Close. There are 2 flag poles on the grassed area to the side of the sea scouts building accessed via Stevenson Close. The land to the south side of the Close has a narrow grass verge, displaying a street name sign, with metal palisade railings behind enclosing the Network Rail land.

It is considered that the poles and wire proposed could be accommodated in this mix street scene location without causing additional harm.

Site Specific Comments Received

- An eyesore that we would be able to see from our flat
- No need for such a construction
- As natural roosting sites have become more scarce due to development, so the number of artificial roost sites has increased in the form of houses, bridges etc. The location of the Eruv and its structures is likely to affect bats and their roosts. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development is established before planning permission is granted, otherwise all relevant material planning considerations may not have been addressed in making the decision. In these circumstances a bat survey is required.
- A Public Authority has a duty to have regard to the requirement of biodiversity in carrying out its functions. The Bioscan Ecological Assessment leaves out consideration of sites 32-34. These sites should be assessed prior to the consideration of the application.

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The fact that the poles can be seen does not in itself amount to a compelling reason for refusal.
- The Eruv poles are required to 'close' gaps in the Eruv boundary without which the Eruv boundary cannot be complete
- No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of the proposed gateway. the decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration. Given the site's situation, bats or other protected species are unlikely to be encountered and therefore an Ecological Assessment of site 33 was not required.

Nature Conservation

Concerns in respect of the potential impact of the Eruv equipment on bats has been raised in respect of sites 19A, 21, 27, 28-30, 31 and 32.

All species of bat are fully protected under "The Conservation of Habitats and Species Regulations" 2010. They are also protected under the Wildlife and Countryside Act 1981 (as amended).

Article 12 of the Habitats Directive contains a range of prohibition seeking to protect bats and other European Protected Species. These prohibitions include deliberate capture or killing, deliberate disturbance which includes disturbance like to

- (a) impair their ability to
  - (i) survive, breed, reproduce or rear or nurture their young; or
  - (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or
- (b) affect significantly the local distribution or abundance of the species to which they belong
- (c) Will damage or destroy a breeding site or resting place used by bats.

The Local Planning Authority is required to have regard to the requirements of the Habitats Directive in deciding whether or not to grant planning permission.

The circumstances of this application are such that whilst concerns have been raised in respect of potential harm to bats, information submitted with the application does not indicate that bats will be adversely affected by the proposed Eruv equipment. Natural England have been consulted and have not raised objections to the proposal but have suggested the use of thicker wire at Site 31 as a precautionary approach. A suitably worded condition has been recommended as indeed have the provision of 1 bat boxes at sites 0, 27 and 31.

Concern has similarly been raised in respect of the potential harm to birds that could arise from the proposal. The RSPB have been consulted but no comment received. There is no evidence either submitted with the application or from the operation of other Eruvim that indicates the proposal would adversely affect birds.

The application is considered acceptable on grounds of nature conservation.

## 4. EQUALITIES AND DIVERSITY ISSUES

### Summary of the Provisions of the Equality Act

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require public authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.

Section 149 provides:

(1) A public authority must, in the exercise of its functions, have due regard to the need to -

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to -

(a) tackle prejudice, and

(b) promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- age;
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

There has been extensive consultation on the equalities impacts of this proposal with two rounds of public consultation, the second being primarily focused on equalities issues. An equalities questionnaire was sent to all consultees, requesting information on equalities impacts and to gather evidence for the council of the views of different groups when assessing the responses. Officers have also considered information held by the council on protected groups in the borough and the experience of other Eruvim which currently operating in Barnet. Officers recognise that not everyone will respond to a consultation but consider that the two rounds of consultation have provided a representative response from the main stakeholder groups who will be affected by this proposal. The Equalities Impact Assessment based on those responses and information held by the council is set out below:

#### Analysis of relevant impacts on protected groups

It is considered that the following protected groups could potentially be affected by the proposal:

- Jews
- Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- Secular Groups – Agnostic, Atheist, Humanist
- Disabled people
- Elderly Jews
- Young children and parents of young children who are Jewish
- Jewish women (on the assumption that these have greater childcare responsibility)

Before analysing the potential impact of the proposal on each of these groups it must be acknowledged at the outset that monitoring and assessing religious equality or equality between people with different beliefs can be difficult. Varying levels of commitment to particular religious or beliefs can make it difficult to interpret the information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith and an orthodox Jew who observes the Sabbath and refrains from “carrying” on that day except within an eruv.

#### (Orthodox) Jews

As referred to elsewhere in the report, in the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath) and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws.

The applicant's statement, which is attached as an appendix, states that the Woodside Park Synagogue is an Orthodox Jewish Community and as such it is assumed that its members observe Jewish Law. The Jewish Community composes 15% of Barnet's population.

This prohibition has the following adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath:

Parents cannot utilize a pram or pushchair to take their baby/young child with them to the synagogue or anywhere else such as to visit friends or relations.

In effect this means that children aged two and under may be housebound as will at least one of their parents, a situation that would continue to exist until all the children in a family are able to walk to synagogue and back.

The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

Disability takes various forms and those who require an appliance such as wheelchair, walking stick, Zimmer frame to get out and about cannot make use of such equipment in a public thoroughfare without transgressing Jewish Law on the Sabbath.

The prohibition also applies to the carrying of medication such as pills, nebuliser unless the absence of such medication were life threatening. Less obviously Jewish law also prevents the carrying of reading glasses whilst walking.

The introduction of the Eruv would directly benefit these members of the Jewish community who are adversely affected as outlined above.

Indirectly other members of the Jewish community would benefit from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

Information provided by the applicant, based on the membership of the Synagogue on 31/12/10 indicates that there are 370 members aged 70 or over and 100 children up to 4 years of age. The applicants have calculated that with the inclusion of the children's parents the number of persons who would directly benefit from the proposed eruv would be some 600. The overall membership of the synagogue was 1382.

In response to the second round of consultation, out of a total of 99 questionnaires which were completed and returned, 47 (47%) were completed by persons who declared themselves to be Jewish. An analysis of these responses show that 42 out of 47 (89%) supported the application. 4 responses (8.5%) objected and the remaining single response made no comment.

The overwhelming majority of Jewish people who completed the questionnaire were in favour of the proposal. The most common points made in favour were the benefits that would accrue to the young, the disabled and the elderly members of the community.

### Other faith groups

The groups which fall within this section include Bahai, Buddhist, Christian, Hindu, Jain, Muslim, and Sikhs comprising a combined 73% of the borough's population.

Of the total of 99 questionnaires that were returned completed 36 (36%) were completed by persons who declared themselves to be members of these groups. The most commonly represented faith group within this section were Christians who completed 34 (94%) questionnaires, 30 out of 34 (88%) objected to the proposal.

In part the objections raised relate to the potential negative effect that the introduction of the Eruv equipment would have on their own religious beliefs. In particular concerns were raised that the Eruv would be imposed on the whole community, the majority of whom do not share the religion or beliefs of the Jewish community.

It was suggested that the Eruv would enclose non Jewish residents within a Jewish boundary and the area could change in character if the Eruv incentivised members of a particular minority to settle there. These concerns were raised in 22 (61%) of the questionnaires. It was said that there is no need for the eruv given the relatively small number of Jewish residents in the area. In terms of the objections received a significant proportion consider that the proposal will adversely affect their religious beliefs which are protected characteristics.

It can be seen from the objections received that the members of other faith groups who completed the questionnaire perceive that the proposal will have an adverse impact on their religious beliefs. The effect of this on the individual will vary from person to person and there is an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief.

However set against the adverse impacts which members of other faith groups perceive that the proposed Eruv would have on their religion or belief are the following considerations:-

The proposed Eruv equipment comprising poles, lechi, gateways and wire do not display or carry any Jewish or any other overtly religious symbolism that would allow them to be identified as being of any religious significance.

The proposed poles would be up to 6m high and connected in places by relatively thin wire. Officers consider that they would appear as part and parcel of the variety of street furniture with no discernible religious significance. In addition, the poles and equipment will be located where possible at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene.

With regard to the specific concerns raised about the proximity of the eruv to existing churches, two alternative locations (of which only one would be implemented) have been proposed in relation to St Andrews Church in Totteridge; one 70m from the church and the other 20m from the church. These poles, like the others proposed would be plain in appearance and 6m high, devoid of any religious symbolism. St Andrews Church has been consulted and has not replied objecting to the proposal.

With regard to Union Church in Northiam, the proposed eruv equipment is proposed to be some 600m away from the Church. The Church has been consulted and no objection has been received.

The Council of Christians and Jews (CCJ) has written in support of the proposal. It commented on the advantages the proposal would have on members of the Jewish community with poor mobility. CCJ "see the allowing of Eruvim as part of the wider

community's embrace and engagement with minority groups". The comment is also made that it is believed it is the intention to always make the Eruv poles as unobtrusive as possible and that the poles are not very obtrusive at all. The CCJ's comments focus on the scheme's benefits to the Jewish community. However, its support for the scheme indicate that at least some sections of the Christian community support the proposal and objection from this protected group to the scheme is not uniform across the group.

The physical impacts of the proposed Eruv equipment have been considered on a site by site basis earlier in this report. Officers have concluded that that the proposed siting of the Eruv equipment would not result in visual obtrusions to such a degree as to warrant refusal and would be readily assimilated into the general street scene.

There are already a number of Eruvim in existence in Barnet and elsewhere. The operation of these Eruvim provides useful evidence as to the likely potential impacts of the scheme on protected groups and is therefore relevant to the consideration of the current application.

The presence of other Eruvim is referred to in a letter from the Board of Deputies of British Jews (The BOD) which is summarised in the appendix. The comments relevant to this section of the report are as follows:-

- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- The Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- The Community Security Trust records anti-Semitic incidents in the K. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings at senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made aware of any objections from these groups to an Eruv
- From experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.

- The best case for an Eruv in Woodside Park is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

Officers do not have any evidence to contradict the points raised by the BoD in respect of the operation of the existing Eruvim in the borough. In the process of the consideration of this application officers have visited these Eruvim and would support the comments made in respect of their assimilation into the general street scene.

If the observer were to make a deliberate attempt to locate the Eruv equipment then they will be seen but otherwise they are part and parcel of the general street scene and there is nothing that identifies them as having any religious significance.

Officers accept that the proposal could have a potential adverse impact on those of other non-Jewish faith groups who feel it impinges on their beliefs. Officers nevertheless consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where no evidence has been forthcoming to support these concerns. The potential adverse impact of the proposal in these protected groups is outweighed by the positive outcomes that the proposal will have through enabling the very young, elderly and disabled members of the community to be able to worship at the Synagogue on the Sabbath and the Day of Atonement.

In reaching this conclusion officers have given weight to the impact that the proposals would have on the identified protected groups, however the harm is outweighed by other considerations.

### Secular Groups

This group includes Atheists, Agnostics and Humanists and are a protected category under the Equality Act 2010. A total of 17 (12%) completed questionnaires were received from members of these communities, all except 1 objected to the proposal. Members of secular groups and non-religious persons comprise 13% of Barnet's population.

The particular concerns raised by members of this group were that it would raise secular tensions, promotes inequality and imposes religious beliefs on other persons.

It is considered that these perceived adverse impacts are mitigated by the following:

- The successful operation of existing Eruvim elsewhere in this borough and in neighbouring authorities where there is no evidence that an Eruv gives rise to tension between secular and religious groups.
- The Eruv equipment does not carry any Jewish symbolism and is usually seen as part and parcel of the normal street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Jewish Community.

### Disabled people

A total of 25 questionnaires were completed and returned by disabled persons equating to 25% of the overall total returned, 13 of the questionnaires (52%) were completed by members of the Jewish community of which 10 (77%) supported the scheme on the grounds of the benefits which would accrue to disabled persons as a result of the Eruv namely being able to attend the Synagogue to worship on the Sabbath. In addition they would also be able to attend with friends or family members thus actively becoming part of the wider Jewish community and improving their spiritual and social life. They also supported the ability to be able to carry medicines on the Sabbath which is important for health reasons.

12 responses were received from Non Jewish disabled persons of which 11 (92%) objected to the proposals and the remaining 1 response made no comment. Of the 11 objections, only 2 raised concerns in respect of the potential adverse impacts that the equipment would have on disabled persons in general being able to use the public footpath. They were concerned that the proposed equipment would reduce pavement width thus making it difficult for persons with Zimmer frames or wheelchairs to travel comfortably along the public footpath in these locations.

According to information from the Department of Work and Pensions, there are 11,280 disabled persons in Barnet represent 3.2% of the borough's population.

Access in Barnet have been consulted and raise no objection in principle provided that the poles do not narrow any footway.

Some concerns were raised previously in the first round of consultation objecting to the potential impact that the proposed equipment could have on partially sighted/blind persons whereby the equipment could be a trip/collision hazard thereby having a serious effect on their safety and general wellbeing.

The proposal would significantly and positively benefit disabled members of the Jewish community in that it would enable them to attend the synagogue for worship on the Sabbath as well as generally being able to leave their houses to socialise with friends and family on those days. It would in effect give them the same opportunity to join in the spiritual and social life of their community, as well as the wider community on the Sabbath.

Whilst the proposal would benefit disabled members of the Jewish community the views have also been expressed that the physical presence of the equipment could prejudice the mobility and safety of other disabled members of the community.

In response to the concerns that the proposed eruv equipment would create a hazard to disabled persons using the highway, officers accept that this is a reasonable concern. Officers consider however that the sites for the equipment have been carefully chosen so as to prevent such situations arising. The Eruv poles themselves are 76mm in diameter so are relatively thin structures that can be sited at the back edge of the pavement so as to minimise intrusion onto the footway. The Eruv poles are considerably smaller than many items of street furniture that can be erected without the need for any planning permission. The location of the Eruv poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

The Council's Highways Group, who are directly responsible for highway and pedestrian safety on the Borough's roads have been consulted throughout the process and have no objections to the proposal. As can be seen from their comments reported earlier, the impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration. Similarly TFL have been consulted and raise no objections to the proposal. In addition to planning permission being necessary, the equipment also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued.

Officers also consider that having visited the individual sites and having considered the proposed siting of the Eruv equipment, that any of the application on the safety of disabled members of the community would be mitigated by the combination of the size and design of the equipment and its location.

The impact of the existing eruvim on the health and safety of disabled members of the community should also be taken into account when considering these issues. From the information provided by the applicant, which is not contested by the Highways Group, there is no evidence that there have been any incidents of the eruv equipment constituting an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of Eruv equipment on the public highway could result in a hazard to members of the public in general or disabled persons in particular that is not the case with this proposal. As stated each site has been carefully assessed and the siting of the Eruv equipment would not adversely impact disabled members of the community.

Given the above and the careful consideration given to the siting of the individual poles and leci, officers consider that the health and safety of disabled persons would not be prejudiced by the proposal in the normal course of events.

Officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Jewish community.

#### Elderly People

There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled.

Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals. Without the introduction of an Eruv they would be prohibited from carrying these items on the Sabbath and as such would be housebound, unable to take part in religious services at the synagogue.

The introduction of the eruv would remove this prohibition and similar benefits would accrue to the elderly as for the disabled.

Information provided by the applicants indicated that there are some 370 members aged 70 years or older who would potentially benefit from the proposal.

Of the 47 questionnaires completed by the Jewish community, 21 (45%) were returned completed by elderly persons of which 19 supported the proposal (90%). 14 of the respondents supporting the application did so citing the improvement to their quality of life that the eruv would bring.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise similar to those in respect of disabled persons.

It is considered that the eruv would bring significant benefits to elderly members of the Jewish community, as described in the previous section.

The proposal would have clear and significant benefits for elderly member of the Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

#### Young Children and parents of young children in the Jewish Community

Without the introduction of an eruv young children, more specifically those that have not reached walking age or are only capable of walking short distances would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

At least one parent of young children would be effectively housebound by having to look after their children who cannot walk to the synagogue, local park, friends, grandparents etc. Furthermore, it is likely that mothers would have a greater childcare responsibility and are therefore likely to be disproportionately affected.

The introduction of the Eruv would enable the use of pushchairs, prams etc for taking children out on the Sabbath. This will not only increase equality of opportunity for the children themselves but also their carers. In addition there would be indirect benefits to the wider family groups and community from being able to include all members in the communal activities. The number of children and children's parents who are currently adversely affected by the absence of an Eruv is in the region of 230.

6 of the questionnaires returned by Jewish members of the community were from members with young families; all these responses supported the proposal.

Officers consider that the proposal would positively benefit members of this particular group. No noteworthy potential adverse impacts on members of this group have been highlighted or drawn to officer's attention through the consultative process.

#### Fostering good relations between different religious/ethnic groups

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- “Tackle prejudice and promote understanding”

It is considered that the planning application itself provides an opportunity for inter faith and religious understanding to be promoted. The application itself outlines the role of the Eruv thus giving more insight to the wider community of certain aspects of the Jewish faith. Additionally, the planning process involved an active consultation exercise by the LPA, in this case some 1500 local residents were written to individually. The consultation letters included a brief description of the Eruv and what it is for and the application itself gave more information.

Additionally, the applicants, as part of the pre application consultation, held a public meeting in decision 2010 and explained the operation and details of the Eruv to non-Jews who attended and the Council is advised that no objections were made at the meeting.

The Totteridge Residents Association and the Totteridge Manor Association were consulted by the applicants prior to submission of the application and neither raised any objection.

The Woodside Park Residents Association was consulted as part of the planning process and have not objected.

The Board of Deputies for British Jews is particularly engaged with inter faith dialogue, with regular meetings at all levels and no objections have ever been made to an Eruv.

The experience of the successful operation of Eruvim in Barnet continues to foster good relations between Jews and non Jews.

#### Overall conclusion on equalities impacts

This planning application falls to be considered on its planning merits but, given the nature of this application, in reaching its decision the LPA must have regard to the provisions of the Equality Act 2010. This Act requires the LPA to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, religion or belief.

The potential impacts, both positive and negative of the proposed on the different groups have been identified and weighed against each other. As evidenced by the report this is not an easy task particularly when assessing the impact of the proposal on the religion/beliefs of different groups.

There have been substantial and genuine objections to the application made in respect of religious or belief characteristics. Many people feel strongly against the Eruv and have taken the time and trouble to detail those objections.

The development proposed, would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others also the evidence from other Eruvim suggests that it would not necessarily lead to a change in the demographics of the area nor threaten community cohesion between different faith and ethnic groups.

The application comprises pieces of street furniture, cylindrical poles joined at the top by thin wire, hardwood uprights and lintels, and 1m high posts known as Leci. The poles resemble lamp posts without the lamp fittings. Other than the 'gateway' constructions proposed, there are no physical manifestations delineating the Eruv boundaries. The 'gateways' would not display any signage or religious symbol. The fears expressed that the development would alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv have not been borne out in the parts of the borough which currently have Eruvim and it is considered that the benefits to the identified protected groups would outweigh the perception of harm.

No one group would be directly disadvantaged by the Eruv, however those Jews who observe the Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups, outside of the Jewish community as previously addressed.

### Conclusion

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advise has three dimensions; economic, social and economic. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural well being.

The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment needs to be taken into account in the consideration of this application.

The application is also supported by the London Plan, in particular policy 3.16 which seeks the protection and enhancement of social infrastructure.

In addition the application has the support of the Council's development plan policies.

Each individual Eruv equipment site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the visual amenities of the area and the amenities of neighbouring residents. In conservation terms the application would be neutral and would therefore preserve the character and appearance of the conservation area. Concerns which have been raised in respect of the potential impact on wildlife and European Protected Species have been addressed.

The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in this regard.

The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken into account in the consideration of this application. No one group would be directly disadvantaged by the Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups, outside of the Jewish community as previously addressed.

Eruvim already exist elsewhere in the borough and officers have visited these to assess the impact that the equipment has on the character and appearance of those areas. Officers consider that the Eruv equipment has no adverse impact and readily assimilates into the street scene. Similarly there is no evidence that the concerns raised in respect of the potential adverse impacts of the proposal on protected groups have materialised.

The application is considered to be acceptable and approval is recommended.

## **Appendix**

### **Applicant's Statement**

To address the provisions of the Equality Act the applicant has submitted the following statement:

#### **Section 149(1)(b) – Age and Disability**

Woodside Park Synagogue and Barnet Synagogue are constituent members of the United Synagogue, which is an organisation founded with the sanction of an Act of Parliament in 1870. It takes its religious authority from the Chief Rabbi of Great Britain and the Commonwealth, currently Lord Sacks, and is thus an Orthodox Jewish community.

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath (from dusk on Friday to dusk on Saturday) and on the Day of Atonement. This prohibition has a number of adverse effects on the very young, the very old and the disabled as follows.

Parents cannot put their baby or young child in a pram or pushchair and take them to the synagogue. Nor can they take them to the homes of friends for lunch or tea or, for example, to a birthday party. As a result, children aged four and under will be housebound, as will at least one of their parents, unless their parents are willing to transgress Jewish law. Thus parents with, say, three children aged 6, 3 and 6 months will find that, as a family, they are effectively housebound for a period of some ten years. The Sabbath is an ideal time for families with young children to socialise and the inability to do so without transgressing Jewish law is a severe hardship.

The very old will often walk with the aid of a walking-stick, either because they need to or because they feel more secure in doing so. However, they cannot do so without transgressing Jewish law.

Disability can take many forms. Those whose disability affects their walking will require an appliance, such as a walking stick, Zimmer frame or wheelchair, to get out and about. However, they cannot take any appliance into the street without transgressing Jewish law. If their disability requires medication to be carried, such as pills or a nebuliser, this also cannot be done unless the absence of the medication would be life-threatening. Even an everyday matter, such as carrying a pair of reading glasses in one's pocket, cannot be done when out walking.

Section 149(1)(b) of the Equality Act provides that LBB must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons whose age or disability puts them at a disadvantage to others. Section 149(3) explains that this involves having due regard to the need to remove or minimise disadvantages suffered by such persons, to take steps to meet the different needs of such persons and to encourage such persons to participate in any activity in which their participation is disproportionately low. Section 149(4) explains that to meet the needs of the disabled, the steps to take are those that take their disabilities into account.

Each year currently and for many years past, Woodside Park Synagogue has a total of about 25 Barmitzvahs (for boys) and Batmitzvahs (for girls). So the cohort of children in each year group is about 25. Therefore at any given time there will be about 100 children aged from 0 to 4, spread between at least 50 families.

As at the 31<sup>st</sup> December 2010 the age profile of Woodside Park Synagogue's membership was:

<u>Age</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
21 - 30	31	34	<b>65</b>
31 - 40	107	110	<b>217</b>
41 - 50	103	121	<b>224</b>
51 - 60	128	128	<b>256</b>
61 - 65	71	78	<b>149</b>
66 - 70	37	57	<b>94</b>
71 - 80	89	104	<b>193</b>
81 - 90	46	94	<b>140</b>
91 - 100	14	21	<b>35</b>
100+	0	2	<b>2</b>
unknown	1	6	<b>7</b>
 0 - 4	 50	 50	 <b>100</b>

It can immediately be seen from this table that the Synagogue has 370 members aged 70 years and over.

One can therefore calculate that the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 600.

Barnet Synagogue has 900 members in 550 households. 71 of these households have members over 75 years of age and 26 of these households have children aged 4 years or under. So the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 240.

This total of about 840 for Woodside Park and Barnet Synagogues is not, however, the full story. There are in addition many more families who have their grandchildren and/or their elderly parents come to stay with them over a weekend. They are adversely affected on Friday night and Saturday in exactly the same way and thus a significant number of people are disadvantaged for the relatively small area concerned.

We have asked a number of our members who are elderly, disabled or have young children to write personal letters explaining how their age or the age of their children or their disability currently puts them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgress Jewish Law. And to explain how the creation of an Eruv would remove or minimise that disadvantage, would meet their different needs, would take their disabilities into account and would encourage them to participate in activities from which their participation is currently precluded by the age or disability. We attach their letters and emails to this Response as **Appendix A**.

We have asked a number of individuals living in North West London or Edgware who are elderly, disabled or had or have young children, to write explaining how – before their local Eruv was constructed - their age or the age of their children or their disability put them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgressed Jewish Law. And to explain how – since the construction of their local Eruv – their Eruv has removed or minimised that disadvantage, met their different needs, took their disabilities into account and encouraged them to participate in activities from which their participation was previously precluded by age or disability. We attach their letters and emails to this response as **Appendix B**.

Finchley Central Synagogue of Redbourne Avenue N3 lies just to the north of the existing NW London Eruv and hence outside it. However, it will fall within the Woodside Park Synagogue Eruv and hence supports it. The impact of the Eruv on the Jewish community may be seen clearly and starkly as regards the members of this Synagogue. Although the Synagogue has long had an attractive and purpose-built synagogue building in Redbourne Avenue, for the last three years it has ceased to hold services on the Sabbath in its building and has instead held services in Pardes House School premises, which are at Church End and hence are within the NW London Eruv.

As can be imagined, abandoning the attractive synagogue building in favour of a school hall was not an easy (or in some circles popular) decision. However, it became a necessity because families with young children simply could not get to the synagogue building on the Sabbath and were therefore deserting the community. Following the move, dozens of young children and their parents now attend the services. We attach a letter from Rabbi Yaakov Hamer of Finchley Central Synagogue to this Response as **Appendix C**.

### **Section 149(1)(c) – Fostering good relations**

The section requires that LBB must also, in the exercise of its functions, have due regard to the need to foster good relations between persons who share a relevant protected characteristic, such as the Jewish religion, and persons who do not share it. Section 149(5) states that this involves having due regard to the need to tackle prejudice and promote understanding.

The planning applications for the Eruvs provide a classic opportunity for inter-religious understanding to be promoted by LBB. Most non-Jews were unaware of the concept involved and all who have had it explained to them have been supportive. The Totteridge Residents Association and the Totteridge Manor Association, were both consulted by Woodside Park Synagogue before its application was submitted and neither has raised any objection. The Woodside Park Residents Association was notified of this application by LBB. They discussed it and again raised no objection.

In addition, Woodside Park Synagogue advertised in the local Press and convened a public meeting in December 2010 and explained the operation and details of the Eruv to the non-Jews who attended. Again, there were no objections.

Totteridge Ward Councillors, Brian Coleman and Alison and Richard Cornelius have all been consulted about the Eruv and have been supportive, as has local MP Teresa Villiers.

The Board of Deputies of British Jews works widely with representatives of other faiths. The Board is ideally placed to know whether Eruvs have caused any disquiet within or objection from other faith groups. The Board's letter, attached to this Response as **Appendix D**, confirms that this has not been the case.

Parliament contemplated that some might consider that minority interests were being given unduly favourable treatment. Accordingly, section 149(6) of the Act provided as follows:

- (6) *Compliance with the duties in this section may involve treating some persons more favourably than others;*

It is also the case that LBB has the largest concentration of Jewish residents in the UK. This may explain why some Barnet residents have a perception that the Jewish community is being given more favourable treatment than others. However, that perception is merely a reflection of the ethnic make up of the Borough and is unjustified when viewed objectively and in proper perspective. For example, many streets in the Borough, including Golders Green Road, are adorned with Christmas lights each year and church bells ring out their message far and wide.

Jewish Law permits one to carry from Eruv to Eruv so long as they are contiguous. The Woodside Park Synagogue Eruv will be contiguous with the NW London Eruv and with the Mill Hill Synagogue Eruv. The Barnet Synagogue Eruv will be contiguous with the Woodside Park Synagogue Eruv and the Cockfosters & N Southgate Synagogue Eruv. Accordingly, when the Woodside Park Synagogue Eruv is operation Jewish families with their young children, as well as the elderly and disabled, will be able to visit family and friends in High Barnet, Cockfosters, Hendon or Mill Hill. The numbers involved, whilst not large, will be significant in relation to the geographical area involved. Correspondingly, without the Woodside Park Synagogue Eruv this contiguity will be lost, to the detriment of these families.

52 days a year presumably refers to every Friday night and Saturday. This represents one half of the weekend and thus one half of most people's leisure time, which is a significant amount of time. The Day of Atonement should also be included, and this is the most solemn day in the Jewish calendar.

With two exceptions, where the Planning Officers specifically requested rustic poles and lintel, all the poles will be indistinguishable from existing signage poles found on roadsides. They will be painted grey-green to match such signage poles and will be visually innocuous. There will be just 3 sets of poles in Woodside Park, 6 sets in Totteridge and 8 sets in the High and East Barnet areas and they will not have any adverse visual impact in either locality.

Under Jewish Law, the poles have to be placed right next to an existing wall or fence. They cannot be placed on the kerb (as are many lampposts, telegraph poles and trees) and therefore they cannot and will not constitute an obstruction to free passage or a hazard to the disabled. Indeed, in the 9 years that the NW London has been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs. We attach a letter from the Court of the Chief Rabbi (Lord Sacks) to this Response as **Appendix E**.

In many cases, the poles will not be on the pavement at all. For example, of the 3 sets in Woodside Park, none will be on the pavement. And in Totteridge, only 2 sets will be on the pavement.

The Woodside Park Synagogue and its members would not wish to do anything that might upset the congregation of St Andrew's Church.

Before submitting its planning application, Woodside Park Synagogue carried out a formal pre-planning consultation with LBB Planning Officers. This involved visiting each proposed site and receiving the Planning Officers' detailed written report.

One of the sites proposed by Woodside Park Synagogue was on Totteridge Lane, right outside St Andrew's Church. It had been selected because it was the only site on Totteridge Lane that did not involve placing a pole on, or passing a wire over, the grass verges, which are privately owned by the Totteridge Manor Association. The Planning Officers recommended that we chose a different site, so as not to intrude on the Church. We acceded to their request and found two alternative sites on Totteridge Lane; one on a TMA grass verge adjacent to Eagle House, some 70 metres from the Church, the other opposite the junction of Northcliffe Drive, some 200 metres from the Church. The Planning Officers saw no problem with either of these alternative sites.

Having obtained TMA consent to the placing of a pole on their verge, our planning application was only in respect of this first alternative site. However, if 70 metres from the Church is still regarded as too close, we are perfectly content to use other alternative site, opposite the junction of Northcliffe Drive. To this end, on 17 January 2012, we submitted an amendment to our original application to include this alternative site. We attach a copy of this amendment as **Appendix F**.

We are sensitive to the feelings of our Christian neighbours and we believe that 200 metres from the Church and concealed by trees fully satisfies any legitimate objection.

It is not accurate to describe a plain green-grey pole, with an invisible fishing-line wire at the top and with no other adornment, as a 6m high Jewish symbol. The pole carries no Jewish symbols whatsoever and is indistinguishable from other street furniture.

It may be the case that the creation of an Eruv will encourage Jews to live within it rather than outside it. However, no measurable shift in the location of the Jewish population is anticipated for one fundamental reason. Namely, that most of the North and North West London Jewish communities now have an Eruv or are proceeding towards obtaining one. Thus Eruvs have been constructed for North West London (Hendon, Finchley Central and Golders Green), Edgware, Stanmore and Elstree & Borehamwood. And Eruvs are in progress for Mill Hill, Barnet, Cockfosters & North Southgate and elsewhere. With all the major communities having Eruvs, there is simply no reason for significant demographic movement and no expectation that this will occur.

In fact, because of their low birth rate, inter-marriage and emigration, the Jewish population of the UK is shrinking overall. Even with an Eruv, this trend is likely to continue.

It is not fair or accurate to describe the poles as anti-Christian. They are neither visually anti-Christian nor are they symbolic of any anti-Christian sentiment. In fact the poles have no intrinsic religious significance whatsoever. An Eruv is created when an area is enclosed by a wall or fence. For the most part, the walls and fences enclosing all the Eruvs that have been created worldwide comprise existing features, such as walls and fences along or around roads, railways and buildings. Poles and wires just bridge the gaps between these walls and fences. However, neither these walls nor fences nor poles have any intrinsic religious significance, symbolism or sanctity.

A grey-green pole no more forces religious beliefs on to others than a telegraph pole forces someone to install a telephone. Indeed, the poles are far less intrusive and have no religious symbolism when compared to say Christmas lights or church bells. Within a few weeks, the poles will become an accepted part of the streetscape and will be forgotten. We have asked many people to identify the location of any of the NW London Eruv poles, which have been in situ for about 9 years. None has been able to, even though, once we have pointed out some locations, they admit to having driven between them on a daily basis.

Section 149 of the Equality Act 2010 came into force in April 2011. Since that date, planning permission has been granted for the Manchester Eruv by each of Salford, Bury and Manchester Councils. In each case there was opposition on human rights, conservation, religious and animal welfare grounds. However, notwithstanding these objections, and no doubt mindful of the provisions of section 149, planning permission was granted by each Council, the most recent being Salford in December 2011. We attach a copy newspaper report about the Manchester Eruv to this Response as **Appendix G**.

## **Conclusions**

The construction of the Woodside Park Synagogue and Barnet Synagogue Eruvs will significantly enhance the lives of many hundreds of Jewish residents of the London Borough of Barnet who, either because of their young age cannot be taken out on Friday night, Saturday and the Day of Atonement because they require a pram or push-chair, or, because of their old age or disability, cannot go out on these days because they need a wheelchair, walking-stick or medication. The construction of the Eruvs will accordingly advance equality of opportunity between these persons, who share the relevant protected characteristic of age or disability, and persons who do not share it. As such, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(b) of the Equality Act 2010.

The construction and operation of Eruvs in NW London, Edgware, Stanmore and Elstree & Borehamwood over the past 9 years have not given rise to any objections from other faith groups, who generally have been keen to encourage inclusive religious practice. No objections have been raised by local Residents Associations to the proposed Woodside Park Synagogue and Barnet Synagogue Eruvs and the small number of poles required in order to construct these Eruvs will have no material impact on the other residents of the Borough. In these circumstances, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(c) of the Equality Act 2010.

## **Appendix A**

34 letters of support from members of the Woodside Park Synagogue. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- The disabled will be able to carry/ use required aids such as walking sticks, wheelchairs, handkerchiefs and medicine without transgressing Jewish law (19)
- Disabled and elderly would be able to fully participate in Jewish life on the Sabbath, socialise and attend services (10)
- Synagogue has a membership of 860 families and a number of elderly and young are affected (1)
- Need special prayer book for high festivals but am unable to carry this. Must make a special journey before and after to deliver and collect (2)
- children cannot be pushed in a pushchair meaning members cannot attend synagogue until the children are old enough to walk (19)
- Lack of an Eruv prevents socialising with friends and family on a Sabbath as journey impossible without a buggy (18)
- When children were growing up we were unable to attend synagogue or social activities for 8 years. Would not wish children and grandchildren to be similarly disadvantaged. (1)
- Eruv would benefit those with young children (8)
- 27% of the UK's Jewish population lives in Barnet (20% of the local population). Not allowing an Eruv may be discriminatory in that it prevents a substantial number from enjoying rights to religious freedom (1)
- Young Jewish families would be forced to move to nearby communities that already have an Eruv (1)
- Garden is not enclosed so am unable to carry anything into the garden or allow granddaughter to be wheeled out in pram (1)
- Unable to carry an umbrella so heavy rain can impede walking (1)
- Reading glasses could be carried (1)
- Approval of the Eruv will enable the synagogue to comply with section 149 of the Equality Act 2010 which will prevent members being disadvantaged through age or disability (1)

## **Appendix B**

3 letters of supports from individuals living in the borough of Barnet in areas within an Eruv. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- Before the Eruv were unable to push children in buggy. Following the introduction of the Eruv the synagogue became accessible (2)
- Eruv allows young family to visit parks, family and socialise on the Sabbath (2)
- Eruv removed disadvantage when children were young (1)
- Eruv enables the disabled to fully participate in the community (1)

## **Appendix C**

Summary of letter from Rabbi Hamer Finchley Central Synagogue:

- Approx 3 years ago, following a steady decrease in activity and membership, the synagogue moved Sabbath services to a location within the North West London Eruv.
- Previously the synagogue had been unable to attract families with young children or the elderly who needed wheelchair assistance.
- Following the move the synagogue has been able to attract young families and now have 2 children's services on the Sabbath.
- Elderly members of the community have been able to attend
- Additional families have caused a rejuvenation in the synagogue which would not have happened if synagogue has stayed in old location

## **Appendix D**

Summary of letter of support from the Board of Deputies of British Jews (The BoD):

- Endorse the response from the Woodside Park synagogue regarding Section 149 of the equality Act 2010.
- the advantages to those who use the Eruv are considerable and life changing
- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- the Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- Whilst the duties under the Equality Act may be new or enhanced the material facts to which regard must be had remain the same
- The BoD represents all Jews in the country, including the non Orthodox and the secular, for whom the Eruv is an irrelevance or something to which they object
- Some Jewish people feel that an Eruv draws attention to the Jewish community and oppose its introduction
- In the experience of the BoD these fear have proved unfounded
- the Community Security Trust records antisemitic incidents in the UK. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat.
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings as senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made

aware of any objections from these groups to an Eruv.

- from experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- Never been made aware of any incidents where a sight impaired or otherwise disabled person has been inconvenienced, still less injured, by the existence of an Eruv.
- Provision has been made to ensure that this remains the case. The rules for the construction of an Eruv are pragmatic and flexible and it is a requirement in Jewish law that nothing should be done or left undone that might cause injury to another person.
- The existence of an Eruv will make life more tolerable for religiously observant Jews who are disabled or have young children. They will be able to leave home, attend synagogue and visit friends and family.
- Can be argued that Section 149 of the Equality Act favours the establishment of facilities that would assist those with the dual protected characteristic of being Jewish and disabled for example
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.
- The best case for an Eruv in Woodside park is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

## **Appendix E**

Summary of letter of support from the Court of the Chief Rabbi

- have been asked to clarify the issue of positioning of Eruv poles and whether they are likely to create a hazard for the blind and disabled.
- Under Jewish Law the poles are required to be positioned directly adjacent to the wall, fence or hedge at the side of the pavement and are thus extremely unlikely to create any kind of obstruction
- In the 9 years that the NW London Eruv has been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs
- One of the great advantages of the Eruv is to better facilitate the movement of the disabled and infirm of the Jewish faith on the Sabbath.
- There is often a degree of flexibilities to the precise position of a pole, so that if in

a particular scenario there was any concern in this regard, we expect to be able to find an alternative position so as to avoid any potential problem.

#### Appendix F

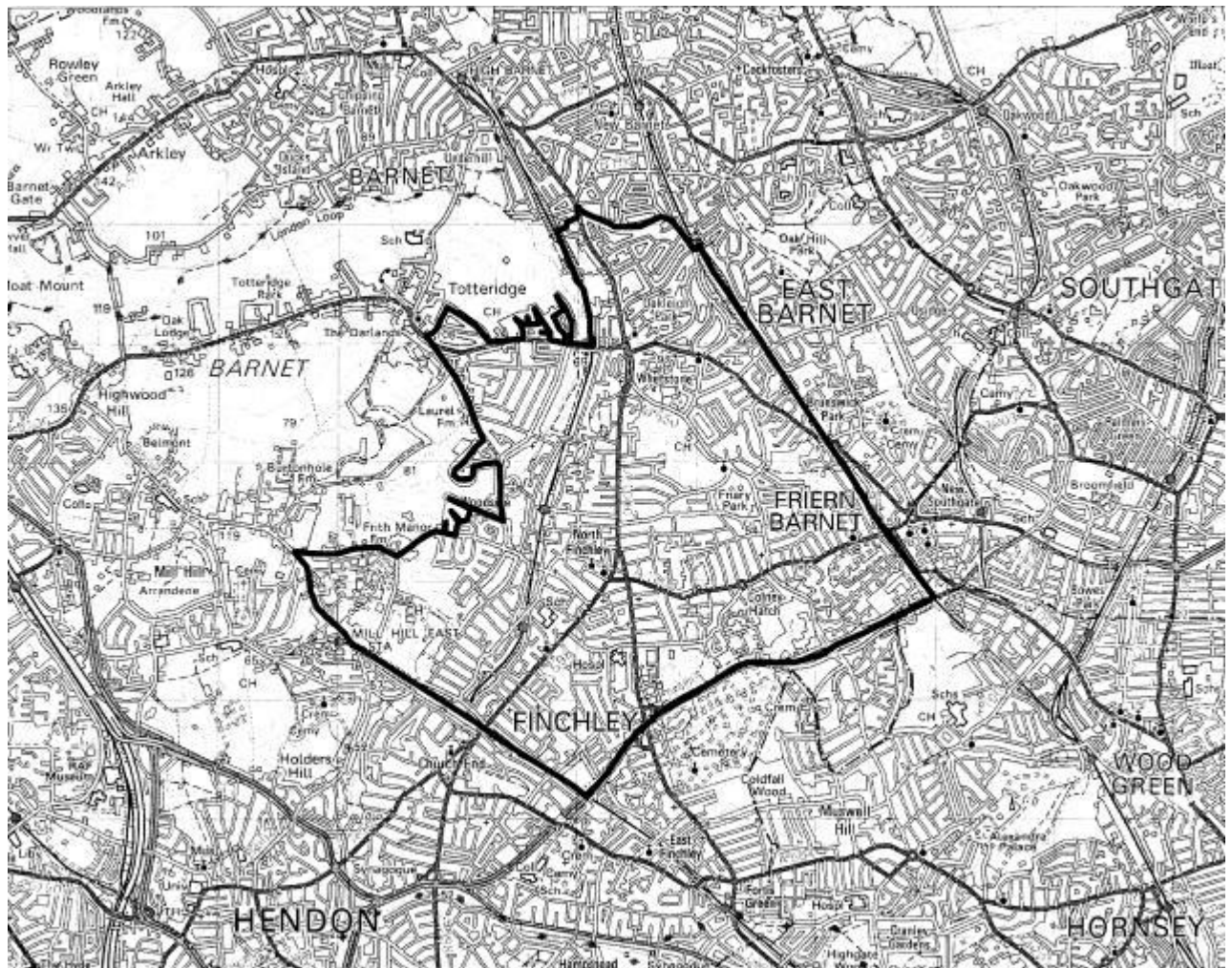
Details of alternative site 22 sited 200 metres from St Andrew's Church.

#### Appendix G

Newspaper report from the Jewish Chronical regarding the recently approved Manchester Eruv.

**SITE LOCATION PLAN: Woodside Park ERUV**

**REFERENCE: B/03356/11**



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