

LOCATION: Barnet ERUV

REFERENCE: B/03772/11

Received: 08 September 2011

Accepted: 20 September 2011

WARD(S): High Barnet, Oakleigh,
Underhill

Expiry: 15 November 2011

Final Revisions:

APPLICANT: Trustees of The Barnet Synagogue

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

- 1:** Adjoining Queen Elizabeth's Girls' School and London Underground Limited Land, Meadway, EN5. (2no. 6m high poles with connecting wire).
- 2:** Hurst Rise adjacent to 48 Norfolk Road, EN5 5LU and 50 Norfolk Road, EN5 5LT. (2no. 6m high poles with connecting wire).
- 3:** Tudor Road EN5, fronting Treva Cottage, Tudor Road, EN5 5NL and Shakespeare Court, Woodville Road, EN5 5NB. (2no. 6m high poles with connecting wire).
- 4:** Junction of Latimer Road and Hadley Road, EN5, fronting Electricity Sub Station to the rear of 1 The Crescent, EN5 5QQ and 143 Hadley Road EN5 5QN. (2no. 6m high poles with connecting wire)
Amended Plan Received.
- 5A:** Hadley Road, EN5. Between 113A and The Hadley Hotel, Hadley Road, EN5 5QN and adjacent to 102 Hadley Road, EN5 5QP. (2no. 6m high poles with connecting wire).
- 5B:** Tudor Road, EN5, fronting 2 Tudor Road, EN5 5PA, and adjacent to side boundary of 96 Hadley Road, EN5 5QR. (2no. 6m high poles with connecting wire).
- 6A:** Clifford Road, EN5. Fronting 1 Clifford Road, and between 2 and 4 Clifford Road, EN5 5PG. (2no. 6m high poles with connecting wire)
- 7:** Cromer Road, EN5. Fronting Cromer Road Primary School, EN5 5HT and adjacent to the side boundary of 24 Shaftesbury Avenue, EN5 5JA. (2no. 6m high poles with connecting wire).
- 8:** Shaftesbury Avenue, EN5. Fronting 10 Shaftesbury Avenue and between 11 and 13 Shaftesbury Avenue, EN5 5JA. (2no. 6m high poles with connecting wire).
- 9:** Between Ocean House and Bevatone House on footpath track adjacent to railway line, East Barnet Road, EN4 8RR. (2no. 3m high poles with connecting wire).
- 10:** East Barnet Road, EN4, under the railway bridge. (2no. 1m high Lechis).

- 11: Longmore Avenue, under railway bridge. (6no. 1m high Lechis)
0: Barnet Hill, (A1000), EN5, under London underground bridge. (2no. 1m high Lechis)

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; Barnet Eruv Locations; Arboricultural Implications Assessment Tree Protection Plan to Support the Planning Application for High Barnet Inspected and Prepared by Luke Fay Arboricultural Consultant dated May 2011 (Rev 1- April 2012); E-mail from Nina Jones Dalton Warner Davis LLP dated 15.11.11 Detailing Use of Translucent Fishing Wire Proposed, 0.5mm Diameter; Barnet Eruv General Location Plan; Map of Extent of Area Included in the Barnet Eruv; Barnet Eruv Meadway Site 1; Site 1- Meadway Photo with Poles Superimposed; Barnet Eruv Site 2 Norfolk Road and Hurst Rise; Site 2 Norfolk Road and Hurst Rise Photo with Poles Superimposed; Barnet Eruv Site 3 Tudor Road; Site 3- Tudor Road Photo with Poles Superimposed; Barnet Eruv Site 4- Rev 1 Hadley Road Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 15.11.11; Site 4 Hadley Road Photos with Poles Superimposed Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 15.11.11; Barnet Eruv Site 5A Hadley Road/ Tudor Road; Site 5A Hadley Road/ Tudor Road Photo with Poles Superimposed; Barnet Eruv Site 5B rev A Tudor Road/ Clifford Road Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 11.4.12; Site 5B- Tudor Road/ Clifford Road- Rev A Photo with Poles Superimposed Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 11.4.12; Barnet Eruv Site 6A Clifford Road; Site 6A Clifford Road Photo with Poles Superimposed; Barnet Eruv Site 7 Cromer Road; Site 7 Cromer Road Photo with Poles Superimposed; Barnet Eruv Site 8 Shaftesbury Avenue; Site 8 Shaftesbury Avenue Photo with Poles Superimposed; Barnet Eruv Site 9 East Barnet Road; Site 9 East Barnet Road Photo with Poles Superimposed; Barnet Eruv Site 10 East Barnet Road; Site 10 East Barnet Road Railway Bridge Photo with Lechis Superimposed; Barnet Eruv Site 11 Longmore Avenue Railway Bridge; Site 11 Longmore Avenue Railway Bridge Photo with Lechis Superimposed; Barnet Eruv Site 0 Barnet Hill; Site 0 Barnet Hill Photo with Lechis 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. The poles hereby approved at site 4 rear of 1 The Crescent, site 5A adjoining 102 Hadley Road, site 5B fronting 2 Tudor Road and adjacent to side boundary of 96 Hadley Road, and site 7 adjacent to 24 Shaftesbury Avenue,

shall be treated upon installation with anti climb paint 2m above adjoining ground level. The anti climb paint shall be retained and maintained thereafter.

Reason:

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

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. The poles hereby approved shall be sited as far back from the road as possible towards the rear of the footway.

Reason:

To ensure that the poles do not obstruct or restrict the access or flow of pedestrians.

6. 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 May 2011 (Rev 1 - April 2012), 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.

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 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: July 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 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodlands

Adopted Barnet Unitary Development Plan (2006):

GBEEnv1 Character
GBEEnv2 Design
GBEEnv3 Safe Environment
GBEEnv4 Special Area
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
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
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
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 development proposed at the location adjoining the Conservation Area would have a neutral impact on its character and appearance.

A summary of the development plan policies relevant to this decision is set out in Tables 1 & 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.
7.19 Biodiversity and Access to Nature	Proposals should: <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife

	<p>sites.</p> <ul style="list-style-type: none"> - 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. - 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.
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>
GBCEnv1 Character; GBCEnv2 Design; GBCEnv3 Safe Environment	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment.
GBCEnv4 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"> • Make Tree Preservation Orders if appropriate • Retain and protect as many trees as practicable • Ensure appropriate new planting
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.
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. 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.
5. 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 kerblines on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
6. The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.
7. 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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF) dated 27/3/12

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 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodlands

Relevant Unitary Development Plan Policies:

GBEnv1 Character
GBEnv2 Design
GBEnv3 Safe Environments
GBEnv4 Special Area
D2 Character
D5 Outlook
D9 Designing Out Crime
D12 Tree Preservation Orders
D13 Tree Protection and Enhancement
HC1 Conservation Areas- Preserving or Enhancing
M11 Safety of Road Users
CS1 Community and Religious Facilities

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

CS10 Enabling Inclusive and integrated Community Facilities and Uses

CS12 Making Barnet a Safer Place

The Development Management Policies document provides the boroughwide 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

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 qualities 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: 1418

Replies: 103

Neighbours Wishing To Speak: 11

101 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 335 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. (93)
2. The potential imposition of religious symbols/designation on members of other faith groups and secular persons. (71)
3. Ecological concerns particularly about trees and bats. (9)
4. The visual impact on the street scene from having more street furniture (142) of which (7) were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles. (4)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion (16)

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 (6)
- The extent of the consultation was inadequate (7)
- The Eruv is unnecessary and will only benefit a small minority (73)
- "Should consider the Eruv itself in full including its purposes and implications. (1)

Not objecting on grounds of particular material/physical features of eruv.(1)

- Objections on grounds of:

Parliamentary Legislation

- Race relations, race discrimination, religious discrimination and breaching equality legislations. (1)
- Barnet and eruvs – planning history and related issues. (1)
- Insurance – will the eruv be adequately insured and will TFL require the same indemnity and liability insurance as previously. (1)
- Perceived insecurity and related issues, it is important that social harmony is maintained across our diverse borough. (1)

- Race relations Act 1976 – not specifically about religious discrimination but this and other subsequent acts relevant when applications made by orthodox Synagogues for legal planning recognition of new, boundaried, private domain areas in Barnet. (1)
- It applies as virtually all orthodox Jews in Barnet are described as “white in colour”. (1)
- The proposed eruv may also contravene the race relations (Amendment) Act 2000, the Human rights Act 1998 and the Equality Act 2008 and 2010. (1)
- The proposed eruv could result in direct and indirect discrimination (racial, religious or both) in respect of the buying or renting of property within an eruv although this is often hard to prove and act against.
- The proposed Eruv boundaries cannot be justified under either the race relations Act 1976 or the equality Act 2006 as the discrimination is not justified on non-religious or non-racial grounds. (1)
- The proposed eruv is not a proportionate means of achieving a legitimate aim as the area covered by the proposed eruv affects a much larger area and population who would not benefit from it.(1)
- There is potential within the existing and proposed Eruv boundaries for direct or indirect race or religious discrimination against individuals or groups who are not Orthodox Jews. The Council anti discrimination responsibilities do not only relate to those who apply for the Eruv boundaries. (1)”

As a result of the public consultation process 2 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).

- We support the Eruv (2)
- A great help to many young families and the disabled within the Orthodox Jewish community who, without the existence of the Eruv, would be housebound over the Sabbath. These include wheelchair users and mothers with small children (1)
- Live in Golders Green where we have an Eruv and it has changed the lives of my daughters (1)
- There has been no bother in the area and no one has said they have noticed it outside the community (1)

Internal /Other Consultations:

- Traffic & Development - raise no objections subject to informatives
- London Underground - Infrastructure Protection -
- UK Power Networks- Poles at site 4 would be located directly outside sub station. Consideration needs to be given to relocating the proposed site.
- EDF Energy Network - No reply received

- North London Strategic Alliance (NLSA) - No reply received
- Railtrack Property - No reply received
- Network Rail - No observations to make
- Railtrack PLC - No reply received
- Network Rail -Infrastructure Protection - No reply received
- Metropolitan Police Service (H) - No reply received
- Street Lighting - No reply received
- Federation of Residents Associations in Barnet - No reply received
- Barnet Residents Association - Particularly concerned about the impact on the Hadley Conservation Area which should be kept as free as possible from street clutter. Boundary seems arbitrary and illogical. Height of poles seems excessive.
- Hadley Residents' Association - No reply received
- East Barnet Parish Res.Assoc. - No reply received
- Oakleigh Pk Res Assoc - No reply received
- Monkey Hadley and Wood Street CCAC – Trying to de-clutter the area, not add to it. Why is the Eruv needed now and not many years ago? Believe that the Eruv will create anti-Semitic feeling in the area.
- Access in Barnet – No objection in principle but it needs to be ensured that poles do not narrow any pathway.
- 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 92 questionnaires returned, 74 objected to the proposal, 9 were in support and 9 made no comment.

In addition to the questionnaires a further 16 letters of objection were received and these comments are also included in the following summary”

(1) The objection letters contained some 180 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. (27)
2. The potential imposition of religious symbols/designation on non-believers. (50)
3. Ecological concerns particularly about trees, bats and birds. (3)
4. The visual impact on the street scene from having more street furniture (62) of which 2 were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles etc. (3)
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 (9)
- Concerns about consultation (16)
- The proposed Eruv is unnecessary and will only benefit a small proportion of the population (28)
- Eruvim already exist elsewhere in the borough and neighbouring authorities (1)
- Property damage and adverse impact on property values (5)
- Adverse impact on residential amenity (2)
- Will cause difficulty in accessing garage (1)
- Should consider the Eruv itself in full including its purposes and implications. (1)

Not objecting on grounds of particular material/physical features of eruv.(1)

- Objections on grounds of:

Parliamentary Legislation

- Race relations, race discrimination, religious discrimination and breaching equality legislations. (1)
- Barnet and eruvs – planning history and related issues. (1)
- Insurance – will the eruv be adequately insured and will TFL require the same indemnity and liability insurance as previously. (1)
- Perceived insecurity and related issues, it is important that social harmony is maintained across our diverse borough. (1)
- Race relations Act 1976 – not specifically about religious discrimination but this and other subsequent acts relevant when applications made by orthodox Synagogues for legal planning recognition of new, bounded, private domain areas in Barnet. (1)
- It applies as virtually all orthodox Jews in Barnet are described as “white in colour”. (1)
- The proposed eruv may also contravene the race relations (Amendment) Act 2000, the Human rights Act 1998 and the Equality Act 2008 and 2010. (1)
- The proposed eruv could result in direct and indirect discrimination (racial, religious or both) in respect of the buying or renting of property within an eruv although this is often hard to prove and act against.
- The proposed Eruv boundaries cannot be justified under either the race relations Act 1976 or the equality Act 2006 as the discrimination is not justified on non-religious or non-racial grounds. (1)
- The proposed eruv is not a proportionate means of achieving a legitimate aim as the area covered by the proposed eruv affects a much larger area and population who would not benefit from it.(1)
- There is potential within the existing and proposed Eruv boundaries for direct or indirect race or religious discrimination against individuals or groups who are not Orthodox Jews. The Council anti discrimination responsibilities do not only relate to those who apply for the Eruv boundaries. (1)”
- Concern in respect to the wording of the questionnaire and the inclusion of the questions in respect of age, religion, ethnicity, address, etc.
- Security risk.
- Offensive to persons of other religions may be discriminating against persons of different religions.
- Concerns in respect of publicity given to the application in the public meeting organised by the applicants for a Sunday morning at 10am.
- The proposed Eruv would incorporate many residents who are not Jewish.

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

- It will not physically alter the character or appearance of the area (1)
- It will not cause any problems (2)
- 27% of UK Jews live in Barnet with possibly 18% of borough population in the locality is Jewish based on census predictions. Not to allow the Eruv would be discriminatory as it would prevent a significant number of young, elderly and disabled people enjoying religious freedom. (6)

Date of Site Notice: 29 September 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The proposed Eruv boundary would include much of New Barnet. The western boundary of the Eruv would be the Northern Line High Barnet branch, whilst the eastern boundary uses the overland railway line at New Barnet. The southern boundary will use the northern boundary of the proposed Woodside Park Eruv also on this agenda.

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 Eruvs 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 9 sites and a 3m tall poles and wire gateway would be installed at 1 site. In total, 18, 6m high poles and 2, 3m poles are proposed. The connecting wire would be translucent and 0.5mm in diameter.

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 (1m in height) would act as a small symbolic doorpost attached to the side of the bridge or other

structure. The lechi would be screwed or otherwise attached to the vertical surface. Lechis 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.

3. 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: Adjoining Queen Elizabeth's Girls' School and London Underground Limited Land, Meadway, EN5

The 6m pole to the north side of the Meadway would be sited outside QE Girls' School, approx 5m's from the entrance to the multi storey car park, fronting the bin store enclosed by a close boarded fence. The pole would not obstruct the required access to the store or the adjoining yard.

The 6m pole to the south side of the Meadway would front London Underground Limited (LUL) operational land. The adjoining trees, within LUL's property, are protected by a group TPO. The pole would be outside of the root protection area and canopy spread of the trees and no works to trees are required to facilitate the installation.

Whilst visible, the poles would be no more obtrusive than the existing lamp posts or street signage in the Meadway. It is considered that the introduction of 2 additional poles into this location, close to a traffic light controlled junction, would not detract from the street scene.

Site 2: Hurst Rise adjacent to 48 Norfolk Road, EN5 5LU and 50 Norfolk Road, EN5 5LT

Two 6m high poles with connecting wire are proposed to the east and west side of Hurst Rise close to the junction with Norfolk Road

The pole to the west side, adjacent to No. 50 Norfolk Road, would be at least 1m clear of the existing lamp post. The view towards Hurst Rise from the facing flank windows of the ground floor side extension to no 50 is largely obscured by the existing shed. The introduction of a pole, 4m's from the facing flank, would not detract unduly from the outlook and visual amenities currently enjoyed by the occupiers of no 50.

The pole to the east side would be adjacent to the flank boundary wall of the side garage to No. 48 Norfolk Road. There are no facing flank windows on no. 48. The pole would be sited north of the existing street sign.

Whilst the poles may be visible from the flank windows of no 50 Norfolk Rd, in light of existing lamp posts and other street furniture in the immediate locale, this does not amount to a compelling planning objection. Furthermore, it is considered that the poles and wire would not adversely effect the suburban street scene.

Site Specific Comments Received

9 replies received:

- Location is within 20m of my front door
- Object to the establishment of the Barnet Eruv as I would object to any display of ethnic, religious or political symbolism on my street corner
- Poles would be unsightly, extremely tall and higher than a 2 storey house
- One side of the road is significantly lower than the other which means the poles will be even higher to the south side
- Spoil the view from Hurst Rise over the valley
- Not a Jewish area but has a mix of religious faiths and development is not a necessity for neighbourhood
- Not keen on the crossing at Hurst Rise as frequently see high vehicles come down this short steep hill
- Possibly lead to a reduction in property values
- Wish to continue living in a non denominational road and community

- Proposal to use the frontage of my home has caused undue distress and the introduction of an Eruv will escalate the distress
- Pole will be directly in front of my lounge and 2 front bedroom windows
- Already have misfortune to look out at one directional post, 5 lampposts, 4 telegraph poles with overhead wires plus road marking. Street furniture and road markings have increased four fold in 29 years of residence. Money would be better employed putting telegraph wires underground and removing duplicated street lighting and unnecessary signage

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The poles do not display any religious symbols
- The poles would be viewed in the context of the neighbouring houses and would not exceed their height
- The introduction of 2 poles, with a diameter of 76mm sited at the back edge of pavement would be unlikely to detract from views across the valley
- If in the unlikely event that a vehicle exceeding 6m's were to pass beneath the wire it would break

Site 3: Tudor Road EN5, fronting Treva Cottage, Tudor Road, EN5 5NL and Shakespeare Court, Woodville Road, EN5 5NB

Two 6m high poles with connecting wire are proposed to the north and south side of Tudor Road approx 35m from the junction with Woodville Road.

The pole to north side would be sited between Treva Cottage and 10a Tudor Road, 1m clear of the crossover to no. 10a whilst ensuring that it would not be located directly in front of facing windows to either property. The pole would be within the root protection area to the hedge fronting Treva Cottage. The Arboricultural Implications Assessment notes suspected previous ground disturbance in this location, and concludes there is a low likelihood of significant roots presence. The Assessment concludes that no arboricultural works are required.

The pole to the south side would be located at the mid-point of the brick built refuse enclosure to Shakespeare Court (fronting Woodville Road). Access to the refuse store would be unaffected whilst a distance of over 1m to both adjoining dropped kerbs would be maintained.

The poles would be viewed in the context of existing lamp posts, a telegraph pole and street trees. The introduction of 2 poles and wire would not harm the character and appearance of the street scene, nor the amenities of nearby residents.

Site Specific Comments Received

1 reply received:

- Concerned that the works might disrupt the substantial underpinning work done to the front of my house and driveway due to the roots of a large Ash tree. The tree, which was removed in 1996, was sited in approx the same area where the Eruv pole is proposed.
- Pole will be visible from all front windows to house and will be unsightly

- Not a significant number of religious Jews living in the immediate area to warrant the erection of this structure

Comments on Grounds of objection

- The base support underground for the pole will, depending on location, consist of a 500mm diameter concrete core with a 900mm diameter excavation pit. The pit will be back filled with spoil and resurfaced to match existing. The works required, sited 1m from the boundary with 10A Tudor Road (the dwelling house is sited over 7m from the back edge of pavement) are very unlikely to disrupt underpinning works or cause property damage.

Site 4: Junction of Latimer Road and Hadley Road, EN5, fronting Electricity Sub Station to the rear of 1 The Crescent, EN5 5QQ and 143 Hadley Road EN5 5QN

Two 6m high poles with connecting wire, are proposed to the north and south side of Latimer Road, close to the junction with Hadley Road. The north side pole was originally proposed to be sited directly outside the sub station. Due to the siting of low and high voltage cables and a link box in the pavement on the south side of the road, amended plans have been submitted. The north pole as amended would be sited at the corner of the sub station whilst the south pole would be sited 1m in from the corner of 143 Hadley Road, on the 'chamfered' boundary of the property fronting the side detached garage.

This site adjoins but does not fall within the Monken Hadley 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 2 poles, with the required wire span, would bring minor visual changes adjoining the Conservation Area. Whilst the poles would not positively preserve or enhance the area, it is considered that the poles would not have a material effect on the character and appearance of the area.

The pole adjoining the sub station would be sited over 25m from the rear facing windows to 1 and 2 The Crescent. The pole to the south would be visible from the side facing panes of the bay windows to no 143 Hadley Road sited approx 8m away. It is considered that the outlook and visual amenities of the occupiers of the neighbouring properties would not be compromised by the development proposed.

To ensure that the installation of the pole to the rear of 1 Crescent Road would not give rise to a risk of reduction in security to residents, the pole will be treated using anti-climb paint above 2m in height.

The Arboricultural Implications Report recommends the pruning back of branches up to 6.5m height (max) on a lime tree, approx 17m high, in the rear garden of 1 The

Crescent, to facilitate the installation of the pole and wire and to prevent future conflict as far as possible with the wire. The branches to be pruned will not exceed 5cm diameter. In addition branches will not be cut back beyond the boundary, unless permission is received from the tree owner. Whilst there is a likelihood of some encroachment within the Root Protection Area (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

1 reply received

- Could the poles be positioned elsewhere rather than outside the electricity sub station where the posts would be in the middle of the view from my south facing windows, but 6m to the west where they would not be seen from my or other windows in the vicinity owing to the presence of trees?

Comments on Grounds of objection Not Addressed in the Appraisal Above

The pole would be sited over 25m's from the rear facing windows to 1 and 2 The Crescent which are sited on an elevated position, further reducing the visual impact. Further the canopy of the trees in the rear garden of no 1 The Crescent would provide a degree of screening, particularly when in leaf.

Site 5A: Hadley Road, EN5. Between 113A and The Hadley Hotel, Hadley Road, EN5 5QN and adjacent to 102 Hadley Road, EN5 5QP

The 6m pole to the west side of Hadley Rd would be sited on the boundary between the Hadley Hotel and 113A Hadley Road fronting a party wall. The adjoining outdoor seating area to the Hadley Hotel is enclosed by chain linked bollards. A lamp post is sited on the back edge of pavement at the mid point of the facing front elevation to no 113A.

The pole to the east side would front the close boarded fence enclosing the garden to 102 Hadley Road. The pole would be sited approx 6m's from the house.

It is considered that the poles could be accommodated in the locations proposed without undue impact on the visual amenities of the neighbouring occupiers or the character and appearance of the street scene. Whilst the location is not devoid of street furniture, the slim line poles, with translucent wire, would not result in undue clutter or over proliferation of street furniture.

To ensure that the installation of the pole adjacent to 102 Hadley Road would not give rise to a risk of reduction in the security of the householders, the pole will be treated using anti-climb paint above 2m in height.

Site 5B: Tudor Road, EN5, fronting 2 Tudor Road, EN5 5PA, and adjacent to side boundary of 96 Hadley Road, EN5 5QR

The proposed pole fronting the garden to 2 Tudor Rd would be sited approx 17m's from the dwelling itself. The pole would not obstruct access to the garage but would be sited at the back edge of pavement adjoining the close boarded fence. The pole

adjacent to the side boundary 96 Hadley Road would be sited approx 4m from the nearby lamp post. No works to trees would be required.

The poles would be conspicuous in this street scene, particularly on the north side of the road where there are no lamp posts (there are 3 lamp posts on the south side). It is considered, however, that they would not cause demonstrable harm to either its appearance or character and, by virtue of their siting at the back edge of pavement, would not intrude on the open aspect towards Tudor Park. The poles would not harm the amenity of residents living close by.

To ensure that the installation of the poles would not give rise to a risk of reduction in security to the neighbouring properties, the poles will be treated using anti-climb paint above 2m in height.

Site Specific Comments Received

1 reply received

- Planning application is poorly drafted and confusing
- Uncertain whether my house would be inside or outside the Eruv which might affect its value
- The Eruv pole could add to the difficulty I have backing my car out of my garage
- Overall the northern boundaries of the Eruv do not make sense. If an alternative set of boundaries were acceptable it might significantly reduce the 'gateways' required.

Site 6A: Clifford Road, EN5. Fronting 1 Clifford Road, and between 2 and 4 Clifford Road, EN5 5PG

The pole fronting 1 Clifford Road would front a garden shed sited approx 6m's from the dwelling. The pole diagonally opposite would be sited on the boundary between 2 and 4 Clifford Road. The pair of inter war semi detached houses are sited over 10m's from the highway.

Located close to the junction with Potters Road, there is a variety of street signage as well as lamp posts in the close vicinity. The pole positions, whilst visible from the neighbouring houses would not cause demonstrable harm to the visual amenities or outlook of the neighbouring residents.

Site 7: Cromer Road, EN5. Fronting Cromer Road Primary School, EN5 5HT and adjacent to the side boundary of 24 Shaftesbury Avenue, EN5 5JA

This location, close to the junction with Shaftesbury Ave, is busy in appearance, including safety railings, zig-zag markings, a traffic island with bollards, lighting columns and signage.

Fronting the school, the pole would be sited fronting the north eastern corner of the main school building, avoiding facing windows, approx 1.5m from a street lighting column.

Adjacent to the boundary with 24 Shaftesbury Avenue the pole would be sited adjacent to the rear corner boundary of the house with Cromer Road. To address

possible security concerns it is recommended that a condition be attached requiring that the pole be treated with anti climb paint above 2m in height. There is a mix of shrubs and small trees within the boundary of no. 24 which protrude above the fence line. The Arboricultural Implications Assessment confirms no works would be required to the trees and shrubs to facilitate the development. The pole would not intrude on the direct sight line from the dwelling's 1st floor flank windows and it is considered that the pole could be accommodated without undue detriment to the residents of no. 24.

The street scene would not be harmed by the introduction of the poles.

Site Specific Comments Received

2 replies received:

- Do not want the pole right up to our fence as it can then be climbed to look into or gain access to our property
- Have already experienced intruders and others trying to climb the fence
- Make us feel vulnerable and insecure
- Security is a major issue especially since the Council's recent removal of the street lamp
- Would also make maintenance of fence difficult
- In the current economic climate why not save money and use the existing lamp posts?
- Would like assurance that wire will not generate wind noise that will disturb our sleep
- The frontage of Cromer Road school will be spoiled by the inclusion of any structure at the front of this historic and characterful building

Comments on Grounds of objection

To address possible security concerns it is recommended that a condition be attached requiring that the pole proposed adjacent to the boundary with 24 Shaftesbury Avenue be treated with anti climb paint above 2m in height.

Site 8: Shaftesbury Avenue, EN5. Fronting 10 Shaftesbury Avenue and between 11 and 13 Shaftesbury Avenue, EN5 5JA

The pole to the east side would be located directly on the boundary between nos. 11 and 13 to ensure that the pole is not sited directly in front of facing windows.

On the west side of Shaftesbury Ave the pole would be sited 1m from the boundary between no. 8 and 10, to align with the flank building line of no. 10. The pole would not impede pedestrian access to the house nor would it be sited directly in front of facing windows.

The introduction of 2 poles and wire would not harm the street scene. Whilst the poles would be visible from the adjoining properties this is not considered to harm neighbouring residents' visual amenity or living conditions and no objection is raised in this regard.

Site Specific Comments Received

1 reply received:

- Object to this application and do not wish to have an Eruv erected outside our home
- Detrimental to the local area and may attract vandalism
- An additional obstruction on the public highway when local government authorities are trying to reduce street clutter

Comments on Grounds of objection

- It cannot be assumed that a new piece of street furniture would result in it being vandalised or graffiti.
- The pole would be sited at the back edge of pavement, as per street lighting columns, and would not cause an obstruction.

Site 9: Between Ocean House and Bevatone House on footpath track adjacent to railway line, East Barnet Road, EN4 8RR

A gateway is required to the track located between Lytton Road and the railway line.

The poles and wire would be sited at the East Barnet Road end of the track, between the newly constructed office block and flats. The poles siting would be sensitive to the location of facing windows.

The track has no identified classification and may be network rail land. The track is only suitable for pedestrians so a maximum height of 3m is proposed.

The appearance of the footpath track, the enjoyment of users and the visual amenities of neighbouring occupiers would not be compromised by the size and siting of the poles.

Site 10: East Barnet Road, EN4, under the railway bridge

Two Lechi posts, 1m in height, are proposed approx mid way under the East Barnet Road railway bridge. The posts, with a depth and height of mm, would be fixed directly to the bridge arch with no excavation required.

By reason of their size and siting, the posts would be minor incidental additions to the street scene and would not cause harm to the character of the road or the free passage of pedestrians.

Site 11: Longmore Avenue, under railway bridge

The bridge over Longmore Avenue has 2 pedestrian and one vehicular arches. The vehicular arch has no pavement and the lechis to either side of this arch would be 35mm wide and 7mm deep. The 4 lechis to either side of the 2 pedestrian paths would be 1m high with a depth and height of 5mm.

By reason of their size and siting, the posts would be minor incidental additions to the street scene and would not cause harm to the character of the road or the free passage of vehicles and pedestrians.

Site 0: Barnet Hill, (A1000), EN5, under London underground bridge

Two Lechi posts, 1m in height, are proposed approx mid way under the London Underground bridge at Barnet Hill. The posts, with a depth and height of 5mm, would be fixed directly to the bridge arch with no excavation required.

These minor additions would not have a perceptible impact in this location and would be acceptable in the street scene. The narrow pavement on the north side of the road is not sufficiently wide to accommodate pedestrians. The pedestrian pavement to the south side is generous in width and would allow for the installation of the post without impediment to pedestrians.

Nature Conservation

A general comment has been raised in respect of the potential concern about the possible effect the equipment could have on bats.

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 Direction 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 Direction in deciding whether or not to grant planning permission.

The circumstances of this application are such that whilst general concerns have been raised in respect of potential harm to bats and birds.

No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of any 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 lack of evidence and the nature of the site an Ecological Assessment was not required.

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 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

Equalities impacts evidence gathering

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 their views on the potential equalities impact of the development on protected groups in the area who might be affected by the scheme.

Analysis of relevant impacts on protected groups

It is considered that the following protected groups will 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

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 Barnet Synagogue is an Orthodox Jewish Community and as such it is assumed that its members observe Jewish Law. The Jewish Community comprises 15% of Barnet's population.

This prohibition has the following potential 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 friends, elations etc.

In effect this means that children aged two and under may be housebound and unable to attend synagogue. The same will be true for at least one of their parents, a situation that would persist 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 aids 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 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 described.

Other members of the Jewish community would also benefit indirectly 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, advises that Barnet Synagogue has 900 members in 550 households, 71 of these households have members who are over 75 years of age and 26 of these households have children aged 4 years or under. So the total of elderly, children and children's parents who would benefit from the introduction of an Eruv is around 240.

The overwhelming majority of Jewish people who completed the equalities questionnaire were in favour of the proposal. As can be seen from the earlier section the most common points made in favour were the benefits that would accrue to the young, the disabled and the elderly.

Other Faith Groups

Other protected groups who may be impacted by the Eruv development by virtue of their religious beliefs include members of the Bahai, Buddhist, Christian, Hindu, Jain,

Muslim, and Sikh Communities who comprise a combined total of 73% of the borough's population.

Based on the equalities questionnaires distributed in respect of this application of the total of 92 questionnaires that were returned completed 52 (56%) were completed by persons within these groups. The most commonly represented faith group within this section were Christians who completed 46 (88%) of this group of questionnaires of which 36 out of 46 (78%) objected to the proposal.

A breakdown of the 52 questionnaires returned by persons within these groups show that a total of 42 objections were raised (80%), 7 (13%) made no comment and 3 (6%) supported the application.

The main objections raised by members of these groups 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 also suggested that the Eruv would enclose non-Jewish residents within a Jewish boundary it was feared that this would incentivise members of that particular minority moving to the area leading to a demographic change and change in the character of the area. Consultees from other faith groups pointed out that there is no need for the Eruv given the relatively small number of Jewish residents in the area. A significant proportion of the objectors felt strongly that the proposal would adversely affect their religious beliefs which are protected characteristics.

Officers recognise the strength of feeling about the perceived impact that the Eruv development will have on the religious beliefs of members of other faiths in the community. The effect of this on the individual will vary from person to person and there is clearly an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief. The level of commitment to a particular religion or belief will vary from person to person.

However these identified impacts on members of other faith groups must be balanced against the following considerations:-

The proposed Eruv equipment comprising poles, leci, gateways and wire will not display any Jewish or any other religious symbolise that would allow them to be readily identified as being of 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.

The Council of Christians and Jews has written in support of the proposal. It commented on the advantages that the proposal would have for members of the Orthodox Jewish community with poor mobility. The CCJ "see the allowing of Eruvim as part of the wider community's embrace and engagement with minority groups". They added that the intention to always make the Eruv poles as

unobtrusive as possible and that the poles are not very obtrusive at all. Whilst most of the CCJ's comments related to the benefits of the proposal to the Jewish Community it is notable that the CCJ submissions did not raised any particular objections on behalf of the Christian community. This indicates that at least certain sections of the Christian communities may have no particular objections to the scheme.

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

There are already Eruvim in existence in Barnet. The operation of these Eruvim provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

The presence of other eruvim has been 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 Barnet 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.

Officers recognise and have had due regard to the strongly held views of members of other faith groups about the potential negative impacts of the Eruv of their beliefs and local environment. However, officers consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where there is no evidence that these concerns have been borne out in practice. The potential adverse impact of the proposal on these protected groups also needs to be balanced against the positive outcome that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to worship at the Synagogue on the Sabbath and the Day of Atonement.

Secular Groups

This group includes Atheists, Agnostics and Humanists. A total of 28 [30%] completed questionnaires were received from members of these communities, all except 1 objected to the proposal. Members of secular groups and non religious persons make up 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.

These concerns were raised in 14 (50%) of the responses, as such it is evident that a significant number of persons in this group consider that the proposal adversely affects their protected characteristics.

It is evident from the first round of consultation that these concerns together with the objections in respect of the potential imposition of religious symbols/designation on members of other faith groups and secular persons are widely held views by those who responded to the consultation process.

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 8 questionnaires were completed and returned by disabled persons equating to 8% of the overall total returned, 1 of the questionnaires (12%) was completed by a member of the Jewish community. The applicant and 3 other consultees support 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.

7 responses were received from Non Jewish disabled persons of which 2 objected to the proposals, 3 response made no comment. A further 2 questionnaires in support of the proposal were received from non Jewish disabled persons. None of the objections raised concerns about any specific detrimental impacts from the proposal on disabled persons.

Potential negative impacts on disabled people

Although this was not a point raised in questionnaires responses, there may be a potential impact on partially sighted/blind persons whereby the equipment could create a trip or collision hazard which could have a serious effect on their safety and general wellbeing.

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

In considering concerns that the proposed Eruv equipment could create a hazard to disabled persons using the highway, officers accept that this is a significant and valid 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 function that can be erected without the need of 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 proposed. 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 have raised 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, any impact 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 causing 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 and disabled persons in particular that is not the case with this proposal. Each site has been carefully assessed and the siting of the Eruv equipment would not adversely impact disabled members of the community.

Positive impacts on disabled persons

On the other hand, 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 in accordance with the Equality Act.

Overall, 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.

Positive impacts for elderly Orthodox Jews

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 an Eruv elderly Orthodox Jews are prohibited from carrying these items on the Sabbath and as such may be housebound and unable to take part in religious services at the synagogue.

The introduction of the Eruv allows elderly Orthodox Jews to participate in religious and communal activities more easily.

Information provided by the applicants indicated that there are some 71 households with members aged 75 years or older who would potentially benefit from the proposal.

Of the 7 questionnaires completed by members of the Jewish community, 4 (57%) were completed by elderly persons of which 3 (75%) supported the proposal. 1 of the respondents supporting the application did so citing the improvement to their quality of life that the Eruv would bring. The remaining respondents made no comment.

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 as far disabled persons, for example potential impacts in relation to greater obstructions on the pavement etc.

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

Conversely the Eruv could also have potential negative impacts as in the previous section but it is considered that these concerns have been addressed by the previous comments.

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 an Eruv, very young children 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.

Due to children responsibilities, at least one parent would similarly be effectively housebound. Moreover it is likely that mothers would have a greater childcare responsibility and therefore are 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 would provide greater equality of opportunity not only for the children themselves but also their carers. In addition there would be indirect benefits to the wider community from being able to include all members in the various activities.

One of the questionnaires returned by Jewish members of the community was from a member with young families; and 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

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:-

- (a) Tackle prejudice and
- (b) Promote understanding”

It is considered that the planning application itself provides an opportunity for inter religion understanding to be promoted. The promotion of the planning application

and public consultation which outlines the role of the Eruv has provided an insight into the practices of the Orthodox Jewish Community to other local people. The LPA's consultation exercise involved some 1400 local residents.

The applicants, as part of the pre application consultation, held a public meeting in December 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 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 continues to foster good relations between Jews and non Jews.

Overall conclusion on equalities impacts

In determining this planning application the LPA must have due regard to the equalities impacts of the proposed Eruv on those persons protected under 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.

The potential equality impacts both positive and negative have been weighed in the case of each of the affected protected groups. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on elderly, disabled and young members of the Orthodox Jewish Community.

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

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.

However, officers consider that in practice the development would not change the use of the land nor impose any changes in behaviour on others. 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 creation of the Eruv itself does not require planning permission as most of the physical equipment does not constitute development for the purposes of the Town and country Planning Act 1990. 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.

Besides 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 and 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 do not wish to transgress Jewish Law 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.

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 31st 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	65
31 - 40	107	110	217
41 - 50	103	121	224
51 - 60	128	128	256
61 - 65	71	78	149
66 - 70	37	57	94
71 - 80	89	104	193
81 - 90	46	94	140
91 - 100	14	21	35
100+	0	2	2
unknown	1	6	7
0 - 4	50	50	100

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.

24. 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 sign age poles and will be visually innocuous. There will be just 3 sets of poles in Wood side 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 fears 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 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.
- 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

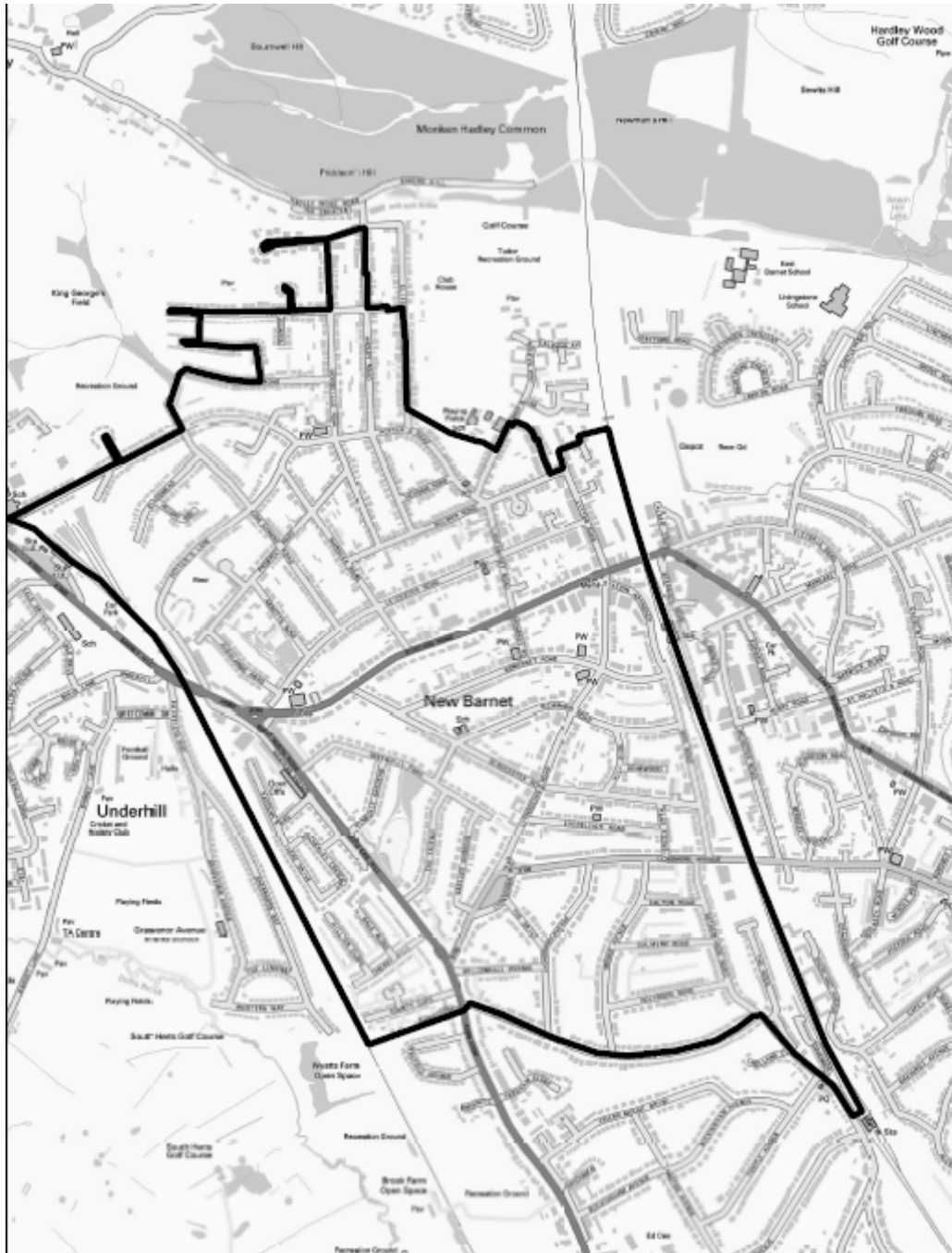
Details of alternative site 22 sited 200 metres from St Andrew's Church.

Appendix G

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

SITE LOCATION PLAN: Barnet ERUV

REFERENCE: B/03772/11



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