

**LOCATION:** Mill Hill ERUV  
**REFERENCE:** H/01250/12

**Received:** 28 March 2012

**Accepted:** 10 May 2012

**Expiry:** 05 July 2012

**WARD(S):**

**Final Revisions:**

**APPLICANT:** Mill Hill Eruv Committee

**PROPOSAL:** In connection with the creation of an Eruv in Mill Hill, and as an amendment to application H/01834/10 dated 6th July 2010, the construction of pole and wire gateways, 1m high posts known as 'leci' and fencing at the following locations:  
Site 1: Under the M1 Bridge, Ellesmere Avenue/Westmere Drive (4 x leci)  
Site 2: Fairway Court, The Fairway (4x 6m high poles and connecting wire)  
Site 3: Across the Barnet Way (A1) and outside 86 Barnet Way (2 x 4m high poles and 4 x 6m high poles and connecting wire. 4 x leci)  
Site 4: Courtland Primary School and between 42 & 44 Hankins Lane (2x 6m high poles and connecting wire)  
Site 5: Top of Bedford Road adjacent to Moat Mount Open Space (fencing)  
Site 6: NO LONGER REQUIRED  
Site 7: Highwood Ash, Highwood Hill and between York Lodge and Rafflewood, Highwood Hill (2 x6m high poles and connecting wire)  
Site 8: Highwood Hill Cottage, Highwood Hill (3 x 4m high poles and connecting wire)  
Site 9B: The Ridgeway- Sheepwash Pond/ War memorial (2x 6m high poles and connecting wire)  
Site9B: The Ridgeway- behind the war memorial (fencing)  
Site 9C: The Ridgeway- outside Bicentennial Building, Mill Hill School and opposite (2x 6m high poles and connecting wire)  
Site 9D: The Ridgeway- entrance to Mill Hill School and Headmaster's House (2x 6m high poles and connecting wire)  
Site 10: St Vincents Lane close to the junction with The Ridgeway (2x 6m high poles and connecting wire)  
Site 11: The Laboratory, Burtonhole Lane and 4 Oakfields, Burtonhole Lane (2x 6m high poles and connecting wire)  
Site 12: Near Oakfields Cottage, Partingdale Lane and to the rear of Ridgetop House and Elbury, The Ridgeway on Partingdale Lane (2x 3m high poles and connecting wire, fencing and 2x 6m poles and connecting wire)  
Site 13: Bray Road at the junction of Bittacy Hill (3x 6m high poles and connecting wire)  
Site 14: Entrance to Mill Hill Depot, Bittacy Hill (3x 6m high poles and connecting wire)  
Site 15: Entrance to Bittacy Business Centre, Bittacy Hill (2x 6m high poles and connecting wire)  
Site 16: M1 Junction 2/ Great North Way (3x leci)

Site 17: Foot tunnel under Midland Mainline, Grahame Park Way (2x leci)

Site 17A: A41 Bridge over old M1 junction 2 (Pentavia side) (2x leci)

Site 17B: Bunns Lane backing onto M1 old junction 2 (fencing)

Site 17C: Bunns Lane east of M1 bridge east of Dove Close (fencing)

Site 17D: Bunns Lane/ M1 bridge (2x leci)

Site 18: Bianca Court, Bunns Lane & 1 Langley Park (2x 6m high poles and connecting wire).

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: MH\_001 Issue 4, MH\_002 Issue 4, MH\_003 Issue 4, MH\_004 Issue 4, MH\_006 Issue 4, MH\_009 Issue 4, MH\_010 Issue 4, MH\_012 Issue 4, MH\_013 Issue 6, MH\_014 Issue 7, MH\_016 Issue 3, MH\_017 Issue 6, MH\_018 Issue 3, MH\_021 Issue 3, MH\_026 Issue 2, MH\_030 Issue 2, MH\_031 Issue 1, MH\_A041 Issue 3, MH\_A042 Issue 2, MH\_A043 Issue 2, ERUV\_TP\_6M Issue 7, ERUV\_MH\_0102 Issue 1, MH\_002\_TP3M Issue 2, ERUV\_MH\_0111 Issue 1, ERUV\_MH\_0111\_02, MH\_DET\_002\_1.2M Issue 2.  
Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of this permission.  
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works*.  
Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.
- 4 No siteworks or works on this development shall be commenced before a Detailed Arboricultural Method Statement for each site, expanding on the principles set out in the Preliminary Arboricultural Method Statement by Treework Environmental Practice dated April 2010, detailing precautions to minimise damage to trees at the various site locations, in accordance with Section 7 of British Standard BS5837: 2010 Trees in relation to design, demolition and construction – Recommendations, is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

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

- 5 The poles hereby approved at the following sites shall be treated upon installation with anti climb paint 2m above adjacent ground level;
- Site 3. Pole adjacent to boundary of 86 Barnet Way
  - Site 7. Pole adjacent to boundary of "Highwood Ash".
  - Site 8. Three poles adjacent to "Highwood Hill Cottage" hedge.
  - Site 9B. Pole adjacent to Belmont Farm fence.
  - Site 10. Both poles.
  - Site 11. Both poles.
  - Site 12. Pole adjacent to boundary of "Ridgetop House".
  - Site 18. Pole adjacent to boundary of 1 Langley Park.

The anti-climb paint shall be retained and maintained thereafter.

Reason: In the interest of maintaining the security of the adjacent properties.

- 6 A Construction and Maintenance Strategy, for works hereby permitted on the Transport for London Road Network public highway, shall be submitted to and approved by the Local Planning Authority, in consultation with Transport for London, prior to construction work commencing on site. The Strategy shall include details of how the Eruv equipment (poles, wire, leci) would be properly constructed and maintained in a safe manner, which would not compromise the smooth and safe flow of pedestrians and traffic on the TLRN public highway.
- Reason: To ensure that disruption to pedestrians and traffic on the TLRN road network would be kept to a minimum.

**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 Core Strategy and Development Management Policies (2012).

In particular the following policies are relevant:

Core Strategy Adopted 2012:

CSNPPF

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

CS07 Protecting and Enhancing Barnet's Open Spaces

CS09 Providing Safe, Effective and Efficient Travel

CS10 Enabling Inclusive and integrated Community Facilities and Uses

CS12 Making Barnet a Safer Place

Development Management Policies Adopted 2012:

DM01 Protecting Barnet's Character and Amenity

DM02 Design Standards

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM13 Community, Education Uses

DM17 Travel Impact and Parking Standards

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

It is considered that the proposed development, by virtue of its siting and design, would not represent unduly intrusive additions in the streetscene and would not result in an over proliferation of street furniture at the various locations. The developments proposed at the sites within the Conservation Area would have a neutral impact on its character and appearance. The openness of the Green Belt would not be compromised by the development proposed within it.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advises has three dimensions; economic, social and environmental. It is considered that this application is prompted 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 particularly policy DM13.

Each individual Eruv site has been assessed and it is considered that the proposal would be acceptable in terms of its impact on the streetscene, appearance of the area, and the visual amenity of residents. In conservation terms the application would be neutral and would preserve the character and appearance of the Mill Hill Conservation Area.

The size and siting of the proposed poles 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.

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 consideration of 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.

2 The supporting documents accompanying the application are:

Summary Report mh\_030\_issue 3\_29apr2012\_design statement; Access Statement mh\_31 Issue-1; Materials and Colour, Draft Method Statements mh 100-issue 6 29apr2012; Stress Report MH 008 Issue 2.

3 The erection of development on the highway will require a licence under the

Highways Act. It will 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.

- 4 Licenses under the Highways Act will only 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.
- 5 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.
- 6 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.
- 7 Prior to the commencement of any works on Site 17, the developer must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.
- 8 The applicant must obtain necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other consent(s) under relevant highway and traffic legislations prior to construction work commencing on site.
- 9 The applicant would be fully responsible for maintaining the proposed poles, wire and leci to be placed on the Transport for London Road Network public highway at all times.
- 10 The applicant would be liable for the cost of rectifying damage caused to the Transport for London Road Network public highway resulting from construction and maintenance of the proposed Eruv structures.
- 11 Transport for London requests that each of the Eruv sites on the Transport for London Road Network public highway would be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commencing on site, and would need to be ready for inspection upon demand by Transport for London at any time.
- 12 No construction and maintenance work to the Eruv structures shall be undertaken on the Transport for London Road Network public highway without prior consent from Transport for London. The work shall be carried out fully in accordance with relevant existing health and safety legislation and rules, as well as direction and guidance provided by Transport for London.

- 13 Despite the grant of planning permission from the Local Planning Authority, Transport for London reserves its right to revoke consents / licences, and request the removal of the proposed Eruv structures at any time, if the existence of such structures would be deemed no longer appropriate in the interest and benefit of public, highway operation and road users on the Transport for London Road Network (e.g. highway maintenance, statutory undertakers' requirement, safety and highway network development).
- 14 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.
- 15 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.
- 16 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework (NPPF).

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document, which replaced Planning Policy Guidance Notes and Planning Policy Statements, 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 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.

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 7.21 Trees and Woodlands

#### Barnet Local Plan (2012)

Relevant Core Strategy Policies:

CSNPPF National Planning Policy Framework – Presumption in Favour of Sustainable Development

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

CS07 Protecting and Enhancing Barnet's Open Spaces

CS09 Providing Safe, Effective and Efficient Travel

CS10 Enabling Inclusive and integrated Community Facilities and Uses

CS12 Making Barnet a Safer Place

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity

DM02 Development Standards

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM13 Community and Education Uses

DM17 Travel Impact and Parking Standards

#### Mill Hill Conservation Area Character Appraisal Adopted 2008

The Character Appraisal states;

The public realm covers a variety of features found in the spaces between the buildings. It includes street paving, litter bins, signage and street furniture such as litter bins, lighting and bus shelters. The quality of these components make an important contribution to the character and appearance of the Conservation Area. They can adversely affect the special interest of the whole area (if they are badly designed, sited or neglected).

Street lighting is provided by modern lamp standards of various designs. They are generally well sited and maintained, receding into the street scene in an appropriate manner. Lamp standards of a more pedestrian scale can be found in certain locations throughout the conservation area such as by the pond in Mill Hill Village. Some historic street lights can also be found in the Linen and Woollen Drapers Cottage Homes, either side of Hammers Lane.

Within the Conservation Area street furniture is a mixture of rural and suburban modern products, and one of the issues indicated in the Character Appraisal is that street furniture often lacks co-ordination.

Trees and planting make a very important contribution to the character and appearance of the conservation area.

Within the Character Appraisal the Conservation Area is divided into six character areas. In Character Area 3 (The Ridgeway) amongst the principal negative features it is listed that there is scope for improving the design, style & siting of street furniture.

#### Planning History:

B/03772/11: Barnet Eruv. The construction of pole and wire gateways, or 1m high posts (lechi) at various locations. Planning permission granted 12.11.12.

B/03356/11: Woodside Park Eruv. The construction of poles and wire, or wooden gateways, or 1m high posts (lechi) at various locations. Planning permission granted 23.10.12.

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

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

W13797/04: Edgware Area Eruv. 39 poles for the purpose of establishing an Eruv in the Edgware area. Planning permission granted 24.11.04

Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv)  
Eruv1: Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Planning permission 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. Planning permission refused 27.10.1993.

Appeals against the refusal of Eruv1 and Eruv2 were heard at a Public Inquiry in December 1993. On 20.09.1994 the Secretary of State for the Environment allowed both appeals 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. Planning permission granted 08.01.1997 and 7.7.1998.

#### Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community. In May 2012 over 1300 residents and organisations were notified of the application by letter, notices were displayed at each of the proposed sites, and an advert was published in the local paper.

The following were included in the consultation;

- Access in Barnet
- Barnet Muslim Forum
- The Council of Christians and Jews
- Hindu Cultural Society
- Greek Orthodox Community
- RSPB London Office
- Natural England
- London Wildlife Trust
- London Wildlife Trust Barnet Group
- Environment Agency
- Metropolitan Police Service
- Transport for London
- Highways Agency
- Railtrack Property
- Railtrack PLC
- Network Rail – Infrastructure Protection
- Bittacy & Sanders Lane Residents Association
- Federation of Residents Associations in Barnet
- Partingdale Lane Residents Association
- Mill Hill Residents Association
- Mill Hill Preservation Society
- London Borough of Harrow

17 letters / emails have been received (including from the London Wildlife Trust, the Mill Hill Preservation Society, and the Mill Hill Residents Association) in which the objections set out below were raised (the number in brackets represents the number of occasions that particular, or very similar, objections were made). Objections with a similar theme have been grouped together. Site specific objections are also identified in the site appraisals.

#### APPEARANCE AND CHARACTER

- The Eruv will result in excessive street furniture and will have a significant visual impact (1)
- Undesirable visual effect of 6m high poles (1)
- Effect on the character of the neighbourhood (1)
- Would be a disfiguration of an otherwise mainly rural area (1)
- Under the rules above you are obliged to reject the application (1)
- Looking at photos of Eruvs on the internet and viewing them in other local

areas raises concern about what they can look like (1)

#### CONSERVATION AREA / GREEN BELT

- No objection to the Eruv as such but object to it passing through the Mill Hill Conservation Zone where it will cause unnecessary visual clutter to a lovely area (1)
- It is very disappointing that another route could not be found avoiding the Conservation Zone which has many important religious buildings, Grade II listed buildings, and open natural areas. Posts and wires draped near these buildings will not enhance their appearance (1)
- Much of the Eruv goes through a Conservation Area with planning restrictions. There are a number of historic buildings (some religious) and open natural features in this area which should be respected and visual distraction avoided (1)
- This is a Conservation Area with an Article 4 directive. Some of the sites will definitely detract from everyone's enjoyment of the Grade II Listed properties set in beautiful surroundings. The Mill Field, the Sheepwash Pond, St Pauls Church and many other historic assets form part of Mill Hill Village. Belmont School and Mill Hill School are Non-conformist Foundations. They cater for Christians, Catholics, Hindus, Moslems, Quakers and a number of other religious groups. It does not need to be defaced by chains and poles dangling around it causing serious racial affront. St Pauls Church and St Pauls Church of England School are a very important part of our history and community. Here local residents children attend school, parishioners worship at the church, and the churchyard contains beloved family members remains where we can mourn their passing in peaceful and quiet surroundings (1)
- Effect on the character of the neighbourhood appearance of the Conservation Area (1)
- The poles at sites 8, 9B, 9C & 9D are visually intrusive in the Conservation Area (and Green Belt) (1)
- The introduction of iron poles and chains will not enhance the view of Belmont School (1)
- We attempt to keep all signs at a minimum in Mill Hill Village as part of the conservation of it (1)
- There are very strict planning regulations for residents in the Conservation Zone (1)
- Sheepwash Pond with ducks is part of our village. It must remain undefiled by unnecessary religious symbols (1)

Mill Hill CAAC comments;

- Whilst much of the Eruv would be inconspicuous, the Committee had reservations about Poles at sites 9B, 9C, and 9D, where the Eruv would cross and re-cross The Ridgeway by the Sheepwash Pond and The Favell Building of Mill Hill School. Concerns about harm to birds and bats and the damaging environmental and visual impact of attachments to the road-crossing wires. A majority of the Committee expressed a wish that an alternative proposal would be made for this section of the Eruv.

## EFFECT ON BIRDS & BATS

- I have read that the proposal involves unobtrusive kevlar wire of 0.3mm. If that is the case I must object because such a fine wire could be hazardous to birds and bats, and could even infringe legislation designed to protect vulnerable bat species. There are already many highly visible wires crossing Barnet streets and I see no reason why the eruv wires should not be of a similar gauge (1)
- Fine wires used alone and without flight detectors are likely to be highly dangerous to birds and bats flying into them. The wires can be rendered safer for flying animals (1)
- The evidence that easily visible wires cause huge numbers of casualties all over the world is supported by many scientific reports (six documents were attached to the London Wildlife Trust comments). The Eruv wire, almost invisibly placed at a height of 6 metres, is even more likely to cause terrible suffering and injuries to considerable numbers of birds and bats (1)
- Even though the proposal is no longer sited across the southern end of Sheepwash Pond, in their new position they will still present a hazard to flying birds attracted to the body of water and to bats foraging along the treeline on the south side of The Ridgeway and around the pond margins (1)

## OTHER OBJECTIONS

- The proposal represents the interests of a tiny proportion of Barnet residents (1)
- It cannot be right for the majority of the population to feel discriminated against (1)
- The proposal appears to be supported by only a minority of Jewish people (1)
- Mill Hill is a multi-cultural society and there are only a small number of Orthodox Jews in the area (1)
- It is difficult to understand why this minority group should be granted permission to erect an Eruv which is considered to be an outdated custom which has no place in the 21st century Britain (1)
- Astonished that at a time of harmony between various churches and religious groups such unnecessary provocations are put forward by such a tiny percentage of the population of our Borough (1)
- The Mill Hill area, especially the Conservation Area, is one occupied by people of several faiths (1)
- The vast majority of the Jewish population do not subscribe to the orthodox law underlying this application. In particular they do not agree with the trend to attract orthodox religious people to the area as evidenced by the Etz Chaim Jewish Primary School (1)
- The proposal is unnecessary. Rarely see anyone wearing Orthodox Jewish clothing, nor is there a synagogue on The Ridgeway, so believe there is no need to create what looks like a ghetto here (1)
  
- It is not beneficial to the present inhabitants of the Mill Hill area, especially the Conservation Area (1)
- None of the minority religions should be able to separate fields etc, with their own boundaries, and in this case for a very small number of people (1)
- The use of 6m poles is a discriminatory and invasive eyesore which serves no

purpose in a multicultural area in which all neighbours are currently free to push wheelchairs and prams under UK law (1)

- Do not understand why the good deed of taking a child to synagogue should require poles & wires to make it possible (1)
- Fail to see the logic for having the Eruv along The Ridgeway, where there are 3 schools and a church, which is not a Jewish area. It would be more logical to run the Eruv down Hammers Lane, Wise Lane and Page Street (1)
- Much of the land in this area belongs to Mill Hill Foundation, Brotherhood of Star Church, St Pauls Church, various Catholic buildings and schools, the Jehovah Witness complex, Quaker historic buildings, and Belmont Farm. Why is the Eruv chosen to run through this part of Mill Hill where there is no synagogue, and clearly low numbers of Orthodox Jewish people? (1)
- I am Jewish as are many of the local residents and we value living in a multicultural neighbourhood. It is intrusive for anyone to impose their religious practices on others (1)
- I am Jewish and a member of Mill Hill synagogue. The application should be declined (1)
- The Jewish religious code spells out the Shabbat restrictions. If the faith feels these laws are outdated they should change the law rather than create areas where these activities are permitted (1)
- Barnet has a number of applications for Eruvim each requiring the installation of leci, poles wires or fences. It would make more sense if there were collaboration among them to make a single, all-encompassing boundary and lessen the need for separate structures within the wider area, especially within the Conservation Area (1)
- An alternative route could easily have been found to prevent visually despoiling the Conservation Area (1)
- Anything near this Conservation Zone, if it must be here, should be as unobtrusive as possible using existing lamp posts and simple thin wire and allowing breaks in the Eruv as much as possible (1)
- Is it too late to consider a radical re-think e.g. the M25 being considered the Eruv boundary, or the use of lines on the pavement, as apparently is the case in New York? (1)
- The existing lamp posts should be used and linked with fishing wire as in the Manhattan Eruv, and in that Eruv there is allowance for gateways of up to 15 feet wide where there is no wire required (1)
- The construction of poles and wire would be like a claiming of territory by one small component of the community and would be construed by others as an aggressive act (1)
- Need to consider negative racial feeling that would be engendered by an Eruv in areas used by the population as a whole (1)
- Any sectarian barrier is unwise (2)
- Will provoke irritation and bad feeling among all those of other religious denominations who know that any barrier proposed by them would not be sanctioned (1)

- Likely that extreme elements in the communities would become pitted against each other and potentially disturb our peace (1)
- An Eruv creates explicit discrimination on the basis of religion. It is a signifier of a particular religious belief and as such it can incite vandalism and ultimately violence between religious groups into an otherwise peaceful and successful multicultural area (1)
- Would be severely unwise to impose such a display of a particular set of beliefs into an otherwise highly adjusted multicultural peaceful area (1)
- Will do nothing to promote harmony amongst all ethnic groups (1)
- Serious alarm regarding the issue of racial disharmony being engendered by this ridiculous proposal (1)
- The reaction of non Jewish and non-Orthodox Jewish occupiers could lead to highly undesirable repercussions disturbing the at present well balanced atmosphere (1)
- Whereas a more visible threat such as an ugly out of character building might attract more immediate opposition, something far more serious and insidious such as the current proposal is likely to go unnoticed by many in the community until the frustration of those who do not belong to the Orthodox Jewish Church leads inevitably to demographic changes over time and tensions between denominations that did not previously exist (1)
- Would put a visual stamp of religious extremism in an area in which several other religious bodies thrive (1)
- Understand that nationalist flags have been placed on Eruvs in other boroughs (1)
- Could disturb the present relaxed balance of various religions (1)
- The natural balance of all ethnic groups will be affected as the Eruv will encourage Orthodox Jews to move to the area (1)
- I object in every sense of the word to this ridiculous application, and the time, effort, and expense engendered by having to oppose it personally and if necessary legally (1)
- Danger of injury in case of collapse in high winds (1)

#### OTHER COMMENTS

- Once permission has been granted it cannot in practice be removed. To do so would be regarded as an infringement of religious belief (1)
- I assume you have consulted English Heritage, Mill Hill Ratepayers & Residents Association, Mill Hill Preservation Society, Mill Hill Historic Society, Mill Hill High Street Residents Association and all other interested bodies (1)
- The owners of one particular property state that they legally deny the Orthodox Jewish Community the rights to include their property and / or boundary walls being incorporated into / or being part of the Eruv boundary. They consider the Eruv has serious legal issues regarding private property as to its real intentions and usage, and that it would be a miss-use and abuse of planning regulations to erect poles and wire / fencing for the purposes of encasement of an area of land for a singular religion. They state the property

(and others) involved has serious Legal issues which come under the guidance of the Metropolitan Police for security of the property for reasons of a specific nature and that the whole area to include their road must be removed from the planning application. They advise failure to remove site 5 from this planning application would / could cause an incident that would make the London Borough of Barnet Council fully responsible and fully liable, to pay substantial damages and compensation to the private property owners and occupiers for loss of property through the granting of planning permission. The objector goes on to say that under the Equality Act 2010 the applicants themselves are good justifiable reasons for the rejection of the whole proposed planning application, in so using planning regulations to enforce a religious Law, that only applies to the Orthodox Jewish community only, who are a minority of the majority of people / residents living in the area to which this eruv boundary applies (1)

8 letters / emails (not including the stereotype letters referred to below) indicating support for the proposals have been received. The comments made are as follows (the number in brackets represents the number of occasions that particular, or very similar, comments were raised);

- I support the application (5)
- The ability of the Jewish Community to enjoy the Sabbath is important to the overall community and if these minor works allow this to happen this is to be supported by all right thinking members of the public (1)
- I am Jewish and this would be a huge benefit to myself, my family and to the whole Jewish Community. At the moment it is difficult for us to attend the synagogue on a Shabbat because we have a young child and we are not able to push him in the pram to synagogue. The Eruv would solve this problem (1)
- This is an application with a huge benefit to the Jewish community with no negative impact on the residents of Mill Hill (1)
- An Eruv is something that will have very little impact on the local community. Most people will be totally oblivious to its existence (1)
- It will be of great benefit to the Jewish residents who live within it (1)
- The works will be all but invisible and would not constitute either a hazard, loss of visual amenity, or a conservation area principle (2)
- The Eruv is very subtle and difficult to see and would not interfere with the look of the area (1)
- Generally speaking Eruv wires are pretty unobtrusive (1)
- The works will not have any effect on traffic, access or parking. The scale and appearance of the proposal and the impact on the surrounding area adjoining neighbours will be negligible, there will be no loss of light nor overlooking or loss of privacy, there will be no effect on nature conservation or loss of trees, no effect on a Conservation Area, no effect on a Listed Building, there will be no noise and disturbance resulting from its use and most importantly its use would be wholly appropriate for the area in view of the substantial number of people of the Jewish faith in the area (1)
- The Jewish community in Barnet is significant and I am sure the borough appreciates the diversity that the Jewish community brings to it (1)
- We think that giving permission for the Eruv would be an acknowledgement of

the Boroughs appreciation for all the Jewish community do for the Borough, but also, and perhaps more important it will show a sensitivity to the Jewish community for which the Eruv will be a help on Shabbat (1)

156 stereotype letters in support of the proposals which each contain 3 or more of the following paragraphs have also been received;

*I would like to express my support for the planning application for the works required to complete the Mill Hill Eruv.*

*Following the submittal of the planning application for the works required to complete the Mill Hill Eruv I would like to express my support for these proposals.*

*As others will no doubt have impressed upon you, the proposed works will not affect the character or aesthetics of the area, nor constitute a hazard.*

*You will be aware that an Eruv has successfully been established in other neighbourhoods, for example Hampstead and Edgware, without there being any adverse effects on social cohesion of the residents of the Borough or elsewhere. Indeed to those who may argue that the establishment of an Eruv might have such an effect, it is right to point out that the more areas there are which are covered with an Eruv, the less likely it is that there will be concentrations of observant Jewish people.*

*The works as detailed in the planning application seem to be extremely minor and should be allowed even considering the conservation areas around some of these sites.*

*As a local resident these issues are important to me but the overriding need as demonstrated in this application and the care shown the (sic) minimise impact should be allowed to become primary in these areas.*

*As a resident in the area around where these works are detailed I believe they will not in any way interfere with my social amenity and only enhance the streetscape by allowing the community by allowing young families and the elderly to observe the Jewish Sabbath together with friends and family.*

*The ability of the Jewish Community to enjoy the Sabbath is important to the overall community and if these minor works allow this to happen this is to be supported by all right thinking members of the public.*

*An Eruv enhances the ability of observant Jewish people to enjoy the Sabbath without causing harm or inconvenience or cost to anyone else.*

*I very much hope that you will grant the application.*

The Highways Agency and Harrow Council have stated that they have no objections, and the Environment Agency (Sustainable Places Team) have no comments. Any comments from Transport for London will be reported at the meeting.

As part of the consultation process consultees were invited 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. The first part of the questionnaire asked "Do you have any comments to make about the proposed Eruv?"

Of the 65 questionnaires returned 14 stated objections to the proposal, 41 stated support or no objection, 3 were unclear as to whether they were supporters or objectors, and 7 made no comments.

The comments made objecting to the proposal are set out below (the number in brackets represents the number of occasions that particular, or very similar, objections were raised). Objections with a similar theme have been grouped together.

- It is unnecessary. Only a small proportion of the Jewish community will derive any benefit from it (1)
- The scheme is disproportionate. The numbers adversely affected would be large in relation to those benefitted. The Orthodox community is small. It is therefore inappropriate for the area (1)
- It is inappropriate for a minority of persons to seek to impose their aspirations on the majority of Barnet people who have no interest or understanding of Eruv principles (1)
- Barnet Council appear to be favouring the Jewish minority over the wishes of the majority in the area (1)
- It is not required under the Equality Act because the constraint it would avoid applies not to Jews as a whole but only to a small section of Jews (1)
- The extensive nature of the Eruv will imply that Mill Hill is not a multi-cultural, multi-ethnic community but a Jewish one (1)
- The Eruv will have a detrimental effect on a multi-cultural area (1)
- All space should be for all communities. To allow the Jewish community to have exceptions goes against our multi-cultural society. No one community should be allowed any preferences in our public spaces on a permanent basis (1)
- Don't believe an Eruv is appropriate for the area. We live in a multi-cultural society (1)
  
- It is mildly offensive that public spaces should symbolically be incorporated within the curtilage of the homes of one community only (1)
  
- The construction of such a perimeter indicates a metaphysical containment zone. It implies the existence of a Jewish ghetto-type area (1)
  
- It risks damaging community relations (1)
- The Eruv structure would invite damage to the detriment of community relations and perhaps lead to damage to synagogues, Jewish schools, etc. (1)



- The project is divisive. It will encourage anti-semitism and is likely to arouse objections from other religious groups who occupy this area. This public feature may well inflame such antagonism (1)
- I am told by Jewish friends that the Eruv concept is divisive even within the Jewish community, and that not all Orthodox congregations recognise them, contending 1. that they are an improper device to evade rather than to observe the rules of the Sabbath, and 2. the size of the existing Eruv is already so great as to make its existence as a symbolic courtyard forming part of a home, or group of homes, impossible (1)
- I am told that Reform Jews tend to disapprove of them as creating symbolic ghettos, offensive to Jews and liable to promote anti-semitism, particularly because an Eruv attributes religious significance to boundary features which belong to non-Jews, and impose a cost of erection and maintenance upon the non-Jewish community; this can be significant because the slightest break in the continuity of the Eruv boundary invalidates it, so that it requires frequent inspection and upkeep (1)
- 6m high poles near historic structures such as the school, the pond and the war memorial will be very conspicuous (1)
- Strongly object to the Eruv especially on or around the War Memorial outside Mill Hill school on The Ridgeway (1)
- The effect on the Conservation Area would be negative and entirely avoidable (1)
- Will add to the already poor state of affairs by erecting Eruv poles in a Conservation Area (1)
- The sight of poles joined by wire at various public sites is unsightly and adds unnecessary street furniture (1)
- Street furniture should be kept to a minimum on grounds of amenity and cost (1)
- An unnecessary and obtrusive imposition on Mill Hill Village and would be totally out of character with its surroundings. Poles and wires are not in keeping with Mill Hills rural character, especially along the Partingdale Lane section of The Ridgeway (1)
- Erecting so many poles to “enclose” an area is inappropriate and affects the appearance, not only for people who live here, but also those driving through (1)
- I find it deplorable that our streetscapes are littered with inappropriate, badly designed, poorly sited and ill maintained signage. Some Local Authorities are taking steps to remove, resite, redesign or repair street signage so that it blends in with the local streetscape (1)
- The Eruv will impact badly on this area of natural beauty with its trees and wildlife (1)
- Concern about disturbance and danger resulting from the effect of bad weather and storms on the poles and wire should they be damaged (1)

- The Jewish community need to think about their true belief (1)
- The poles, wires, and fences have no place on Barnet's streets (1)
- It would not be right for the approval of similar applications in other areas to be taken as a precedent for approving the application (1)
- Strongly object to the imposition of poles and wire in any area of this country (1)
- Object strongly. It is a total nonsense (1)
- I am very much against the Eruv (1)
- Don't agree with it. It, or the school, should not be built (1)
- The owners of one particular property state that they legally deny the Orthodox Jewish Community the rights to include their property and / or boundary walls being incorporated into / or being part of the Eruv boundary. They consider the Eruv has serious legal issues regarding private property as to its real intentions and usage, and that it would be a miss-use and abuse of planning regulations to erect poles and wire / fencing for the purposes of encasement of an area of land for a singular religion. They state the property (and others) involved has serious Legal issues which come under the guidance of the Metropolitan Police for security of the property for reasons of a specific nature and that the whole area to include their road must be removed from the planning application. They advise failure to remove site 5 from this planning application would / could cause an incident that would make the London Borough of Barnet Council fully responsible and fully liable, to pay substantial damages and compensation to the private property owners and occupiers for loss of property through the granting of planning permission. The objector goes on to say that under the Equality Act 2010 the applicants themselves are good justifiable reasons for the rejection of the whole proposed planning application, in so using planning regulations to enforce a religious Law, that only applies to the Orthodox Jewish community only, who are a minority of the majority of people / residents living in the area to which this eruv boundary applies (1)
- Surely a less obtrusive means of identifying boundaries can be found (1)
- Why not have an Eruv around the whole of the UK (1)

The comments in the questionnaires indicating support or no objection are set out below (the number in brackets represents the number of occasions that particular, or very similar, comments were raised).

- I support the Eruv (17)
- I am happy for the proposed changes to go ahead (1)
- Happy to support as it doesn't hurt anyone (1)
- I am 100% in favour of this initiative & only question the delays in its building which are due to Council "Red Tape" (1)
- This is a great idea for those who would need and use an Eruv (1)

- Good idea (2)
  - Great for community (1)
  - No objection (12)
  - No reason to object (2)
  - I have no problem with it as it stands (1)
  - I cannot see the proposed Eruv having any detrimental effects whatsoever (1)
- 
- It improves the quality of life of people (1)
  - It will be beneficial to a significant number of Barnet residents (1)
  - It will make a significant positive difference to many Borough residents without detriment to others (1)
  - The Eruv would benefit many Jewish families in Mill Hill (1)
  - Something that not many people will notice but will greatly benefit and help religious Jewish people (1)
  - Would only affect Orthodox Jewish people and give them more freedom of movement (1)
  - The Eruv is very important for any Orthodox Jewish families to be able to go to synagogue (1)
  - The Eruv is essential for Orthodox Jewish families with young children as it enables them to go to synagogue every Saturday (1)
  - I will not use it myself but it will help a large number of people in Mill Hill whilst neither inconveniencing or harming anyone else (1)
  - It will link the Mill Hill & Edgware Eruvs making it easier for people to get between the areas on the Sabbath with pushchairs (1)
  - We have young grandchildren (the younger one requires a pushchair) and we would like to take them to Mill Hill Synagogue. We know of other families with a similar problem (1)
  - It will enable our friends and family to use pushchairs to attend synagogue and communal & social activities, and fully enjoy theirs and our Sabbath rest day (1)
  - I support the Eruv because it allows orthodox Jews to be able to take young children with them on the Sabbath. Without the Eruv pushchairs and prams are prohibited. It keeps families together (1)
  - It has negligible impact on the residents of Barnet but a major positive impact on part of the community (1)
  - The Eruv will enable me and my family to abide fully with religious requirements (1)
  - I believe it will have a beneficial effect on the whole spectrum of local individuals and communities of whatever designation or ethos, and contribute to high moral standards in the whole population of the area (1)
  - An excellent addition to local amenities / facilities / resources to support the local community (1)
  - Given the approval for planning of similar Eruvs by Boroughs of Brent and Harrow how wonderful it would be for the Borough of Barnet to show the same degree of religious tolerance, fostering good relations and meeting the needs and rights of those with the Jewish community, particularly the disabled and young parents with children for whom such a facility will have an immeasurable benefit. All this for erecting some poles that will not be noticeable against the existing backdrop of street furniture such as street

lights, sign posts, etc. for which no planning application is ever refused (1)

- Experience from other Eruv communities has been positive in fostering good communal spirit and improving neighbourhood security (1)
- It is good for inter faith relations and a cohesive community (1)
- A wonderful concept for our multi-faith community – long overdue (1)
- We should support all community projects where the negative impact is negligible (1)
- As a diverse Borough we should be tolerant to all ethnic minorities and allow an Eruv (1)
- Our community is inconvenienced by not having an Eruv and there is no reason why it should not be completed (1)
- The poles & wire are non-intrusive (1)
- The poles would not affect the general public who would probably not be aware of it (1)
- I do not think that this Eruv would affect the general public in any way as they would not even notice the “poles” (1)
- It is of minimal intrusion to the average person who would not be aware of it (1)
- It is not to the detriment of the environment & visually will not affect the roads concerned (1)
- I see no reason to object to the erection of an Eruv in Mill Hill as long as it is unobtrusive and does not spoil any existing views. Hopefully it will be erected in such a way that people will hardly notice it is there (1)
- The Edgware Eruv is not noticed by residents. It becomes part of the scenery (1)
- Has no material effect on non-Jewish or Jewish non-observant residents (1)
- It clearly will have no real adverse impact on residents or visitors (1)
- It will make no difference to those who are disinterested (1)
- I really can't understand how the Eruv will affect anyone in a negative way. I know there are hundreds of like arrangements in place across the world and one knows of no detrimental effect on the local communities. Probably safe to say that 99% of those populations don't know of the existence of their Eruv. Seems reasonable to assume the same would be so here in Barnet except that so many people are being alerted to the fact. As a Jew I know the Eruv here wouldn't affect me one way or the other. Anyone objecting to the proposals probably has a “hidden agenda” that would be contra to peace and harmony in the wider community (1)
- My decision to support the Eruv is not based on my religion but rather to counter the undoubted wave of anti-semitic replies you will receive. Having two kids at a Jewish primary school I know the level of anti-Jewish feeling that exists. There is no reason to oppose this (1)

- Many of the objections are spurious (1)
- The implementation of the Eruv should be expedited (1)
- Look forward to its establishment in full at the earliest opportunity (1)
- The Edgware Eruv doesn't reach far enough into Mill Hill (1)
- There are multiple Eruvs active throughout London (1)
- Other boroughs have successful Eruv projects (1)

The comments that could be said to be neither in support nor objection were;

- The Eruv does not affect me personally but this area is particularly attractive and I should be upset if the poles and wire detracted from the personality of the village. There are already too many notices. Apart from this caveat the Eruv does nobody any harm
- I wish to know where the 6m poles will be placed (site 11). I do not want them adjacent to the property as it may impinge on our security if they can be climbed
- Presumably the Eruv is broken anyway every time we open our gate
- Perhaps it would be possible for the Council to provide a map rather than trying to describe the boundary in words

One respondent stated "None" to the question "Do you have any comments to make about the proposed Eruv?" and seven of the questionnaires returned left this part blank.

Internal / Other Consultations:

Traffic and Development Section, Highways Group:

All locations are considered satisfactory on highway grounds subject to appropriate consents in place from appropriate authorities such as Highways Agency; Transport for London; Local Highways Authority; Network Rail and private land owners.

It should be noted that several locations within the adopted highway will consequently require Highway Licences under the Highways Act 1980 in addition to planning permission. 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. The applicant must obtain the necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other

consent(s) under relevant highway and traffic legislations prior to construction work commence on site.

The applicant would be fully responsible to maintain the proposed Eruv Poles, wire, fencing and leci to be placed on the public highway at all times. The applicant would be liable for the cost of rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures. The applicant would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and Leci to be erected on the public highway. Eruv sites on the public highway be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commence on site, and should be ready for inspection upon demand by London Borough of Barnet at any time. The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

No construction and maintenance work to the Eruv structures shall be undertaken on the public highway without prior consent from Local Highways Authority; Highways Agency; Transport for London; Network Rail and private land owners.

## **2. PLANNING APPRAISAL**

### The Proposal

Amongst the restrictions accepted by Orthodox Jews are the prohibitions of carrying objects from public space to a private space and vice versa, and carrying in a private street, on the Sabbath.

It means that disabled members, and parents of very young children who cannot walk, within the Orthodox Jewish community are restricted to their homes on the Sabbath.

The purpose of an Eruv, which is a complete boundary around a town or district, is to integrate a number of private and public properties into one larger combined space. Consequently, Jewish individuals within the Eruv are then permitted to move objects across, what was before the construction of the Eruv, a public domain-private boundary.

There are two established Eruvs in the borough - the Edgware Eruv and the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv). The proposed Mill Hill Eruv bridges between the existing Eruvs.

The extent of the Eruv is formed by utilising continuous local features such as fences or walls alongside roads, railways or terraced buildings. However where continuity is not possible due to breaks in the boundary, e.g. roads, then the breach must be integrated by the erection of, for example, a notional "gateway" formed by poles and wire.

The boundary itself does not require planning permission however the development

proposed in this application would complete the boundary where there are any gaps.

The proposal involves development (poles & “wire”, leci, and/or fencing) at 23 sites of which 8 are within the Mill Hill Conservation Area.

The applicant has provided the following information;

#### WHAT IS AN ERUV?

An Eruv is a totally continuous boundary without any break and is at least 1m tall.

Gaps where these are found are required to be closed. Often this is done with the essence of a gateway which is constructed of two poles and a wire lintel placed over the top of these poles. This therefore would make the doorposts of a gate and a lintel over the top. There is no requirement for any doors or gates to be fitted or any special extra works to highlight that this is a feature of the eruv.

In some locations where there is an available bridge or other existing structure it is possible to utilise a leci. This is a panel which could be as thin as a sheet where the outermost face would be at least 1m tall and be able to “see” the deck of the bridge above it. If the bridge has any lip or bulge before the deck the Leci is required to have a thickness to allow the face to directly “see” the bridge deck past the lip. This then makes the leci as the door post and the bridge deck as a lintel for the eruv. This gateway even though the parts are not connected therefore meets the needs to make an eruv.

Occasionally there may be fence repairs or other connection to allow these “gateways” to be included into the streetscape and blend into the built environment. In several cases these eruv poles and other works have been used to mount traffic and other signs. Subject to structural loadings this would not present any major issues for an eruv.

#### THE MILL HILL ERUV PROPOSAL

This proposal and planning application is for the completion of a set of street works necessary to allow for the facility of an eruv for the Jewish Community.

The proposed eruv would join and use the boundary at its Southern / Eastern end of the existing NW London Eruv and at the Northern / Western side the existing Edgware Eruv.

In total over 90% of the boundary of the eruv utilises existing boundaries and features. Only where there is a gap due to roads etc. is there any requirement to complete works.

There are a total of 23 sites where works would take place.

Great care has been taken to use a simple design as possible yet meet all the various differing requirements of the eruv from a Jewish, engineering and environmental perspective.

In order to make a totally continuous boundary all works are placed extremely carefully. A great deal of effort has been made to search for existing structures and ensure the works can be installed with minimal disturbance to residents and no on-going inconvenience.

Works are planned and placed towards the back of the pavement (away from the road). This would then allow the linkage of the eruv to utilise pre-existing boundaries. This would therefore require any pole or other works to be within 20cm of an existing boundary.

It is not unknown for this to be impractical or impossible due to underground utilities, tree roots or other issues and if the gap is only slightly larger than this a sleeve or small extension could be added to the base of the pole, or the pole re-sited to another location further along the road.

### HIGHWAYS PLACEMENT

The design and sizing of the poles is based on a number of requirements.

Any wire or other feature crossing the public highway must be at least 5.5m above the surface of the road. Therefore to allow some small amount of slack and ensure there if there is a mismatch in the height of the pavement and the road surface a height of pole of 6m has been selected.

However a design case where the wire would be struck by an over-height vehicle or an extremely high wind together has been used to determine the materials and size of poles. The material selected is based on the break strength of the wire to be used (nylon or Kevlar) and its ability to be welded cleanly and without sharp edges. These calculations lead to a diameter of 76mm and a wall thickness of 5mm being the optimum size.

The design of the foundation has been completed in accordance with the Highways Agency guidelines. This allows for the excavation to be completed from above and quickly by hand. There is no connection underground for any poles.

Experience with other eruvs has shown that it is possible to place the poles and their foundations extremely close to existing walls and not cause any disturbance to surrounding tree roots or utilities.

The poles are able to be carried by hand and installed without the need for cranes and other mechanical aids. This therefore will mean on installation any traffic and other disturbance will be limited as much as possible.

### FOOTPATH PLACEMENT

Where a pole and wire are only required to be placed over a footpath a slightly smaller 4m pole may be used. In this case a primary concern is to ensure that the wire is not subject to vandalism and is kept out of the way of pedestrians.

### MATERIALS AND COLOUR

In selecting a wire material it has been key to try and minimise the diameter and



visual effect. The diameter of less than ½ mm is equivalent to the visibility of a car from 8km distance. The materials have been selected to minimise any hygroscopic (water absorption) which in an outdoor environment would subject the fibres to damage due to freeze thaw, water and UV light. Yet the materials would need to be weak enough to snap should the wire be struck by any passing over-height vehicle.

It is proposed that the poles to be used will be fabricated from S235 steel, zinc plated and painted. Colour of Green (Barnet) has been selected. All poles will be installed in a ready full finished state however if poles are scratched or if required while in use these may be repainted to ensure consistent high cosmetic standards.

### 3M POLE GATEWAYS

Where only foot traffic is possible and there is no possibility of vehicles requiring access a lower impact design more sensitive to the environment is proposed. At these sites a single stake will be used as a foundation for the pole (this will have negligible impact on surrounding trees and other vegetation).

As these sites are densely covered by trees and large shrubs a wire would be prone to constant damage and would fail regularly. Therefore it is proposed to use a thicker (1-3mm) "tie bar" which would be stiffer and more resistant to damage due to the movement of branches.

### FENCING

Fencing of several types will be used as part of the proposed works. The generic type will be simple chain link mesh. (This will use black coloured wire mesh and black steel supports and angle irons.)

### CATTLE MESH FENCING

Where the site is sensitive an open mesh (stock) fencing will be used. This can be attached to poles at 2-3m intervals. Where required the fencing will be threaded through trees rather than damage any trees in its construction and maintenance. Due to the open nature of this fencing it will be absorbed in the local planting and fauna within a very short period and cease to be noticeable within a matter of months. This will be subject to regular inspection and appropriate repair as required to ensure the continuity of the eruv.

### FENCE REINFORCEMENTS

At certain locations there is already fencing that while structurally sound does not meet the needs of the eruv due to the separation of the bar of the fence for example. In these locations it is proposed to add cattle mesh over the existing fence. This has been completed as part of the Stanmore Eruv and has proven to blend in quickly with the existing environment.

### ATTACHED LECIS

These panels will be attached or bonded to existing bridge structures and will be constructed from sheet metal (mild steel), zinc plated and painted or powder coated to a grey colour. Where there is depth to the items on installation these will be filled with expanding foam and capped to improve dimension stability and resist damage due to vandalism.

At one location inside the subway under the A1 in order to make the leci as inconspicuous as possible we have chosen to tile the leci to match the existing side of the subway entrance ramp.

### FREE STANDING LECIS

These are of welded construction similar to poles and will be coloured black to match existing street furniture. In addition to a concrete foundation these will; be back filled with concrete on installation to reduce the chances of vandalism and improve strength.

### ENVIRONMENTAL

In all cases for all works strenuous efforts have been made to try and avoid any possible impact on trees. A detailed arboricultural assessment has been made as part of this application.

In a vast majority there are no tree interactions except during installation where the normal working in the vicinity of the tree will be applicable.

In some areas there is a possibility of some interaction with the root protection area and some trimming of branches to ensure that the wire is able to not contact any tree branches. This is all managed as part of the tree managed programme detailed in the tree and Detailed Arboricultural Method Statement reports.

All other materials and works are in line with current street works practices and present no hazard to installation contractors, members of the public and any other contractor working in the street scene once these works are completed.

Concerns were raised as part of the original application in 2010. However as stated by the chair of the planning meeting in July 2010, "to date there have been no incident of dead birds, bats or any other wildlife at the foot of any eruv poles caused by either the poles or wires." Therefore the Mill Hill Eruv committee hope that for this and any further other eruv applications these issues can be discounted.

### IMPACT ON THE GENERAL PUBLIC

Since the majority of the Eruv's perimeter is made up of pre-existing boundary features (terraced houses, fencing etc.), the Mill Hill Eruv should have negligible, if any, impact on the broader community. In the few cases where poles must be erected, they will be discrete and unobtrusive enough to be almost invisible, and, as has been shown by other Eruvs in London and elsewhere, they go un-noticed by pedestrians and motorists. On the contrary, the community's acceptance of the Eruv proposals to date is a fine example of the multi-cultural harmony enjoyed in Barnet.

Concerns that have been raised so far are the risks associated with running wires over main roads in which tall vehicles may pass. The pole height at which any wires will be attached have been selected to be above a majority of other items crossing the highway (for example footbridges) therefore the possibility of coming into conflict with traffic is significantly reduced. But however nothing in life is certain and the design of the pole and wire has been selected to allow the wire to snap if required and so not impede the traffic. Any wire break will be identified during their regular inspection during the week and repaired prior to the next Sabbath to allow the Eruv

to be used the following week.

In addition, the Eruv will be another positive feature of the community serviced by orthodox synagogues and Jewish schools and other services.

#### PROTECTION OF THE PUBLIC

This is a key issue and the design of all installation has been either in line or exceed current requirements. However in the extremely unlikely event of any incident or injury the eruv will be maintaining public liability insurance of at least £10m.

To date there has been no example of any claim against any eruv for public liability in the UK.

#### CONSULTATIONS

To date the eruv committee and its consultants have worked closely with the Highways departments in Barnet, TFL and Highways Agency. In addition discussion has been completed with Network Rail Asset Management.

Following the granting of planning permission a series of special licences will be required to permit these works to be commenced.

In addition a full campaign of public consultation has been completed and is on-going within the greater community.

#### PROJECT FINANCES AND MAINTENANCE

The cost of the Eruv, as well as its annual maintenance, will be borne entirely by the Jewish community and the Mill Hill Eruv Committee has been set up for this purpose.

#### INSPECTION AND MAINTENANCE

Maintenance and upkeep of all these works and the insurance will be the responsibility of the Mill Hill Eruv Committee. The erection and maintenance of the eruv boundary will be funded by the committee and will not provide any burden on public finances.

Weekly inspections will be carried out of the route to ascertain the integrity of the Eruv and to identify any breakages that need fixing.

The community will be informed via a dedicated website, text message and email subscriptions.

In the submitted "Access Statement" the applicant has advised;

#### Background

Among the restrictions accepted by orthodox Jews are the prohibitions of carrying objects from public space to a private space and vice versa, and the carrying in public. This often means both the very young and the elderly in the community by not being able to walk unassisted tend to be housebound for the Sabbath (as they cannot leave their homes without transgressing some of the restrictions of the Sabbath).

This means;

They cannot participate in many social and communal occasions.

They are unable to enjoy hospitality amongst their friends and family on the one day of the week when this is most common

The provision of an eruv would allow these members of the community to fully enjoy their friends and their religious observances together. On Jewish festivals as against the Sabbath when carrying is permitted synagogues and other communal facilities are thronged with pushchairs and babies enjoying the opportunity to be with their friends and families. Once the eruv is in operation this will be possible on each and every Saturday.

### Design for Access

In developing the route and scope of the eruv where possible we have been guided by the Jewish Religious advisors and the need to minimise any street works as much as possible. This has been achieved by using where possible existing street furniture, fencing and built infrastructure. It is only where there is no possible alternative that the use of poles and wire to cross roads and junctions have these been utilised.

### Installation Poles

All works will be completed by approved Highways licensed contractors.

Experience has shown that any given pole or leci is able to be installed within a normal work day and no excavations will be left uncovered or open overnight.

No mechanical excavation is required and all digging is completed by hand.

All works would normally be completed during the working day and any disruption to residents will be only momentary.

Once completed and before the end of the day all sites will be restored and the surface reinstated to match the "as found" condition (Paving slab, grass, stone, gravel or tarmac).

### 6m poles and wire

In the design of these the poles have been placed towards the rear of the pavement in order not to block the pavement and so allow unrestricted access to pushchairs, buggies, pedestrians and those with any disability. These are a thin pole (less than 100mm diameter) and identical to those used for the mounting of street signs or the upper parts of lamp posts.

The wire at 6m height will be both invisible and inaccessible from ground level and will therefore not be any hazard to any pedestrians or other road users.

While the maintenance of these wires will be the responsibility of the Eruv committee who will ensure that these are checked during the week and repaired in time for the start of their Jewish Sabbath on Friday evening. Therefore a cherry picker is available which can access the tops of the poles from the road surface.

### 3 & 4m Poles and Wire

These poles will be placed where only foot traffic is expected. The placement of these poles will be at the very extremities of any footpaths and allow full unhindered access to pedestrians, pushchairs and disabled motorised vehicles.

No ground disturbance is expected following installation.

All maintenance, inspections and repairs where required will be completed by the

contractors to the eruv committee.

Therefore the footpath or pavement is not obstructed by these works.

The wire being placed at a height of 3 or 4m will not form any danger to pedestrians.

#### Installation Attached Lecis

These are panels attached under bridges etc

No ground excavation is required

All attachments will be in accordance with licenses to be agreed with Network Rail and other bridge owners.

All panels can be removed as required to facilitate any bridge inspections.

#### Attached Panel Lecis Under Bridges

These are panels attached to existing bridges and other structures where required for the purposes of Eruv

These are only sheet metal, less than 5mm thick and so make no changes to the width of pavement or any other access.

In all cases the pavement width remains over the required 1.85m wide.

#### Wire

The applicant has indicated that the "wire" will either be a nylon (thickness 0.5-0.7mm) or Kevlar (thickness 0.33-0.6mm) industrial sewing thread.

An Arboricultural Implications Assessment which has been submitted with the current application (although prepared to support the previous application) indicates that minor tree pruning will be required at some of the sites.

The proposal at each of the sites is described and appraised below.

#### **Site 1: Under the M1 Bridge Ellesmere Avenue / Westmere Drive**

This site was included in the proposals considered under planning application ref. H/01834/10. Four leci panels (colour grey) are proposed (2 more than previously) to be mounted under the bridge. The leci are 1.1m tall, 20cm wide, and 1.2 mm thick.

No site specific comments received.

Officer comments:

- The leci will be small additions which will have no adverse impact on the appearance of the bridge and streetscene.

#### **Site 2: Fairway Court, The Fairway**

This site was included in the proposals considered under planning application ref. H/01834/10, however 2 of the 4 proposed 6m poles are to be sited in different positions.

Fairway Court is a flatted development arranged as 3 blocks around a green. The 2 blocks sited at right angles to the roadway are 2 storeys in height, whilst the facing

block to the rear of the green is 3 storeys in height. Four 6m high poles (colour green) are proposed with wire between. On the opposite side of the road the 2 storey buildings each contain four flats. One pole would be sited on the grass verge adjoining the south garage block, one sited at the back edge of pavement to the front of 10-16 The Fairway, one sited at the back edge of pavement to the south-east of 19/20 Fairway Court, and one at the back edge of pavement close to the south corner of Fairway Nursery.

Site specific comments received:

One reply from a local resident;

- Planning permission should not be given. We already have 2 huge telegraph poles with 20 overhead lines to Fairway Court. 4 further poles and wire would be too much on this space.
- People park their cars on the pavement, particularly at arrival time for the school and when mothers meet their children from school after 3pm.

Mill Hill Preservation Society;

- More posts and wires will be a visual intrusion in an already cluttered area.

Officer comments:

- The main aspect of Fairway Court is towards the green. The entrances to 2 flats are sited on the flank elevations of the blocks facing the roadway. No windows are sited on these elevations. Whilst visible from Fairway Court flats and flats opposite, the poles would be no more obtrusive than the existing lamp posts, telegraph poles or signage poles in the Fairway.
- Existing lamp posts and telegraph poles / wires do not cause significant harm to the street scene. It is considered that the introduction of 4 additional poles would not harm the street scene or create undue clutter.
- The parking of cars on the pavement is not relevant to the consideration of the planning application.

### **Site 3: Across Barnet Way (A1) and Outside 86 Barnet Way**

This site was included in the proposals considered under planning application ref. H/01834/10. The four 6m poles are in a similar position, the two 4m poles and the leci are additions.

One 6m pole would be sited to the west side of the northbound carriageway close to the entrance to the pedestrian underpass, one 6m pole would be sited within the central reservation, one 6m pole would be to the east side of the southbound carriageway close to the entrance to the pedestrian underpass, and one 6m pole would be sited to the back edge of pavement adjacent to the flank boundary fence of 86 Barnet Way. The poles (colour green) would be connected by wire.

The pole adjacent to the flank boundary of 86 Barnet Way (which has a garage located between the house and the side boundary) would be sited to avoid being directly in line with windows in the flank elevation of the house.

2 leci panels (colour grey) would be attached to both sides of the central reservation fence under the Eruv wire and 2 panel leci (tiled to match the underpass tiles) would

be attached to the side of the pedestrian underpass close to the entrance. Two 4m poles (colour green) connected by wire would be sited 36m north of the 6m pole on the west side of the carriageway to either side of the footpath.

Site specific comments received:

Mill Hill Preservation Society;

- The installation will be significant and being near the golf course will be a likely cause of damage to birds and bats
- 6 posts with a wire over the A1 will be an unacceptable visual intrusion.

Officer comments:

- No demonstrable evidence has been submitted to substantiate the assertion that the development would represent a danger to birds and bats
- In the context of existing street furniture along this part of the A1 the proposed poles would not be unduly noticeable or visually harmful to the streetscene. The leci are unlikely to be noticed.

#### **Site 4: Courtland Primary School and between 42 and 44 Hankins Lane**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

Two 6m poles (colour green) connected by wire are proposed. One 6m pole would be sited on the landscaped strip between the existing vehicular and pedestrian accesses to the school, and the other would be sited close to the low front wall near the boundary between no's 42 and 44 Hankins Lane.

Site specific comments received:

Mill Hill Preservation Society;

- More posts and wires will be a visual intrusion in an already cluttered area.

Officer comments:

- Whilst the poles would be visible from the front windows of the nearby properties, in light of existing lamp posts and other street furniture in the immediate locale, this does not amount to a compelling planning objection.
- It is considered that the introduction of 2 additional poles would not harm the street scene or create undue clutter.

#### **Site 5: Top of Bedford Road adjacent to Moat Mount Open Space**

This site was included in the proposals considered under planning application ref. H/01834/10.

1.2m tall black mesh chain link fencing with black verticals and steel angle work is proposed for a length of 15.55m outside the boundary of Moat Mount Open Space at the north end of Bedford Road. The pedestrian entrance to Moat Mount would not be altered by the proposal.

Site specific comments received:

- Although not raising any specific comments about the proposed fencing the

owners of a property in Bedford Road advise that failure to remove site 5 from this planning application would / could cause an incident that would make the London Borough of Barnet Council fully responsible and fully liable, to pay substantial damages and compensation to the private property owners and occupiers for loss of property through the granting of planning permission.

Officer comments:

- It is considered that the proposed fencing would not detract from the street scene or the openness of the adjacent Green Belt.

### **Sites 7, 8, 9B, 9C, 9D, 10, 11, and part of 12**

These sites fall within the Mill Hill 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.

Conservation Area comments received:

- No objection to the Eruv as such but object to it passing through the Mill Hill Conservation Zone where it will cause unnecessary visual clutter to a lovely area (1)
- It is very disappointing that another route could not be found avoiding the Conservation Zone which has many important religious buildings, Grade II listed buildings, and open natural areas. Posts and wires draped near these buildings will not enhance their appearance (1)
- Much of the Eruv goes through a Conservation Area with planning restrictions. There are a number of historic buildings (some religious) and open natural features in this area which should be respected and visual distraction avoided (1)
- This is a Conservation Area with an Article 4 directive. Some of the sites will definitely detract from everyone's enjoyment of the Grade II Listed properties set in beautiful surroundings. The Mill Field, the Sheepwash Pond, St Pauls Church and many other historic assets form part of Mill Hill Village. Belmont School and Mill Hill School are Non-conformist Foundations. They cater for Christians, Catholics, Hindus, Moslems, Quakers and a number of other religious groups. It does not need to be defaced by chains and poles dangling around it causing serious racial affront. St Pauls Church and St Pauls Church of England School are a very important part of our history and community. Here local residents children attend school, parishioners worship at the church, and the churchyard contains beloved family members remains where we can mourn their passing in peaceful and quiet surroundings (1)
- Effect on the character of the neighbourhood appearance of the Conservation Area (1)
- The poles at sites 8, 9B, 9C & 9D are visually intrusive in the Conservation Area (and Green Belt) (1)
- The introduction of iron poles and chains will not enhance the view of Belmont



- School (1)
- We attempt to keep all signs at a minimum in Mill Hill Village as part of the conservation of it (1)
- There are very strict planning regulations for residents in the Conservation Zone (1)
- Sheepwash Pond with ducks is part of our village. It must remain undefiled by unnecessary religious symbols (1)
- 6m high poles near historic structures such as the school, the pond and the war memorial will be very conspicuous (1)
- Strongly object to the Eruv especially on or around the War Memorial outside Mill Hill school on The Ridgeway (1)
- The effect on the Conservation Area would be negative and entirely avoidable (1)
- Will add to the already poor state of affairs by erecting Eruv poles in a Conservation Area (1)

Mill Hill Preservation Society:

- Reiterate their view that the poles are visually intrusive in the Conservation Area.

Officer comments:

- It is acknowledged that the introduction of poles and wire, and fencing, would result in visual changes in the Conservation Area and whilst the proposal would not positively preserve or enhance the area, it is considered that the proposal would not have a materially harmful effect on the character and appearance of the area.

The sites in the Conservation Area are addressed in the individual appraisals below.

### **Site 7: Highwood Ash Highwood Hill, and between York Lodge and Rafflewood, Highwood Hill**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

The site is partly within the Green Belt. Highwood Ash, the property adjacent to the east pole, is Grade II Listed.

Two 6m high poles (colour green) are proposed. One would be sited on the boundary between York Lodge and Rafflewood whilst the pole opposite would abut the timber fence enclosing the flank boundary of Highwood Ash, fronting Highwood Hill.

Site specific comments received:

Mill Hill Preservation Society;

- Poles and wire will be unsightly and add to the unacceptable street clutter that already proliferates in this sensitive area.
- Tree pruning is required which we believe is unacceptable.

Officer comments:

- The introduction of 2 poles at this location, close to a traffic light controlled junction, would not detract from the street scene and would leave the character and appearance of the Conservation Area unharmed. Further the siting of a 6m pole on the highway, adjoining the boundary to Highwood Ash, would not detract from the setting or appearance of this Grade II Listed Building.
- It is considered that the minor pruning of 2 trees would not cause significant harm to the appearance of the trees or the environment in this location.
- With regard to the impact on the Green Belt, it is considered that the introduction of 2 poles, within the context of the existing street furniture, would not detract from either the openness or visual amenity of this part of the Green Belt.

### **Site 8 Highwood Hill Cottage, Highwood Hill**

This site is the equivalent of Site 20 in the proposals under application ref. H/01834/10. In that scheme it was proposed to place within the existing hedge small wooden poles connected with wire to promote hedge growth and enable the hedge to be suitable for Eruv purposes. The top of the wooden poles were to be a minimum of 50mm below the top of the existing hedge.

The current proposal (a revision for fencing originally submitted) is to erect three 4m high poles (colour green) connected by wire sited between the existing hedge that runs to the west of Highwood Hill Cottage and the highway kerb. The poles would be about 33.2m apart.

Site specific comments received:

- An objection was originally made on grounds that the proposed fencing would obstruct the maintenance of the hedge however this objection has been withdrawn since the proposal was revised.

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area

Officer comments:

- It is considered that the three 4m poles and wire would not detract from the street scene and would leave the character and appearance of the Conservation Area unharmed.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.

**Site 9B: The Ridgeway – Sheepwash Pond / War Memorial**

**Site 9C: The Ridgeway – outside Bicentennial Building, Mill Hill School and opposite**

**Site 9D: The Ridgeway – entrance to Mill Hill School and Headmaster's House**

These 3 sites, which are within the Green Belt, replace the proposals in application ref. H/01834/10 for site 9: Sheepwash Pond and St Paul's Church, The Ridgeway.

At **site 9B** it is proposed to erect one 6m pole (colour green) to the north side of the access to Belmont Farm on a landscaped verge adjacent to an existing fence close to an existing bus stop and shelter. The pole would be connected by wire to a second 6m pole (colour green) sited directly south on the opposite side of The Ridgeway just off the footpath in front of an existing hedge some 15m to the north-west of the war memorial which is a Statutorily Listed Building. A 1.2m high black chain link fence is then proposed for a length of about 15m from the pole behind the existing hedge to the south-west side of the war memorial.

Site specific comments received:

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area
- Even though the poles are no longer sited across the southern edge of Sheepwash Pond, in their new position they will still present a hazard to flying birds attracted to the body of water and to bats foraging along the tree line on the southern side of The Ridgeway and around the pond margins.

Officer comments:

- This part of The Ridgeway has a relatively open aspect however there are existing street lighting columns and other street furniture. Although the poles would be in the vicinity of Sheepwash Pond and the War Memorial it is considered that they would not harm the streetscene or the character and appearance of the Conservation Area.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.
- No specific evidence has been submitted to substantiate the assertion that the development would represent a danger to birds or bats.

At **site 9C** one 6m pole (colour green) is proposed at the back edge of the pavement on the south-west side of The Ridgeway opposite the footpath to Totteridge. The pole would be connected by wire to a second 6m pole (colour green) sited at the back edge of the footpath on the other side of the road adjacent to the front boundary of "Cleveland" a detached house set back from the highway.

Site specific comments received:

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area

Officer comments:

- There are existing street lighting columns and other street furniture in this part of The Ridgeway. It is considered that the two proposed poles would not harm the streetscene or the character and appearance of the Conservation Area.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.

At **site 9D** one 6m pole (colour green) would be located at the vehicle exit from Mill Hill School adjacent to a low wall and railings and hedge. The pole would be connected by wire to a second 6m pole (colour green) on the opposite side of the road at the back edge of pavement adjacent to a hedge along the front boundary of "The Headmasters House".

Site specific comments received:

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area

Officer comments:

- There are existing street lighting columns and other street furniture in this part of The Ridgeway. It is considered that the two proposed poles would not harm the streetscene or the character and appearance of the Conservation Area.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.

### **Site 10: St Vincent's Lane close to the junction with The Ridgeway**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

This location is within the Green Belt.

The junction of St Vincent's Lane with The Ridgeway has a cluster of street signage, safety railings and a telegraph pole. Whilst the proposed 6m pole (colour green) on the east side of the road would be close to the telegraph pole and 'heritage' lamp post, thus drawing attention to it, it is considered that the introduction of a slim line pole, with no protrusions, other than the wire across the top, would leave the character and appearance of the Conservation Area unharmed. The proposed 6m pole (colour green) to the west side would abut the boundary to the former St Vincent School site, for which planning permission has been granted for, inter alia, the conversion of the school buildings to residential use and new houses to the rear of the site.

Site specific comments received:

- At least one and possibly both poles are to be erected on land in private ownership. The proposal has been submitted without notice, consultation or agreement. The poles would be visually intrusive and adversely affect amenity of neighbouring property.

Mill Hill Preservation Society;

- posts will be a visual intrusion and will look incongruous in the street scene
- posts will be additional clutter in an area that could do with less
- previously stated danger to birds and bats
- posts will spoil the look of the entrance to St Vincent's Lane

Officer comments:

- The pole on the east side of the road would be visible from the facing windows in St Vincent's House, however the visibility of the pole does not amount to a compelling planning objection.
- The introduction of a pole to the west side of the road would not impact on the future redevelopment of the former school site.
- It is considered that the introduction of the proposed poles and wire would not detract from the openness of the Green Belt or harm the character and

appearance of the Conservation Area.

- The applicant has stated that the land where the poles would be sited is Barnet Highway land.
- No specific evidence has been submitted to substantiate the assertion that the development would represent a danger to birds, bats or wildlife.

### **Site 11: The Laboratory Burtonhole Lane & 4 Oakfields, Burtonhole Lane**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

This location is within the Conservation Area and the Green Belt.

The 6m pole (colour green) proposed on the north side of the road would be on the back edge of footpath to the front of the laboratory building. The 6m pole (colour green) proposed on the opposite side of the road would abut the flank, front garden boundary to 4 Oakfields on the green verge. The pole would adjoin the pre cast concrete post which supports the chain link fencing enclosing the land to the rear.

Site specific comments received:

- I wish to know where the 6m poles will be placed (site 11). I do not want them adjacent to the property as it may impinge on our security if they can be climbed.

Mill Hill Preservation Society;

- Posts will be a visual intrusion and will look incongruous in the street scene
- Posts will be additional clutter in an area that could do with less
- Previously stated danger to birds and bats

Officer comments:

- It is considered that the poles and wire would fit into the street scene without causing material harm to the character or appearance of the Conservation Area. The development would not harm the openness of the Green Belt in this setting.
- The 6m pole to the north side of the road would be sited close to the boundary fence enclosing the laboratory and adjacent buildings. Whilst it is unlikely that the security of the neighbouring site would be compromised a condition is recommended which requires anti-climb paint to be applied to the pole.
- No specific evidence has been submitted to substantiate the assertion that the development would represent a danger to birds or bats.

### **Site 12: Near Oakfields Cottage, Partingdale Lane and to the rear of Ridgetop House and Elbury, The Ridgeway on Partingdale Lane**

This site was included in the proposals considered under planning application ref. H/01834/10. There have been some minor changes to the proposal.

The junction of Partingdale Lane and The Ridgeway is within the Mill Hill Conservation Area. The rest of Partingdale Lane is outside the designated heritage

area. A small triangle of land fronting Ridgetop House to the south and an area of land to the north side of the road fall within the Green Belt designation.

Two 3m high poles, with a "tie bar" between, would be erected at the entrance to the footpath which leads to Eleanor Crescent. From the footpath entrance, for a distance of 38m (in an easterly direction), a 1.5m high stock proof fence would be erected. The fencing would be routed around the existing trees (If fencing already exists this will be retained and the new fencing will not be required).

A 6m high pole (colour green) would be sited at the back edge of the pavement at the end of the fence, with a second 6m pole sited to the south on the opposite side of the road close to the boundary with Ridgetop House.

Site specific comments received:

Mill Hill Preservation Society;

- The erection of posts with a wire to the footpath into Buntingsfield is unacceptable. The Society would prefer a kissing gate.
- The post and wire fence is not a problem to the Society
- Posts and wire over the lane is an unacceptable visual intrusion in a sensitive area and is another step in making the lane appear urban rather than keeping its rural heritage

Officer comments

- The 3m high poles, and fencing, would be viewed against the green backdrop of the adjoining land. It is considered that the development would leave the character and appearance of the Conservation Area unharmed. With regard to the Green Belt, the development would not unduly impact on the openness of the area.
- The 6m high poles would not be incongruous additions in the street scene. Although the northern pole would be more prominent being sited away from buildings, there are existing lampposts and street sign poles in the vicinity. It is considered that the introduction of 2 additional poles, with wire, in this location would not detract from the street scene nor impact on the openness of the Green Belt.
- The pole on the south side would be visible from the rear of the neighbouring house fronting the Ridgeway, however this is not considered to harm neighbouring residents' visual amenity.

### **Site 13: Bray Road at the junction of Bittacy Hill**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been a change to the proposed siting of one of the poles.

Three 6m high poles (colour green) with connecting wire are proposed. The first pole would be sited on the north side of the road at the junction with Bittacy Hill. The second pole would be sited on the grass triangle on the opposite side of the road, adjoining but not obscuring the street sign, whilst the third pole would be sited adjacent to the flank boundary of 24 Walden Way in line with the front of the house.

Site Specific Comments Received

Mill Hill Preservation Society;

- Visual intrusion which will look incongruous in the street scene
- add clutter in an area that could do with less
- danger to birds and bats
- posts may spoil the entrance to the new development as they will be difficult to incorporate into a design solution

Officer comments:

- It is considered that the introduction of 3 poles in this location, which contains a collection of street furniture in the form of lamp posts, street signage and telegraph poles, would not harm the street scene or add unacceptably to street clutter.
- The pole adjacent to 24 Walden Way would not be visible from any windows of this property. Whilst the poles would be visible from properties on the opposite side of The Ridgeway it is considered that they would not harm neighbouring residents visual amenity or living conditions.
- No demonstrable evidence has been submitted to substantiate the assertion that the development would represent a danger to birds or bats.
- This location is within the Mill Hill Area Action Plan. The location of the poles may need to be revisited at a later stage when redevelopment progresses. This would be subject to a revised planning application and only immediate neighbouring residents would need to be re-consulted.

#### **Site 14 Entrance to Mill Hill Depot Bittacy Hill**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

Three 6m high poles (colour green) with connecting wire are proposed. The poles and wire would span the 2 accesses to the site.

Site Specific Comments Received

Mill Hill Preservation Society;

- Visual intrusion which will look incongruous in the street scene
- Will add clutter
- Posts may spoil the entrance to the new development as they will be difficult to incorporate into a design solution
- Where the Eruv line crosses will be a new open square and a line of poles and wires through this new space will be unacceptable

Officer comments:

- The immediate area has signage, lampposts and a bus stop. The introduction of three 6m poles would not adversely harm the street scene.
- This location is within the Mill Hill Area Action Plan. The location of the poles may need to be revisited at a later stage when redevelopment progresses. This would be subject to a revised planning application and only immediate neighbouring residents would need to be re-consulted.

### **Site 15 Entrance to Bittacy Business Centre, Bittacy Hill**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

One 6m pole (colour green) with connecting wire would be sited to the north side of the access into Bittacy Business Centre on the grass area adjacent to an existing fence, and one 6m pole (colour green) would be sited on the south side of the access close to the existing bus shelter.

No site specific comments received.

Officer comments:

- There are existing lamp posts, telegraph poles and other street furniture in the vicinity. It is considered that the poles and wire would not harm the street scene.

### **Site 16 M1 Junction 2 / Great North Way**

This site was included in the proposals considered under planning application ref. H/01834/10 but referred to as site 15. There has been a minor change to the proposal.

Two 1.1m tall leci (colour grey) would be attached to the fence in the centre of the road (A1) and one 1.1m tall leci (colour grey) would be attached to the existing fence on the north side of the road. There is an existing gantry across the road at this point. It is considered that the lechi would have a negligible visual impact at this location.

No site specific comments received.

Officer comments:

- It is considered that the leci would not have any harmful visual impact in this location and would be acceptable in the context of existing fencing, barriers and gantry .

### **Site 17 Foot tunnel under the Midland Main Line, Grahame Park Way**

This site was included in the proposals considered under planning application ref. H/01834/10 but referred to as site 16. There has been no change to the location of the proposed leci.

One leci, 1.1m tall, 1.5mm thick and 20cm wide (colour grey), would be attached to the wall of the tunnel to each side of the footpath.

No site specific comments received.

Officer comments:

- It is considered that the leci would not have any harmful visual impact in this location and would be acceptable in the street scene.



### **Site 17A: A41 Bridge over old M1 junction 2 (Pentavia side)**

This site was not included in the proposals considered under planning application ref. H/01834/10.

Two leci, 1.1m tall, 1.2mm thick and 20cm wide (colour grey), would be mounted under the bridge where the A41 crosses Bunns Lane.

No site specific comments received.

Officer comments:

- The leci would be a small addition and would not have a harmful visual impact in the context of this site.

### **Site 17B: Bunns Lane backing onto M1 old junction 2**

This site was not included in the proposals considered under planning application ref. H/01834/10.

It is proposed to repair / reinforce existing wooden fencing to the south-west side of Bunns Lane west of the A41 bridge for a length of 110m. This would involve the application of a stock wire mesh. The maximum height of the fence is 1.2m and this would not be changed.

No site specific comments received.

Officer comments:

- The proposed addition to the fencing would not have a harmful impact on the character and appearance of the area.

### **Site 17C: Bunns Lane east of the M1 bridge east of Dove Close**

This site was not included in the proposals considered under planning application ref. H/01834/10.

It is proposed to repair / reinforce existing fencing to the south side of Bunns Lane to the east of the M1 bridge for a length of 15m. This would involve the application of a stock wire mesh. The maximum height of the fence is 1.2m and this would not be changed.

No site specific comments received.

Officer comments:

- The proposal would not have a harmful impact on the character and appearance of the area.

### **Site 17D: Bunns Lane / M1 bridge**

This site was not included in the proposals considered under planning application

ref. H/01834/10.

One leci 1.1m tall, 1.2mm thick and 20cm wide (colour grey) would be mounted under the bridge to each side of the road.

No site specific comments received.

Officer comments:

- The visual impact of the leci would be negligible in the context of this site.

### **Site 18: Bianca Court, Bunns Lane & 1 Langley Park**

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

Two 6m high poles (colour green) and wire are proposed.

No site specific comments received.

Officer comments:

- This part of Bunns Lane, close to the station car park, already contains a collection of street furniture in the form of lamp posts and signage. The introduction of 2 poles and wire would not harm the street scene.
- The pole fronting Bianca Court would be sited approx 5m from the flatted block. Windows to the 3 storey block would face the pole. The fact that the pole would be visible does not imply harm to residents' visual amenity or living conditions and no objection is raised in this regard.
- The pole opposite would abut the flank boundary, close boarded fence enclosing 1 Langley Park. The pole would be sited to avoid being positioned forward of flank facing windows. It is considered that the pole would not detract from the visual amenity or living conditions currently enjoyed by the occupier of no 1 Langley Park.

### **3. PLANNING CONSIDERATIONS**

The proposal falls to be considered against the relevant development plan policies.

Policy support for the principle of the proposal is found at Policy CS10 of the Adopted Core Strategy which seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. Development management 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 poles and "wire", leci, and fencing 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 proposals.

The development proposed at 8 of the 23 sites is the same as proposed in the application ref. H/01834/10 for which planning permission was granted in July 2010.

## Nature Conservation

Comments have been made with regard to the effect of the development 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.

## 4. EQUALITY AND DIVERSITY ISSUES

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 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 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.

The majority of the Jewish community who completed the questionnaire were in favour of the proposal. The most common point made being the benefit that the eruv would bring to the Jewish community.

#### 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 65 questionnaires that were returned completed (or partially completed) 8 (12.3%) were completed by persons within these groups. The most commonly represented faith group within this section were Christians who completed 7 (10.8%) of this group of questionnaires of which 6 out of 7 (85.7%) objected to the proposal.

Of the 8 questionnaires returned by persons within these groups 7 (87.5%) raised objections, and 1 (12.5%) supported the application.

The main objections / concerns raised by members of these groups were;

Strongly object to imposition of poles & wires in any area of this country,

Strongly object to eruv, especially on or around the war memorial outside Mill Hill School on The Ridgeway,

The eruv will impact badly on this area of natural beauty with its trees and wildlife,

Disturbance and danger resulting from effect of bad weather and storms on the poles and wire should they be damaged,

It is inappropriate for a minority of persons to seek to impose their aspirations on the majority of Barnet people who have no interest or understanding of eruv principles,

The scheme is disproportionate. The numbers adversely affected would be large in relation to those benefitted. The Orthodox community is small,

The poles, wires and fences have no place on Barnet streets,

All space should be for all communities. To allow the Jewish community to have exceptions goes against our multi-cultural society. No one community should be allowed any preferences in our public spaces on a permanent basis,

Object to poles in the Conservation Area,

It is mildly offensive that public spaces should symbolically be incorporated within the curtilage of the homes of one community only,

It is unnecessary. Only a small proportion of the Jewish community will derive any benefit from it,

It risks damaging community relations,

The eruv structure would invite vandalism / damage to the detriment of community relations, and perhaps lead to damage to synagogues, Jewish schools, etc.

Street furniture should be kept to a minimum on grounds of amenity and cost,

It is not required under the Equality Act because the constraint it would avoid applies not to Jews as a whole but only to a small section of Jews,

Don't agree with it. It, or the school, should not be built.

Officers recognise the concerns 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, wire, leci, and fencing 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 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, and the operation of these provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

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 balance 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.

#### Secular Groups

This group includes Atheists, Agnostics and Humanists. A total of 4 (6.15.%) completed questionnaires were received from members of these communities, of which 2 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

One of the two objectors stated that the extensive nature of the Eruv, and area it covers will imply that Mill Hill is not a multi-cultural, multi-ethnic, community but a Jewish one, and it will have a detrimental effect on the multi-cultural area.

It is evident from the 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 strongly held views by those who responded.

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 (12.3% of the total returned) were completed by persons who stated that they have a disability under the Disability Discrimination Act definition (“a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities”). 5 of the 8 questionnaires (62.5%) were completed by a member of the Jewish community, however none of the 4 disabled members of the Jewish community who completed a questionnaire stating support for the Eruv referred to any specific benefit to them.

3 responses were received from non Jewish disabled persons of which 1 objected to the proposals. 2 questionnaires in support of the proposal were received from non Jewish disabled persons. The objections raised by the disabled person do not relate to any specific detrimental impacts arising 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.

Officers consider that the sites for the equipment have been carefully chosen so as to prevent a trip or collision hazard 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 proposal. The impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration.

Access in Barnet were consulted and no response was received.

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.



With regard to the existing Eruvim in the borough there have not been any incidents of the Eruv poles causing an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of poles 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 it is considered that the siting of the poles 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 attend synagogue.

The implementation of the Eruv will allow elderly Orthodox Jews to participate in religious and communal activities more easily.

Of the 46 questionnaires completed by members of the Jewish community, 19 (41.3%) were completed by elderly persons (65 + ) of which 17 (37%) supported the proposal. 4 of the elderly members of the Jewish community who responded to the questionnaire supporting the proposal did so citing the benefits / improvement to the quality of life that the Eruv would bring.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on the elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise as for 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 have potential negative impacts as identified in the

previous section but it is considered that these concerns have been addressed.

The proposal would have clear and significant benefits for elderly members 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.

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

With regard to the Public Sector equality duty S149 (5) of the Equality Act 2010 requires that the Council have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This 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.

#### 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 boundary does not involve development for the purposes of the Town and Country Planning Act 1990. The application comprises street furniture, poles joined at the top by "wire", 1m high posts known as leci and fencing.

Besides the poles and "wire", leci and fencing there are no other manifestations delineating the Eruv boundary. The development would not display any signage or religious symbol.

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.

## **5. CONCLUSION**

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advises 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. The objections / concerns which have been raised in respect of the potential impact on birds and bats are not supported by substantial evidence and do not justify the refusal of the permission sought .

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 proposals are considered to be acceptable and approval is recommended subject to conditions.