

Top Flat, 118 Goldhurst Terrace, London NW6 3HR

- 1) Regeneration and Planning Development Management
- 2) Camden Councillors

London Borough of Camden
Town Hall
Judd Street
London WC1H 8ND

28 July 2014

Dear Sirs

Planning Application Reference 2014/2464/P

I object strongly to the creation of an Eruv, not only for planning and highways reasons (below) but also for much more serious legal and community reasons. I do *not* consent to my property becoming part of the Eruv and I seriously question whether the council has the legal or any other authority to grant the Eruv.

An Eruv is not just about poles and wires. It is the symbolic transfer of everything in the Eruv boundary into (Orthodox) Jewish ownership. I understand that for an Eruv to be valid, a secular official must issue a ceremonial council/governmental proclamation "leasing" the enclosed public and private property to the Jewish community for a small fee. In that way, the area is "commonly owned" (under the relevant religious law). In other words, every public property and space, and every private property, is deemed to be under private Orthodox Jewish common ownership.

The borough of Camden is secular. Of course, many cultures and religions happily co-exist here, and may Orthodox Jews long continue to live here along with everyone else. I have sympathy for those worshippers of Brondesbury Synagogue who wish to move around more freely on Fridays and Saturdays. But I do not want my area to be designated for a particular religion or at worst for a religion to believe that it owns my area, however much this ownership is downplayed as a symbolic technicality. The council should not acquiesce in this practice, let alone actively grant the right to a religion to "own" or deem the area as its own. Whatever English law restrictions the council includes in the "lease", under Rabbinic law there will be symbolic common ownership.

I ask the council to investigate the legal and constitutional issues that arise, and the limits of its powers. Even if no legal or constitutional barriers were to exist to granting a "lease" of an Eruv (and I doubt that there are none), the designation of the area for one religion (or for a few within one religion) is inappropriate and undesirable.

Please look at the facts and law relating to this application and not assume that because other Eruvs exist it must be in order for this one to come into existence.

My other objections:

1. **The poles will clutter the already cluttered** conservation areas of South and West Hampstead, and in some cases will cause obstructions.
2. **Problems with changes to poles/wires and maintenance: and will the council be tied?** What will happen if redevelopment or other reasons require the poles to be put out of action? Conflicts may arise between private property owners or the community and the affected Orthodox Jews. Any disturbance of the Eruv boundary will cause the whole Eruv to fail. How will the council allow redevelopment and other disturbance of poles? In addition, issues will arise regarding access to the poles for maintenance. I understand that the poles need to be checked weekly to ensure that poles and wires are in tact. If a wire or pole is down, it will need to be reinstated.
3. **Erections on public land should be resisted unless reasons for them are very well founded (factually and legally).** The proposal appears to be disproportionate and I believe the legal arguments put forward, including regarding discrimination, may well not stand. These need to be reviewed, along with the other legal issues.

The proposed Eruv area is extremely wide. It seems unreasonable for it to come this far, to cover South Hampstead and extend as far as Finchley Road. Brondesbury Synagogue is a long way away and there are other synagogues in and closer to our area. The number of existing worshippers in South Hampstead who are likely to benefit, I suspect, is minimal. (In any case, I understand that eruvs are not supported by all Jewish people, not even by all Orthodox Jews.)

4. **The application should succeed only if all the boroughs (three or four) in which the area of the proposed Eruv falls approve it at the same time.** If one borough rejects the application, then the basis of the application fails in all boroughs (because the Eruv will not be enclosed and will fail to achieve its purpose).
The Eruv may similarly fail if one set of poles in one borough is not approved.

Presumably, all the borough councils will need to enter jointly into the same legal document/lease of the whole indivisible Eruv area to give the Eruv effect. One then wonders how the joint grant can be managed now and in the future.

I have sympathy for the Brondesbury Synagogue worshippers who want a way to move more freely on the Sabbath. But, sadly, the nature of an Eruv has wide ramifications for the community, both planning and other, and I ask you to reject the application. The Council must please, in any case, review the extent of its powers and the legal/constitutional issues relating to grant of a "lease" of the Eruv area.

Yours faithfully

Stella Styllis