

Design & Access Statement

Date: 21/09/2022

Site Address:

Covers an area from Crowland Street to Craven Park Road, see proposed plans.

Proposal:

Erect Street furniture comprising groups of poles (usually two) between which is suspended, at a high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at seven locations around the south Tottenham area.

Background to and Definition of an 'Eruv'

The applicant community subscribes to traditional Orthodox Jewish practice, the laws of which are derived from those set out in the first five books of the Bible, known as the Pentateuch. These laws were subsequently interpreted in detail by subsequent generations of rabbis and codified in the Talmud, completed in the 6th century. Further interpretation and derivation has continued throughout the intervening period including in modern times, to confront differing circumstances in living conditions and including those of the modern technological era.

One of the fundamentals of Judaism is the observance of the Sabbath from sunset on Friday until nightfall on Saturday.

Among the basic rules defining this observance is prohibition of the use of any form of transport and, in addition, the carrying or moving of any object from a private into any other domain is prohibited other than in a nominally 'enclosed area'.

This is a basic 'relevant protected characteristic' (as defined in S149 of the Equality Act 2010) of Jewish religious law, which also permits it to be addressed – *and it is that which is the impetus for the provision of an 'Eruv'* – which is the Hebrew term for this relaxation.

It assists the creation of an 'eruv' that the qualifying definition of an 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre high, a 'structure' comprising two poles connected with a thin filament to provide the necessary continuity where the boundary crosses a road or public footpath. The generally agreed height of the poles is 6 metres so as to be safely above any high vehicles. Further, the integrity and safety of the 'eruv' is required under Jewish law to be checked at least once a week.

Thus it is possible to achieve a notional 'enclosure' as defined in Jewish law encompassing a large area throughout which carrying of objects and movement of non-ambulant persons is permitted.

This is of great benefit to Sabbath observant people who are thus able to carry not only personal effects (handkerchiefs, keys, spectacles, etc) but, most importantly, it enables non-ambulant persons, i.e. all wheelchair users and babies to be pushed in the street thus overcoming a very limiting restriction on them and also on their carers who are otherwise unable to leave their home on the Sabbath

The qualifying definition of a nominal 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre in height, a structure comprising no more than a thin wire spanning between the tops of two poles.

It is the street furniture comprising these pairs of poles and the filament between them to complete the notional 'enclosure', which form the subject of this application.

Existing examples

In recent years an Eruv has been approved and established in NW London, Edgware, Stanmore, Mill Hill, Belmont, Borehamwood, Bushey, Woodside Park, Barnet, Chigwell and North Manchester/Salford -- and approved in N Westminster, Brondesbury and Pinner and Westcliff on sea.

There are numerous examples of 'eruv' in cities throughout Europe, some centuries old, as well as in America, South Africa and Australia.

Design

The vast majority of the proposed Eruv comprises existing walls and fences. There unavoidably remain a number of locations where no existing enclosure exists, principally across roads and footpaths and for which pairs of poles and a nylon monofilament, invisible to the naked eye, are proposed to provide the necessary nominal 'enclosure' in the form defined.

The boundary of each eruv is very carefully researched so as to maximise the use of existing walls, fences and buildings and to minimise the number of poles and their visual impact to where they are absolutely necessary; this is *especially* so in or adjacent to any significant or sensitive locations.

Mindful of perceived concern about the visual impact of the poles, they are generally finished in black or light grey to conform to the local street furniture and have a 0.5mm or less clear nylon filament spanning between them which, as can be seen where used elsewhere, is visually imperceptible.

The height of poles is generally 6 metres, being the preferred height to achieve clearance even for exceptionally over height vehicles; a lower height is adopted for public footpaths.

The siting of poles, where required to be installed, has throughout been extremely carefully considered in each location so as to minimise visual impact on the streetscape as well as avoid any impact on existing trees in both the public and private domain.

Pole locations have also been carefully considered to minimise impact on access, such as along footpaths, where additional structures could hinder the free movement of prams/ buggies, wheelchairs or other mobility devices. In a few locations comprising wider access paths, an ornate wrought iron arch has been proposed to blend more sympathetically into the streetscape.

Existing eruvs have demonstrated that neither poles nor the filament poses any risk to birds, bats or other wildlife.

Social Cohesion

The unfamiliar concept of an eruv and the associated description and terminology understandably give rise to concern that it will lead to the concentration of a particular minority group and an imbalance in the existing social, ethnic and religious character of the area concerned.

Several of the 11 eruvs referred to above have been in existence for some years and have clearly demonstrated that they have no effect whatever in altering the composition of the local population, its social cohesion or the pattern of local activities in any way.

What the eruv does achieve is that it enables orthodox Jewish residents who are either themselves wheelchair bound, and/or have very young children, and their parents or carers, to participate fully in social, community, leisure and religious activities beyond the confines of their homes on Friday evenings and Saturday. For many wheelchair users, their weekly visit to the synagogue on Saturday may be their principal social activity of the week -- and is enabled by the provision of an eruv. It also enables them to participate in normal social and leisure activities beyond their own home.

In this regard, an eruv adds significantly to the growth, social cohesion and *inclusivity* of the established local Jewish community and is encouraged by the various statutory guidelines specified in the final sections below -- without any collateral detriment.

Access

As referred to above, the existence of an eruv not only relaxes an ancient religiously-held prohibition for the benefit of all observant Jewish residents but more significantly, it allows those who are disabled, as well as those who are carers of disabled adults or pre-ambulant children, to leave the confines of their homes on Friday evenings and Saturdays and move freely within the local designated eruv area and into adjoining eruv areas -- and participate fully in social, communal, leisure and religious activities.

This has been shown greatly to enhance the lives of young and old, parents and carers within areas where an eruv has already been erected and to have allowed existing communities to be fully inclusive -- and thereby to flourish.

Design Matters

The 'eruv' structures have been designed to minimise the potential visual impact such that it will be minimal and visually harmless.

The poles are as narrow as possible; they match typical street furniture such as the ubiquitous parking posts, traffic signs, sign posts, etc – and are thinner than lamp posts. Thus the structures will in most cases blend into the streetscape and, as has been demonstrated with eruvs already in position, they will be barely noticeable. The degree to which they could be considered (subjectively by the public) to cause visual harm to the streetscape is therefore extremely limited and thus (objectively) no visual detriment or harm occurs.

The proposed structures will be placed at locations that minimise their potential impact; siting has been painstakingly chosen to avoid unduly prominent locations or prominent local views.

Furthermore, the proposed structures are located widely across a very large part of the borough. Their potential impact is commensurately highly dispersed, rendering any potential for cumulative impact negligible.

Recognising all the above considerations, the proposed structures will cause no visual harm to public realm assets. Against this, the substantial public benefit the eruv will provide will outweigh any perceived harm caused – the proposals fully complying with the national statutory and planning policies as defined above.

Conclusion

Every effort has been made to ensure that the proposed poles are all located to minimise any potential impact on access or movement; the proposed development as a whole will have no visual impact on the character and appearance of the streetscape in general.

On the other hand, the proposals will bring substantial public benefit to a significant part of the borough's population and to those visiting by enabling freedom of movement on the Sabbath to wheelchair users or non-ambulant adults and children and their carers. This is of particular importance in enabling elderly people to attend the principal social and community functions which take place on Saturdays.

Thus, recognising the relevant policies of the Equality Act, 2010 – and the Southend Core Policies, NPPF, NPPG and all other legislation and guidelines referred to above, there is no reason why the development should not be defined as acceptable and sustainable development and approved.