

**H.965 STREET FURNITURE
in connection with the
HACKNEY 'ERUV' -- LB HARINGEY SECTIONS Locations 10 - 20**

DESIGN, HERITAGE, SOCIAL COHESION AND ACCESS STATEMENT

Origin of application

This application, submitted on behalf of the Hackney 'Eruv' Committee, an independent charity supported by the Union of Orthodox Hebrew Congregations -- based in north London but with affiliated communities throughout London and beyond -- for the purpose of installing street furniture to facilitate establishment of an 'Eruv' -- as defined below.

This specific 'Eruv' is confined to a relatively small area, limited to minor residential roads in the borough of Haringey, extending southwards into the LB of Hackney -- which is the subject of a separate parallel application.

This application supersedes a previous application 2022/3019 which was withdrawn.

Background information

The earliest influx into England since their expulsion by Edward I in 1290 was by six Marrano Jews around 1630. Their clandestine existence was finally acknowledged some 26 years later with a Petition by Manasseh ben Israel, a prominent Amsterdam rabbi, to Oliver Cromwell allowing total Jewish resettlement. The principal initial immigration unsurprisingly comprised descendants of Jewish families who had found a safe haven in Holland following their expulsion from Spain and Portugal in 1492 and 1497 respectively.

The new immigrants settled quickly in what is now the City of London and areas immediately to the east. The following two centuries were marked by a steady rate of Jewish immigration from central Europe which increased to mass proportions during the final decades of the nineteenth century, comprising principally Jews fleeing pogroms, persecution and intolerable discrimination in eastern Europe. These asylum seekers settled largely in areas close to where they landed, i.e. in the East End of London and similarly in many other port towns and cities throughout the UK.

In due course as their integration into British society increased, in London many moved from overcrowded accommodation in the East End and formed new communities in Stoke Newington in north London where a thriving community established itself building care homes, schools, synagogues and other facilities. The community has continued to grow throughout the period since and has spread into adjoining areas such as Clapton to the east, South Tottenham to the north and Highbury and Islington to the west.

The applicant community has a very high percentage of traditional strictly- observant members for whom an 'Eruv', as described below is a life-changing 'prescriptive characteristic' as defined under the Equality Act, 2010.

Background to and definition of an 'Eruv'

The traditional laws of Orthodox Jewish practice are derived from the first five books of the Bible, known as the Pentateuch. These laws were subsequently interpreted in detail by generations of rabbis and codified in the Talmud, completed in the 7th century. Further interpretation and derivation have continued throughout the intervening period including in modern times, to confront differing circumstances in living conditions 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 a 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 other than within an 'enclosed' area.

This is thus 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'.

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 90cms 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 5.5 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 (known by its Hebrew term '*eruv*') 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 on their carers, affecting family life.

As referred to above the total population who will benefit from this specific application is slightly under 14,000 excluding weekend visitors.

The Eruv boundary itself has been designed to maximise the catchment of the local Jewish residents and the aim to minimise the extent of street furniture in both boroughs.

It is the street furniture comprising these pairs of poles, etc and the filament between them which forms the subject of this application.

Existing examples

In recent years a total of seventeen eruv have been approved and established in Hampstead, St John's Wood, Golders Green/Hendon/Finchley, Brondesbury Park, Mill Hill, Edgware, Stanmore, Belmont, Pinner, Barnet, Woodside Park, Borehamwood, Bushey, Westcliff, Chigwell, Leeds and North Manchester; the street furniture to achieve an eruv has also been granted approval in Highgate and Muswell Hill and in Cheadle. There are countless examples of eruv in cities throughout Europe, North and South America, South Africa and Australia (– see eruv.org).

Design

The large majority of the notional enclosure required for an 'eruv' utilises 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 linked with a nylon mono-filament are proposed to provide the necessary 'enclosure' in the form defined.

The boundary of each eruv is very carefully researched to maximise the use of existing walls, fences and buildings and to minimise the number of poles and their visual impact where they are necessary (DoT Traffic Signs Manual 2018, Section 6); this is *especially* so adjacent to listed buildings, within Conservation Areas or otherwise significant locations.

Mindful of real and also of perceived concern about the visual impact of the proposed poles and wires, these follow precedent in having the narrowest possible diameter pole (76mm) with a colour-coated finish to conform to local street furniture or, where appropriate, to match immediately adjacent painted walls or other features; the filament spanning between the poles is clear nylon fishing line which is visually imperceptible.

The height of poles is generally 5.5 metres, being the preferred height to achieve clearance even for exceptionally over-height vehicles; at footpaths where additional structures could hinder free movement of prams/buggies, wheelchairs or other mobility devices, fixed tubular arches are proposed to minimise visual and access impact.

The Hackney 'Eruv' boundary has been very carefully delineated to maximise inclusion of the applicant community members and minimise the number of road crossings requiring a filament. It also minimises the number of poles by using new, extended length (existing) parking sign poles wherever possible.

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

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

Heritage and Conservation, etc Locations

Whilst these are avoided wherever possible, the location for some poles falls unavoidably within Conservation Areas or adjacent to listed buildings.

In *all* locations, but particularly within these designated areas, *especial* care has been exercised both in the location of each pole and its colour, which is assessed and specified so as to minimise its local visual impact; the colour of poles is indicated in the application and also stated 'to be agreed' on an individual basis if required by the authority.

Existing eruvs all demonstrate that with appropriate sensitive choice of location and colour, once erected poles are visually imperceptible without a specific search.

An assessment of the heritage impact of the 'eruv' structures' on conservation areas and listed buildings is provided further in the Planning and Heritage Assessment section below.

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.

The seventeen eruvs referred to above, some in existence for over ten years, have clearly demonstrated that they have no effect whatever in altering the composition of the local population or the pattern of local activities in any way.

What the eruv does achieve is that it allows observant Jewish residents who are either themselves wheelchair bound or families with very young children, and the carers of both these groups, to participate fully in social, community, leisure and religious activities beyond the confines of their homes on Friday evenings and Saturday. For many wheelchair-bound persons, their weekly visit to the synagogue on Saturday is their principal social activity of the week -- and is enabled by the provision of an eruv.

In this regard, an eruv adds significantly to the growth, social cohesion and *inclusivity* of the established local and neighbouring Jewish communities and furthermore, the establishment of an eruv 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 as a family 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 to flourish.

Statutory guidelines and recommendations

Statutory support for provision of an eruv can be found in various national and local legislative documents; a selection of extracts is, for ease of reference, set out below.

Equality Act 2010, Section 149

Clause (1)

A public authority must, in the exercise of its functions, have due regard to the need to—

subsection (b)

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

Clause 3

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—

subsection (a)

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

subsection (b)

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

Clause 4

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.

Clause 6

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 under this Act.

Clause 7

The relevant protected characteristics are—

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

Planning and Heritage Assessment

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is to be decided in accordance with the development plan unless material considerations indicate otherwise.

Legislative Framework

Where any development may affect designated or undesignated heritage assets, there is a legislative framework to ensure proposed works are developed and considered with due regard for their impact on the historic environment. This extends from primary legislation under the Planning (Listed Buildings and Conservation Areas Act 1990. The relevant legislation in this case extends from Section 66 of the 1990 Act, which states that 'in considering applications for listed building consent, the local planning authority shall have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.'

Section 2 further states that special regard must be given by the authority in the exercise of planning functions to the desirability of preserving Listed Buildings and their setting. Furthermore, Section 72 of the 1990 Act states that in exercising all planning functions, 'local planning authorities must have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.'

The statutory Development Plan comprises the London Plan (2021) , the Hackney Council Local Development Plan 2033 – Adopted July 2020, the National Planning Policy Framework (2012) and the National Planning Policy Guidelines.

London Plan 2021

Supportive policies include :-

Policy GG1 Building strong and inclusive communities

Good growth is inclusive growth. To build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in planning and development must:

- B seek to ensure changes to the physical environment to achieve an overall positive contribution to London
- C provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation
- E ensure that streets and public spaces are consistently planned for people to move around and spend time in comfort and safety.....which encourage community buy-in, and where communities can develop and thrive
- H support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides....independently and with choice and dignity, avoiding separation or segregation

I support and promote and inclusive London where all Londoners, regardless of their age, disability, gender identity, marital status, religion, race, sexual orientation, social class.....can share in it. culture and community minimising the barriers, challenge and inequalities they face.

Policy D8 Public realm

Development Plans and development proposals should

B ensure the public realm is well-designed, safe, accessible, inclusive....

Similar support for the benefit an Eruv provides for the local community promoting this application is also referred to variously in Policies S1, S2(+ S4 (216), S2 (219), HC1 (279) and HC5 (313).

Haringey Local Plan Strategic Policies 2013-2026

The Introduction, page 3 confirms that 'This plan has been shaped by ongoing consultation involving local people' the Council will be building on the relationships to help.... sustaining and improving the life chances of our residents especially those who are most vulnerable....and developing a borough which is a good place to be born, learn, work have fun and grow old.'

Paragraph 1.3.1 (p 14) includes acknowledges that 'Haringey has many residential areas and neighbourhoods, each with their own distinctive identity and characteristics

SP14 (p134) Health and Wellbeing '

'The Council will seek to....Protect existing facilities....development management decisions....'

SP15 (144) Culture and Leisure

Paragraph 7.2.2 states that ' As the objective sets out in Section 1, the Council wishes to ensure that community cultural and leisure facilities are provided to meet local needs.'

SP16 (p156) Community Facilities

'The Council will work....to ensure that appropriate improvements and enhancements of community facilities....are provided to Haringey's communities.'

Haringey Development Management DPD

Section 07 -- Community Infrastructure, Implementation and Monitoring

Paragraph 7.1 'Community infrastructure (also referred to a social infrastructure) is an all-encompassing term which includes....cultural and religious facilities as well as parks, open spaces and recreation areas.'

Paragraph 7.2 'Community infrastructure is integral to sustainable communities, promoting social interaction and enhancing the quality of life within a community.'

Paragraph 7.3 '....'community infrastructure' should be taken to include facilities....used by the local community....for the purposes of leisure, social interaction, health and wellbeing or learning.'

National Planning Policy Framework (December 2024)

The National Planning Policy Framework (NPPF) was published in on 12th December 2024 and replaces the previous issues.

Section 1 deals with the purpose of the planning system as a means of achieving sustainable development.

Section 2 Paragraphs 7 and 8 identify the three dimensions of sustainable development, namely social, economic and environmental which are defined as :-

- An economic role—contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, incusing the provision of infrastructure;
- A social role—supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations and by creating a high quality environment, with accessible local services that reflect the community's needs an support its health, social and cultural well-being; and
- An environmental role—contributing to protecting and enhancing our natural, built and historic environment; and as a part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigation and adapt to climate change including moving to a low carbon economy.

Paragraph 10 presumes in favour of sustainability in all developments.

The remainder of the Framework document provides guidance in regard to the criteria to be applied and recommendations to be made by local planning authorities throughout the planning process and across all sectors of development.

It is assumed that these criteria are met by all competent authorities when assessing planning applications.

The subject of this application, comprising the installation of minimal structures which may be regarded as *sui generis* in terms of their nature and development, are only obliquely relevant to the comprehensive NPPF advice and recommendations.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 1st October 2019 and supplements the NPPF; since its initial publication the NPPF has been re-issued as noted above.

As for the NPPF, the NPPG underscores the planning priorities and procedures to be followed by local authorities and again, is only of marginal relevance to the current application.

Design Matters

The 'eruv' structures have been designed to minimise the potential visual impact such that it is minimal and in reality virtually imperceptible in the street environment. 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 are barely noticeable. This is especially the case for conservation areas which take their significance from a wider area. The potential for a pole, or a number of poles located at some distance from one another to harm a conservation area is likewise extremely limited especially recognising that not all aspects of a conservation area will necessarily contribute to its significance (see NPPF, para 38).

The proposed structures will be placed at locations that minimise their potential impact further; siting has been painstakingly selected to ensure that they are not in unduly prominent locations or in prominent local views.

Overall and recognising the above considerations, the proposed structures would cause no harm to designated or undesignated heritage assets. Against this, the substantial local public benefit the eruv will provide would outweigh any perceived harm caused.

Access references

Section 8.8, page 43 of CPG7 (Transport) sets out to minimise 'street clutter'. However, in the case of this proposal, particular care has been taken in siting the poles adjacent to walls or other features, the structures will not impede free, safe and convenient movement and access along footpaths by all users, regardless of their mobility requirements.

Conclusion

Great effort has been made to ensure that the proposed structures are all located to minimise any potential impact on access or movement; the proposed development will have no significant impact on the character and appearance of the streetscape in general.

The proposals will bring substantial public benefit to a part of the borough's population and to those visiting by enabling freedom of movement on the Sabbath to wheelchair bound 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 planning policies adopted by Haringey Borough Council, the NPPF, NPPG and all other legislation and guidelines referred to above, there is no reason why the development should not be defined as 'sustainable development' and approved without delay.