

Proposed Experimental Traffic Regulation Orders: Jesmond Dene Road

Report by: **Mark Largue- Engineer**

Report to: **Michael Murphy – Director of Communities**

Ward Implications: **North Jesmond Ward**

For Decision		
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1. Purpose

- 1.1 To seek a delegated decision to make an experimental Traffic Regulation Order which will amend the City of Newcastle upon Tyne Traffic Regulation (Consolidation) Order 2009. The Order will introduce Prohibition of Driving of Motor Vehicles restrictions on Jesmond Dene Road, Glastonbury Grove, Lindisfarne Road and The Grove.

2. Recommendations

- 2.1 The Director of Communities is recommended to make a Delegated Decision authorising the Assistant Director Legal Services to make the experimental Traffic Regulation Order described in this report.

3. Background

- 3.1 A risk has been identified whereby vehicles could potentially leave the currently unprotected carriageway of Jesmond Dene Road and end up in Jesmond Dene. By not taking any action to mitigate this risk the Council opens itself up to potential litigation and substantial damages in the event of an accident.

The Council has recently completed works to protect all locations where there was a potential for road over rail incursion and funding has been secured from the Local Transport Plan, Road Safety and Improving Transport Asset budgets to fund this work.

The Council has a duty to manage the highway asset and mitigate risk to the Authority and the public using highway and footways. Jesmond Dene Road has been something we have been looking at for the last two years. Two months ago, we identified an area that is showing signs of moving and the fence line clearly shows the depression along its horizontal view. It is important, therefore that we remove traffic loading from this location as this increases the potential for further movement.

4. Proposals and Reasons

4.1 It is proposed to close Jesmond Dene Road between Jesmond Dene House Hotel and the Banqueting Hall, under a Prohibition of Driving of Motor Vehicles order. To prevent traffic diverting onto neighbouring residential streets, we also propose road closures at the junctions with Lindisfarne Road, Glastonbury Grove and The Grove.

The restrictions will be installed initially on an experimental basis in order to gauge its effectiveness and determine what impact this has on the surrounding area.

4.2 Financial Summary:

The cost, £2,100, for making the Traffic Regulation Orders will be met by the LTP Traffic Management Scheme budget, cost code 2DP02/DX007.

5. Resource and Legal Implications

5.1 Views of the Director of Resources

Specific financial advice has not been sought on this particular Order but it is being made in accordance with statutory procedures as previously advised by the Assistant Director Financial Services

5.2 Views of the Assistant Director Legal Services

Specific legal advice has not been sought on this particular Order but it is being made in accordance with statutory procedures as previously advised by the Assistant Director Legal Services.

5.3 Other Implications

There are no significant implications relating to this Traffic Regulation Order.

6. Consultation

6.1 The local Ward Members and the Portfolio holder have been notified of the proposals. They were contacted on 15th October 2015.

The standard technical consultees were also written to on 15th October 2015. Support has been received from North East Ambulance Service and the Cyclists Touring Club.

7. What happens next

7.1 The Traffic Regulation Order will be advertised and made and the prohibition of driving orders installed for an initial period of 12 months. Should no objections be received they will become permanent following completion of the experimental order.

8. Contact Officers and Background Papers

8.1 Mark Largue – 0191 211 5960 – mark.largue@newcastle.gov.uk

Annex to Report - Any other significant implications

(a) Risk Management

Any Key Risks

Mitigating Actions

None

(b) Equality

There are no significant corporate implications resulting from this decision.

(c) Environmental and Sustainability

There are no significant corporate implications resulting from this decision..

(d) Partnership

There are no significant corporate implications resulting from this decision.

(e) Community Safety

There are no significant corporate implications resulting from this decision.

(f) Any Other Significant Implications

None

Traffic Regulation Orders: Jesmond Dene Road

Report by: Mark Largue- Engineer

Report to: Tom Warburton – Director of Place

Ward Implications: North Jesmond Ward

For Decision		
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1. Purpose

- 1.1 To seek a delegated decision not to accept the recommendation of the Regulatory and Appeals Sub Committee held on 23 January 2017 in respect of objections raised to an experimental Traffic Regulation Order that would introduce Prohibition of Driving of Motor Vehicles restrictions on Jesmond Dene Road, Glastonbury Grove, Lindisfarne Road and The Grove.

2. Recommendations

- 2.1 The Director of Place is recommended to make a Delegated Decision to reject the recommendation of the Regulatory and Appeals Sub Committee and authorise the Assistant Director Legal Services to make the experimental Traffic Regulation Order described in this report permanent following the end of the experimental period.

3. Background

- 3.1 A risk has been identified whereby vehicles could potentially leave the currently unprotected carriageway of Jesmond Dene Road and end up in Jesmond Dene. By not taking any action to mitigate this risk the Council opens itself up to potential litigation and substantial damages in the event of an accident.

The Council has recently completed works to protect all locations where there was a potential for road over rail incursion and funding has been secured from the Local Transport Plan, Road Safety and Improving Transport Asset budgets to fund this work.

The Council has a duty to manage the highway asset and mitigate risk to the Authority and the public using highway and footways. Jesmond Dene Road has been something we have been looking at for the last three years. In 2015, we identified an area that is showing signs of moving and the fence line clearly shows the depression along its horizontal view. It is important, therefore that traffic loading is removed from

this location as this increases the potential for further movement.

4. Proposals and Reasons

4.1 It is proposed to close Jesmond Dene Road between Jesmond Dene House Hotel and the Banqueting Hall, under a Prohibition of Driving of Motor Vehicles order. To prevent traffic diverting onto neighbouring residential streets, we also proposed road closures at the junctions with Lindisfarne Road, Glastonbury Grove and The Grove.

The restrictions were installed initially on an experimental basis in order to gauge its effectiveness and determine what impact this has had on the surrounding area.

The Order was made on 3 March 2016, under Sections 9 and 10 of the Road Traffic Regulation Act 1984. It came into operation on 15 March 2016, and introduced a prohibition of driving of motor vehicles restriction on the following lengths of road:

- (a) Glastonbury Grove – from Jesmond Dene Road westwards for 15 metres;
- (b) Jesmond Dene Road - between 30 metres north of Glastonbury Grove to the car park exit from Jesmond Dene House;
- (c) Lindisfarne Road – from Jesmond Dene Road westwards for 16 metres;
- (d) The Grove, Jesmond – between Jesmond Dene Road and Reid Park Road

The reasons for implementing the Order was to avoid danger to persons or other traffic using the road and for preventing the likelihood of any such danger arising and for preserving or improving the amenities of the area.

The Order was implemented for a period of 12 months. Statutory notices were published in the local press and posted on site inviting comment with objections to the scheme needing to be submitted in writing by 16 September 2016.

In total 37 objections and 43 messages of support were received during the advertising period resulting in the scheme being taken to a Regulatory and Appeals Sub Committee on 23 January 2017.

4.2 Following the meeting, the Sub Committee made the following recommendation:

That the City of Newcastle upon Tyne (Jesmond Dene Road Area) Experimental Traffic Regulation Order 2016 not be made permanent following the end of the experimental period.

The reasons for the decision were that:

- (1) The Sub-Committee had some doubts that sufficient justification had been made for the Experimental Traffic Regulation Order to be made permanent. In particular, they were not satisfied that sufficient consideration had been given to the option of making Jesmond Dene Road a single track road with a safety barrier.
- (2) The Sub-Committee also requested feedback on whether officers had considered the impact of the scheme on small businesses in the local area,

and

- (3) Increased difficulties at the junction of Grosvenor Road and Osborne Road relating to the closure of Jesmond Dene Road were also of concern to the Sub-Committee, particularly if further restrictions were to be placed on Jesmond Dene Road and members sought feedback on how these issues can be addressed.

4.3 It is proposed to not accept the recommendation of the sub-committee for the following reasons:

4.4 The original proposal for Jesmond Dene Road was for the introduction of a safety barrier. Carriageway measurements were completed which shows that the width of the carriageway varies between 5.7m at its widest point to just 3.8m at its narrowest. The introduction of a safety barrier would reduce these dimensions by a minimum of 0.8m. These widths confirmed that there was insufficient width to retain two-way traffic and as such a one-way system was proposed in a northbound direction.

A preliminary walk-through ecology survey was also completed and it identified that in order to minimise the impact upon trees and their roots, the introduction of any safety barrier must be located on the existing surface of the carriageway. Damage to tree roots will be detrimental if the safety barrier was located at or near the location of the existing birds-mouth fencing. Disturbance to tree roots will cause future failure of the trees and may render them dangerous. A full tree survey would be required to establish the Root Protection Areas of the trees which would in turn would determine the exact location of the safety barrier.

Consultation for the introduction of a safety barrier along with a one-way restriction was completed in June/July 2015 with letters issued to the North Jesmond Ward Members and the Portfolio Holder on 24 June 2015. We received no feedback from Members in respect of the proposals. The standard technical consultees were also written to on 24 June 2015. Some support for the proposals was received, however objections were also made as cyclists would no longer be able to access Jesmond Dene Road from the north as the reduced carriageway width would prevent cyclists from safely using the road in a southbound direction.

533 local residents and businesses were written to on 20 July 2015, with 86 responses being received. 59 of these responses were opposed to the introduction of the one way restriction and safety barrier, with only 14 responses in support. The remaining responses were undecided. The majority of the objections to the proposals were due to the environmental impact of the safety barrier and the lack of access for cyclists from the north. The anti-feeling towards the safety barrier proposals also made the local press with a Chronicle article describing the proposals as turning the road into 'Newcastle's Nurburgring'.

In response to the feedback received it was agreed to hold a drop in session and public meeting to discuss the proposals and options available. A letter was issued to all residents and businesses who were previously consulted advertising the event, which was to be held on 23/09/2015 at St Georges Church.

Three options were displayed at the event:

- Option 1: Original Proposal – Safety barrier with one-way traffic in a northbound direction.

- Option 2: Safety barrier with one-way traffic in a northbound direction with closures of The Grove, Glastonbury Grove and No Entry to Lindisfarne Road.
- Option 3: Full closure of Jesmond Dene Road, including the junction is The Grove, Glastonbury Grove and Lindisfarne Road.

Feedback sheets were provided at the event and 27 sheets were completed. The discussions during the ward meeting indicated that the majority of the attendees acknowledged that there was the need to close Jesmond Dene Road. The chair of the meeting (former ward Councillor Peter Breakey) also concluded that it was apparent a change had to be made to Jesmond Dene Road and the safety issues were clear. Taking all the feedback into consideration Option 3 (full closure) emerged as the preferred option.

In October 2015, nearly 3000 letters were sent to residents and businesses in Jesmond advising them of the proposed road closure.

The suggestion that the road closure has impacted on local businesses in the Cradlewell area is purely anecdotal and without any hard evidence. Traffic flows at the junction of Osborne Avenue and Jesmond Road (adjacent to the businesses) are at a similar level today as they were when previous surveys were undertaken back in 2014. These surveys indicate that around 7000 vehicles pass through this junction over a 12 hour period. These figures do not suggest that this area has become isolated from the rest of Jesmond or the wider road network.

A total of 21 businesses at the Cradlewell end of Jesmond Dene Road were notified of the forthcoming closure in the letter sent out in October 2015. Following this and during the six month consultation period we have received communication from only 2 businesses, one of which didn't oppose the scheme but who claimed to not have received any letter. Again this does not suggest that the road closure has had any negative impact on businesses.

- 4.6 The issue of Grosvenor Road/Osborne Road junction was commented on in some detail in the report and we accept that at certain times issues can occur. As stated in the report and verbally at the meeting, the problem with introducing measures that would ease the exit from Grosvenor Road, is that it conversely may also lead to a greater increase in flow on Grosvenor Road. This is clearly something we want to avoid. Surveys already undertaken on Grosvenor Road since the road closures have been in place indicate that traffic flow has not increased significantly. It should also be noted that since the closure came into effect we have received no correspondence from any resident of Grosvenor Road. This suggests that those complaining are non-residents and are using Grosvenor Road as an alternative to more appropriate routes.
- 4.7 In view of the above information and taking into account the potential risk to the Council we will be looking to progress with the original recommendation to permanently close Jesmond Dene Road to motor traffic.
- 4.8 **Financial Summary:**

The cost, £2,100, for making the Traffic Regulation Orders will be met by the LTP Improving Transport Asset budget.

5. Resource and Legal Implications

5.1 Views of the Director of Resources

Specific financial advice has not been sought on this particular Order but it is being made in accordance with statutory procedures as previously advised by the Assistant Director Financial Services

5.2 Views of the Assistant Director Legal Services

Specific legal advice has not been sought on this particular Order but it is being made in accordance with statutory procedures as previously advised by the Assistant Director Legal Services.

5.3 Other Implications

There are no significant implications relating to this Traffic Regulation Order.

6. Consultation

6.1 The local Ward Members and the Portfolio holder were notified of the proposals. They were contacted on 15th October 2015.

The standard technical consultees were also written to on 15th October 2015. Support has been received from North East Ambulance Service and the Cyclists Touring Club.

The experimental traffic regulation order came into operation on 15th March 2016. As a result of formally advertising the legal orders 37 objections were received.

No resolution could be reached with the objectors and therefore the proposals were considered at the Regulatory and Appeals Sub Committee on 23 January 2017.

7. What happens next

7.1 The Traffic Regulation Order will be made permanent following completion of the experimental order.

8. Contact Officers and Background Papers

8.1 Mark Largue – 0191 211 5960 – mark.largue@newcastle.gov.uk

Annex to Report - Any other significant implications

(a) Risk Management

Any Key Risks

Mitigating Actions

None

(b) Equality

The scheme will improve road safety and accessibility for pedestrians and cyclists and is not detrimental to other aspects of equality.

(c) Environmental and Sustainability

The environment will be improved in terms of improving road safety.

(d) Partnership

The proposed scheme supports the Newcastle partnership in creating safe communities and quality places to live.

(e) Community Safety

The proposed scheme will reduce conflict between vehicles and pedestrians in this area, therefore improving safety for pedestrians and other road users.

(f) Any Other Significant Implications

None

CITY OF NEWCASTLE UPON TYNE

(JESMOND DENE ROAD AREA)


EXPERIMENTAL TRAFFIC REGULATION ORDER 2016


The Council of the City of Newcastle upon Tyne in exercise of their powers under Sections 9 and 10 to the Road Traffic Regulation Act 1984, as amended (hereinafter referred to as "the Act") and of all other powers them enabling in that behalf, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

1. The City of Newcastle upon Tyne Traffic Regulation (Consolidation) Order 2009 ("the 2009 Order") is hereby varied by the addition into Schedule 75 thereto of the items specified in the Schedule to this Order.
2. The Council's Head of Highways and Local Services is hereby authorised, after consultation with the Chief Officer of Police, to modify or suspend the operation of this Order or any provision of it if it appears to him essential:-
 - (a) in the interest of the expeditious, convenient and safe movement of traffic;
 - (b) in the interest of providing suitable and adequate on street parking facilities; or
 - (c) for preserving or improving the amenities of the area through which any road affected by the Order runs.
3. Insofar as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act or by or under any other enactment then the provisions of THIS Order shall prevail.
4. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
5. This Order shall come into operation on 15 March 2016, and shall continue in force for a period not exceeding 12 months, and may be cited as the City of Newcastle upon Tyne (Jesmond Dene Road Area) Experimental Traffic Regulation Order 2016.

Given under the Common Seal of the City of Newcastle upon Tyne this 3rd day of March 2016.

THE COMMON SEAL of THE COUNCIL)
OF THE CITY OF NEWCASTLE UPON)
TYNE was hereunto affixed in the)
presence of:-)


.....
LORDMAYOR
IAN GRAHAM


.....
SENIOR SOLICITOR
CRAIG WINTER

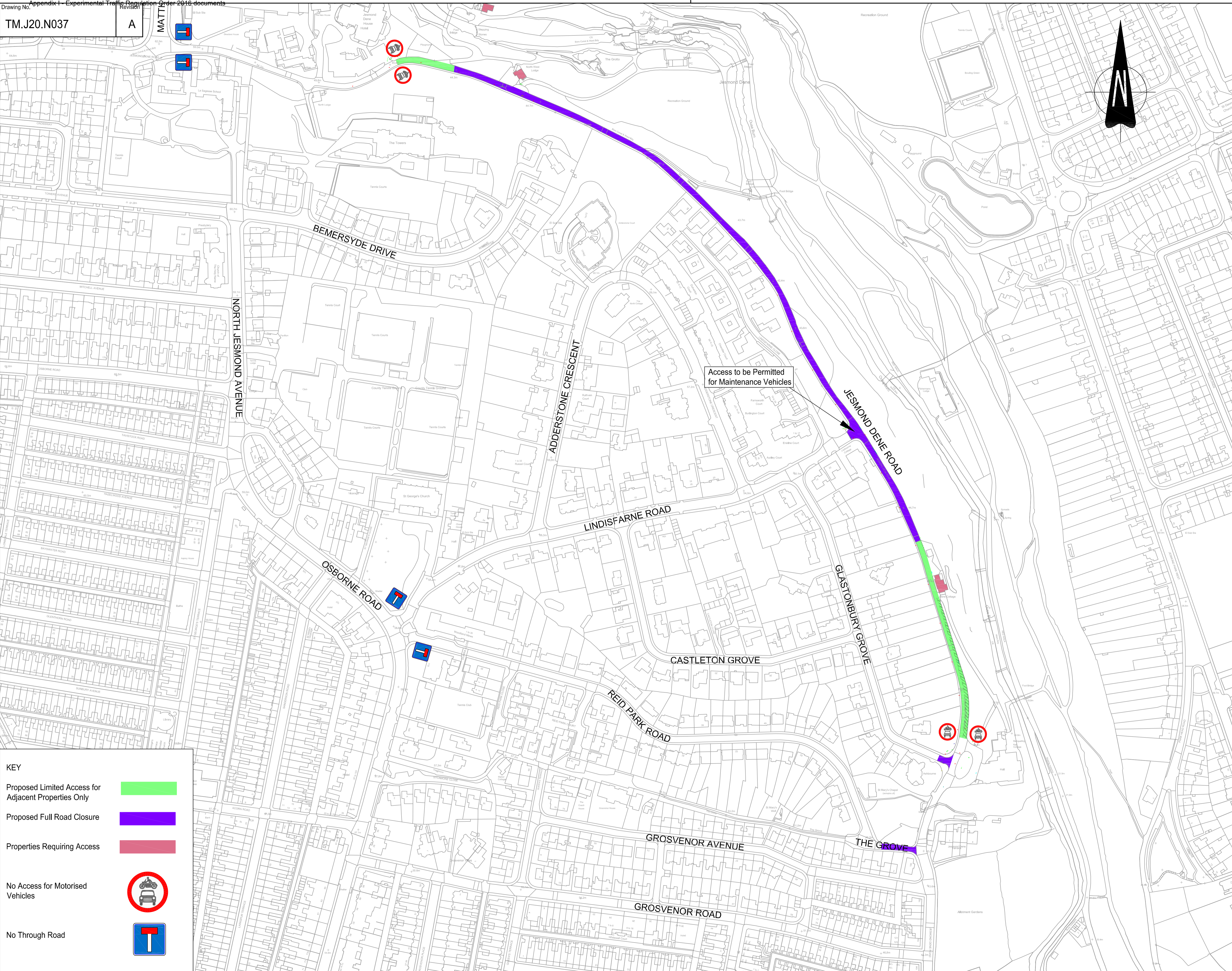


SCHEDULE
(Additions into Schedule 75 of the 2009 Order – Prohibition of Driving of Motor Vehicles)

Column 1

Column 2

53.	Glastonbury Grove	from its junction with Jesmond Dene Road in a westerly direction for a distance of 15 metres	-
54.	Jesmond Dene Road	from a point 30 metres north of its junction with Glastonbury Grove to its junction with the car park exit from Jesmond Dene House Hotel	See Article 92(2) – (a), (b), (c), (e), (f), (h) and (i)
55.	Lindisfarne Road	from its junction with Jesmond Dene Road in a westerly direction for a distance of 16 metres	See Article 92(2) – (a), (b), (h) and (i)
56.	The Grove, Jesmond	from its junction with Jesmond Dene Road to its junction with Reid Park Road	-



KEY

- Proposed Limited Access for Adjacent Properties Only
- Proposed Full Road Closure
- Properties Requiring Access
- No Access for Motorised Vehicles
- No Through Road

Notes

Rev.	Description	Date	By

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 Communities
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PETER GRAY
 HEAD OF HIGHWAYS AND LOCAL SERVICES

Project
 Jesmond Dene Road

Drawing Title
 Closure of Jesmond Dene Road

Status
 Information

NTS	Date	OCT 15
	Drawn	SG
	Prepared	SG
	Checked	ML
Original Size	A1	

TRUE SCALE: 1:1

STATEMENT OF REASONS

City of Newcastle upon Tyne Jesmond Dene Road Area Experimental Traffic Regulation Order 2016

The Council's reasons for proposing to make the above Order are as follows:-

A risk has been identified whereby vehicles could potentially leave the currently unprotected carriageway of Jesmond Dene Road and end up in Jesmond Dene.

The Council has a duty to manage the highway asset and mitigate risk to the Authority and the public using the highway and footways. An area that is showing signs of moving has been identified and the fence line clearly shows the depression along its horizontal view.

It is important therefore that traffic is removed from this location as it increases the potential for further movement.

It is proposed to close Jesmond Dene Road between Jesmond Dene House Hotel and the Banqueting Hall. To prevent traffic diverting onto neighbouring residential streets, road closures are also proposed at the junctions with Lindisfarne Road, Glastonbury Grove and The Grove.

The restrictions will be installed initially on an experimental basis in order to gauge its effectiveness and determine what impact this has on the surrounding area. During the experimental period consideration will be given to making a permanent Order in like terms.

**CITY OF NEWCASTLE UPON TYNE
(JESMOND DENE ROAD AREA)
EXPERIMENTAL TRAFFIC REGULATION ORDER 2016**

1. NOTICE IS HEREBY GIVEN that on 3 March 2016 the Council of the City of Newcastle upon Tyne made an Order under Sections 9 and 10 of the Road Traffic Regulation Act 1984.
2. The effect of the Order, which will come into operation on 15 March 2016, is to introduce a prohibition of driving of motor vehicles restriction on the following lengths of road -
 - (a) **Glastonbury Grove** – from Jesmond Dene Road westwards for 15 metres;
 - (b) **Jesmond Dene Road** - between 30 metres north of Glastonbury Grove to the car park exit from Jesmond Dene House Hotel (exemptions are provided for police, fire brigade and ambulance vehicles, vehicles being used in connection with building operations, gas, water, electricity or communications apparatus; vehicles being used for the conveyance of persons, goods or merchandise to premises on or adjacent to the road, delivery and collection of postal packets, mechanical road cleaning vehicles, vehicles displaying a valid permit issued by the Council and building maintenance vehicles working at premises situated on or adjacent to the road);
 - (c) **Lindisfarne Road** – from Jesmond Dene Road westwards for 16 metres (exemptions are provided for police, fire brigade and ambulance vehicles, vehicles being used in connection with building operations, gas, water, electricity and communications apparatus; vehicles displaying a valid permit issued by the Council and building maintenance vehicles working at premises situated on or adjacent to the road);
 - (d) **The Grove, Jesmond** – between Jesmond Dene Road and Reid Park Road

Pedal cycles are exempt from all of the above restrictions.

3. The Order is required to avoid danger to persons or other traffic using the road and for preventing the likelihood of any such danger arising and for preserving or improving the amenities of the area.
4. A copy of the Order, together with a map and a statement of the Council's reasons for proceeding by way of experiment and of its intention to consider making a permanent Order in like terms may be viewed free of charge at the Customer Service Centre, Ground Floor, Civic Centre, Newcastle upon Tyne, NE1 8QH between 8.30am and 4.30pm Monday to Friday. Copies may be purchased at a reasonable charge. Details can also be found on the Council's website www.newcastle.gov.uk under "Consultations – Have your say". If you have any queries regarding the scheme please contact the Council's Highways and Local Services section on (0191) 2787878 ext. 25960.

5. The Order will be in force for a period not exceeding 12 months during which time consideration will be given to making a permanent Order in like terms.
6. If you wish to object to the possibility of the Order being made permanent, you should send your objection or representation by **16 September 2016** to Newcastle Parking Services, PO Box 2BL, Newcastle upon Tyne, NE99 2BL, or by email to traffic.notices@newcastle.gov.uk , in either case quoting reference GH/P44/1097. Any objection or representation **MUST** be made in writing and where an objection is made, it must state the grounds of the objection.
7. If it appears essential to the Council that it is necessary in the interests of the expeditious, convenient or safe movement of traffic or of the provision of suitable and adequate parking facilities on the highway or for preserving or improving the amenities of the area through which any length of road affected by the Order runs, then a nominated officer of the Council may modify or suspend the Order or any provisions thereof.
8. If you wish to question the validity of the Order or of any of its provisions on the grounds that it or they are not within the powers conferred by the Act or of any instrument made under it has not been complied with in relation to the Order you may, within six weeks from 3 March 2016, apply to the High Court for this purpose.

Dated: 4 March 2016

L Scott
Service Manager Democratic Services

Civic Centre
Newcastle upon Tyne
NE1 8QH