

Report to members on unauthorised bike Track in the Millennium Meadow

As requested by members last night, I have contacted the Landowner, Arborologist at WCBC, Insurance Broker and, in addition, All Things Trees.

Attached are the photographs taken by Leigh on Tuesday.

The landowner, Tim Rosselli, advised that many years ago, one of his employees, without his permission, dug out the track for some local children to bike around. It has not been used for at least 14 years. Tim was not keen on having the bike track there, due to impact on trees and litigation, but said the decision was down to OCC.

Correspondence from Jon Brewin – Arborologist at WCBC:

From the photos supplied I would have to consider the impact of the bike course to be far more serious than previously thought. The increased occupancy and usage of the area by the children around these trees now raises any previous risks presented to the already existing 'target area' surrounding the same trees. As to what level exactly the risk is increased to will obviously depend as to how often the area is occupied and used but, regardless, the risk will be increased and will inevitably have a knock on effect as to how the trees are managed from a risk perspective.

Aside from determining and managing any risk presented to users of the bike track the photos provided show a level of disturbance and damage to the soils associated with these trees. Increased compaction of the soils may have a detrimental impact upon the rooting systems of certain trees and affect how the trees obtain oxygen, water and nutrients. This risk to tree health may increase gradually over time in parallel with any potential increased usage of the site.

With these trees being subject to a TPO I would have grave concerns with any such usage of the land around their crowns and root protection areas. Please also bear in mind that 'wilful damage' to these trees either directly or indirectly may be considered as a criminal offence under the Town & Country Planning Act 1990.

Whilst I admit that the risk of harm to both trees and persons may still be comparatively low there is nonetheless an increased risk to both here which, should not be encouraged.

I would strongly recommend that the current practice is discouraged in this location and a more suitable site be sought.

Jon wished to clarify following the *wilful damage* route would be the last option WCBC would want to take. He has serious concerns about the long term effect of compacting damage to the trees and their roots.

If OCC decided not to support this bike track. The area under the trees would need to be reinstated, otherwise it would continue to be used as a track.

Jon is willing to meet members on site to go through his concerns, he understands that this group of young people are only trying to use the area for enjoyment. He did ask if an alternative open site would be a better option.

Advice received from Came and Company (Insurers)

Insurers suggested three possible choices

1. Insure the track and maintain the area to ensure the trees don't have deadwood on them or any other loose items.
2. Do not support the unauthorised track and distance yourself (OCC) from the responsibility of it via social media, website, Oracle and a small notice on a fence. This would mean the track still remains there, but is not OCCs responsibility (However, OCC still have a duty of care for the trees with TPO on them).

For the public liability cover to be extended to cover the increased risk that the bike track brings, an annual additional premium of £224 including IPT will apply should the Council accept responsibility of it.

As discussed, it is unlikely for loss and damage cover to be required for the track (as it is constructed out of natural items i.e. no steel) but if it is, I would need to know the replacement value required and I can advise further.

Ian Atkinson –All Things Trees

Ian visited the site today to assess, approximately, what the cost of maintenance of the trees would be, if OCC decided to support the application.

Ian's feedback

There are four trees in the bike track areas. The branch on the ground (see Leigh's photos) is not at imminent danger of failing. However, due to recent storm damage, there is one large detached branch hanging in the tree and two other branches, still attached. These are deemed as DDD (dead, dying and dangerous) – Permission was given by the Clerk to remove these asap (£250 plus vat). Jon Brewin (WCBC) will be notified of this work as a matter of courtesy. No planning application is required due to the condition of the branches.

For information:

Ian noted, that the Oak has sustained some damage, potentially from the equipment used to dig the humps and bums.

Katrina Chalk