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Submitted to Oxford Local Plan 2045 Submission Draft (Regulation 19) Consultation
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5 Organisation Name (if applicable)

Organisation:

Save Bertie Park Campaign

6 In what capacity are you responding to this consultation?

Charity or Community Group

7 If you are commenting on behalf of someone else, please state their name here. If you are representing more than one person or group we suggest making a separate submission for each.

acting as agent?:

N/A

Data Protection Notice and Notification Options

8 Are you happy for the first line of your address and postcode to be published with your response(s)?

I am happy for the first line of my address and postcode to be published with my response.

9 Do you wish to be notified when:

the Council submits the Oxford Local Plan 2045 to the Government?, the Inspector's report is published?, the Oxford Local Plan 2045 is adopted?

10 If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? Please note: while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

Yes

11 If you wish to participate in the hearing session(s), please tell us why you consider this to be necessary. Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

reason to attend hearings:

The local plan no longer seeks to improve access to parks and green spaces. We have first-hand knowledge and understanding of the challenges created by this policy change. Our campaign has a lot of visibility and support, so our inclusion would increase public confidence in the inspection process.

Policy G1: Protection of Green Infrastructure

119 Do you consider that policy G1 is sound?

No

120 If you do NOT consider policy G1 to be sound, please select your reasons why from the choices below. Please give precise details for your reasons in the box below - if you wish to support the soundness of the policy please also use this box to set out your comments.

policy is NOT positively prepared, policy is NOT justified, policy is NOT consistent with national policy

g1 comments:

1. It is not positively prepared

a. It does not seek to meet the area's objectively assessed needs

NPPF 11 b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses.

There is little objective assessment of needs for "other uses".

"Larger developments are expected to include a proportion of the site as public open space with a mix of uses tailored to the needs of occupants and the local area," but no indication as to how those needs should be determined.

"No green space identified as part of the Green Infrastructure Network is considered surplus," but permission will be given for construction on GIC sites "if it can be demonstrated in the application that current provision is surplus to requirements." There are no access standards for parks and green spaces. There is lots of research into the benefits of G1, but no mechanism for determining a quantum above which GI would be considered surplus.

b. It is not consistent with achieving sustainable development

NPPF8(b) states that sustainability does not just require the provision of homes, but open spaces.

The sequential test describes a 72% increase in office and R&D space causing a 'seismic' shift in the economic baseline of the city. OCC has no possibility of meeting the resulting housing need. It is therefore planning to allow building on sites in flood 3(a), brownfield sites in flood (3b) and weakening protection for GI categorised as G1B and G1C. The Sustainability report catalogues the difficult decisions that OCC is obliged to make. And once ALL these sites are built on, what next? At what stage will Oxford conclude that its growth is unsustainable?

It is clear that house building will be at the expense of many "well-designed, beautiful and safe places, with accessible services and open spaces." This will make it more difficult to meet "current and future needs and support communities' health, social and cultural well-being." TAN9 makes the point with regard to sports pitches: "Disused pitches offer the potential to be brought back in to use, but if they are lost without compensation then so is that opportunity." This is the case with all GI

2. Not justified (not based on proportionate evidence) See NPPF 32 and 16(d).

Policy G1 sets up a hierarchy of spaces, but the criteria for classifying sites are neither objectively measured nor measurable:

*Intensity of use: There is no indication how intensity of use will be quantified, or criteria for determining whether a site is surplus to requirements.

*Local value: The 2022 GI study said that GI is capable of delivering "a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity." It is not clear how adequate and proportionate evidence could be collected to determine whether a site is delivering insufficient local value.

*Loss will be resisted: If a local group campaigns to resist loss of a GIC site, will it be re-categorised as GIB?

*Multifunctionality: If a site is both small and assessed as multifunctional, will it be placed in GIC because it is small or GIB because it is multifunctional?

*Small: How will it be determined whether a site is too small? Upgrades to big parks are welcome—but they don't replace small neighbourhood play areas that families rely on every day.

There is a requirement for applicants applying for permission to build on GIB facilities for Parks, accessible greenspace and amenity greenspaces to provide additional evidence that demonstrates consideration of needs and deficits. Policy G1 e.g. notes a deficit of playgrounds in the city centre," but it is not clear how this was determined. The criteria for determining whether recreation spaces are surplus and can be downgraded are equally unclear.

The use of indices of deprivation as a metric for determining need for recreational spaces is also problematic as this data is collected across electoral wards which are not homogenous; all families need access to recreation spaces.

4. It is not consistent with NPPF 104(b):

* The City Council will seek for re-provision to be to be the same standard or higher, "ideally onsite". The re-provision of recreation amenities onsite would mean the area of land and therefore quantity of provision would be reduced.

* G1 specifies that re-provision can be delivered "quantitatively (like-for-like replacement) or qualitatively (enhancements that improve the functionality and quality of other areas - demonstrated via the Urban Greening Factor or similar methodology)." It is not clear which "similar methodology" could be used to assess the functionality and quality of recreational space.

* Re-provision for category GIB and GIC is to be "sufficient." This would conflict with the requirement for provision to be equivalent or better in quality AND quantity.

121 Do you consider that policy G1 is legally compliant? If you do NOT consider policy G1 to be legally compliant, please give precise details for your reasons in the box below - if you wish to support the legal compliance of the policy please also use this box to set out your comments.

Not Answered

g1 legal compliance comments:

122 Please set out, as precisely as possible, what change(s) you consider necessary to make the policy legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above. You will need to say why the suggested change will make the Local

Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

suggested changes to make policy g1 sound:

- The concept of multifunctionality is helpful, but that should not be used to drive policy on recreation.
- The growth first approach, and the consequent urgent need for housing, means that provision of housing then takes priority over the provision of services and amenities for existing and new residents.
- There should be a mechanism for taking into account the needs of e.g. families and young adults, including an awareness of contextual safeguarding.
- The 2026 local plan interim Playing Pitch strategy bases recommendations on population trends. A similar approach for determining need for recreation facilities would be more objective. Short-term decisions make it impossible to meet future need.
- Plan policies concentrate council spending and amenities on district centres. OCC should also take into account the needs of rate payers living outside of those district centres.

Policy G2: Enhancement and provision of new Green and Blue features

123 Do you consider that policy G2 is sound?

No

124 If you do NOT consider policy G2 to be sound, please select your reasons why from the choices below. Please give precise details for your reasons in the box below - if you wish to support the soundness of the policy please also use this box to set out your comments.

policy is NOT positively prepared, policy is NOT consistent with national policy

g2 comments:

1. Policy G2 is NOT positively prepared; it does not provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

G2 does not address the needs of children and young adults. It is legitimate to encourage design of green infrastructure for multifunctionality, but recreation it should still be possible for recreation to be a primary function. In the absence of a recreation policy, simply requiring design of GI to take into account "Health and wellbeing" and facilitate "recreation and play for people of all age groups and abilities and abilities, particularly children and teenagers" is meaningless. If there is no policy, there is no way for an applicant to know what objectively assessed needs are, and no way to ensure that those needs are met.

G2 also requires provision to "be tailored to address existing needs or deficiencies in access locally" by e.g. "incorporating play features for younger people." Play features for younger people take up much less space, and allow OCC to claim that they are providing better quality facilities in a fraction of the space. It is important to take into account the needs of all age groups.

4. It is not consistent with national policy

NPPF 104 (b) requires "the loss resulting from the proposed development (to) be replaced by equivalent or better provision in terms of quantity and quality in a suitable location"

G2 only requires replacement provision to be "equally or more accessible" whereas the current NPPF 104(b) requires recreation provision to be in a suitable location. This is important because in the case of Bertie Park, OCC insist that improving access to an adjacent plot of land will mitigate the loss of 80% of our recreation ground whereas Thames Valley Police have long said that the plot of land in question is not suitable for unaccompanied children. They say it "significantly lacks surveillance, creating significant concern that there will be opportunities for crime and antisocial behaviour to flourish." Even if a site is accessible, it is not necessarily suitable for recreation.

125 Do you consider that policy G2 is legally compliant? If you do NOT consider policy G2 to be legally compliant, please give precise details for your reasons in the box below - if you wish to support the legal compliance of the policy please also use this box to set out your comments.

Not Answered

g2 legal compliance comments:

126 Please set out, as precisely as possible, what change(s) you consider necessary to make the policy legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above. You will need to say why the suggested change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

suggested changes to make g2 sound:

It would be helpful if OCC had a recreation policy which would facilitate the identification and provision of facilities to meet the needs of the community, including families and young people.

There are different national policies to deal with e.g. green belt and recreation grounds. OCC should therefore differentiate more clearly between different types of GI in order to make it clear how its policies are consistent with national policies like NPPF 104.

Policy SPS3: Bertie Place Recreation Ground

335 Do you consider that Policy SPS3 is sound?

No

336 If you do NOT consider policy SPS3 to be sound, please select your reasons why from the choices below. Please give precise details for your reasons in the box below - if you wish to support the soundness of the policy please also use this box to set out your comments.

policy is NOT positively prepared, policy is NOT justified, policy is NOT consistent with national policy

sps3 comments:

1. SPS3 is not positively prepared

a. It doesn't seek to meet objectively assessed needs

- The 2005 Green Space Study assessed the quantity, quality, and value of all green space in Oxford. Bertie Park wasn't one of 16 play areas judged to be surplus.
 - 2022 GI study didn't find Bertie Park to be surplus, citing it as an example of a small, but multifunctional park.
 - Technical Advice Note 9: Green Spaces (TAN9) states "Outdoor sport and recreation facilities shown on the Policies Map as protected by Policy G5 are in use and not surplus ... Other open spaces that are not protected on the Policies Map would need to be considered on a case-by-case basis, with strong evidence that they are surplus It is likely this case would need to demonstrate a long-term lack of public access and/or use."
- Bertie Park has been removed from the list of Oxford Parks, but OCC have neither demonstrated lack of access or lack of use.

b. It is not consistent with achieving sustainable development;

According to NPPF 8(b) sustainable development includes homes AND "open spaces that reflect current and future needs and support communities' health, social and cultural well-being;"

The draft plan states that the GI network "performs a vital role in supporting the health and wellbeing of our residents and the wider environment. GI sites are particularly important for the 'multi-functional' role many of them provide." Bertie Park is currently considered to be multifunctional. If shrunk to 20% of its current size, it will no longer be 'multi-functional.'

There is potential to significantly increase housing provision at this end of Hinksey Park ward. It makes little sense to decrease open space provision at the same time:

- There are plans to build 200 homes on Redbridge Paddock.
- Provisions in this plan would unlock development of a number of already developed brownfield sites in flood zone 3.
- The new NPPF L2 1(b) suggests "building on or above ... car parks and other transport infrastructure," like the Redbridge P&R.

TAN 9 makes the point in relation to pitch capacity that if (recreation) amenities "are lost without compensation then so is that opportunity."

2. It is not justified, not based on proportionate evidence

NPPF 32. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned ...

The site capacity assessment states: "Based on current and historic uses, land contamination risks on this site are low." There is no evidence for this. It also misleadingly states that there is a live planning application for 31 homes with 're-provided' MUGA and play area on site, implying a precedent whereas this has been advertised as a departure from the local plan policy. This implies that

- Loss of the open space is acceptable, whereas the live planning application also includes mitigation for loss of open space.
- Reprovision of the MUGA on site is appropriate, whereas TVP state that the MUGA too close to homes.

SPS3 requires "replacement of the MUGA" with "an alternative type of facility or by improvements to the capacity of an existing one." TAN9 says the capacity of replacement pitches should fully replace what is lost in terms of amount of games that can be played, or pitch capacity and be "easily accessible to the same community." There is no evidence that this is possible because the only existing facility in Fox Crescent is significantly smaller and has no capacity whatsoever for enlargement.

4. It is not consistent with national policy

Previous versions of the site policy complied with NPPF 104(b). There was no assessment of need as planning permission would only be granted ... if the existing Bertie Place recreation ground, including a replacement Multi Use Games Area, was re-provided an adjacent plot of land "plot B". But the cost of remediation and a lack of surveillance (TVP noting a high risk of crime and ASB) mean that plot B was unsuitable.

SPS3 therefore requires only "adequate re-provision of the current recreation facilities" to meet the needs of current and future residents. Adequate does not mean equivalent or better. Reprovision of the recreation ground will "be incorporated into the open space requirement for the site," resulting in a very significant reduction in the quantity of open space and a clear net reduction in provision. The government makes it clear that this is not the intention of proposed revisions to NPPF 104 (HC7).

NPPF 96(b) and 135(f): Thames Valley Police have concerns that a site designed as a recreation ground does not make an ideal site for housing. "The proposal to maintain footpath access into this development from Abingdon Road and Wytham Street creates excessive permeability - effectively a leaky cul-de-sac, which is harmful to the development in terms of opportunities for crime", resulting in 110% "more crime than a true cul-de-sac."

337 Do you consider that Policy SPS3 is legally compliant? If you do NOT consider policy SPS3 to be legally compliant, please give precise details for your reasons in the box below - if you wish to support the legal compliance of the policy please also use this box to set out your comments

Not Answered

sps3 legal compliance comments:

338 Please set out, as precisely as possible, what change(s) you consider necessary to make the policy legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above. You will need to say why the suggested change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

suggested changes to make sps3 sound:

The only justification given for this site particular site to be included on the 2045 local plan is the fact that it has been on previous plans. Bertie Park was first included on local plans more than 30 years ago, not because the park was surplus to requirements, but because it was thought that the adjacent site (plot B) provided the possibility of re-provision in a manner compliant with national policy.

It is now clear that previous plan policies were never deliverable. The current live planning application is advertised as a departure from the local plan policy.

Policy SPS3 makes it clear that re-provision in a manner capable of meeting existing and future needs is not envisioned. The recreation ground will shrink to a fraction of its current size, with no mitigation for that loss, and no realistic possibility of replacing the MUGA; it is also clear that proposals come nowhere near complying with national policy.

Yet the proposed 2045 plan, and proposed changes to the NPPF itself open up the possibility of other sites becoming available, thus increasing the need for a medium-sized local park in this area.

Plan policy SPS3 should be removed from the 2045 local plan.