

OXFORD CITY COUNCIL POST ROOM	
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**Objection to the proposed appropriation of Bertie Place Recreation Ground either for planning purposes or for the proposed regeneration of Bertie Park**

**Summary of Objections**

1. Bertie Park is not surplus to requirements.
2. The community has by right had access to Bertie Park recreation ground for 85 years.
3. The area of land you wish to appropriate is greater than 250 square yards.
4. Access to Bertie Park is important for the health and well-being of our community.
5. Without Bertie Park there will be nowhere safe for young people to gather/play.
6. The Rivermead Park development was built without a playground of its own because Bertie Park was so close.
7. Bertie Park is our only community amenity.
8. Bertie Park is used by visitors to the campsite.
9. The recreation ground will not be replaced by equivalent or better provision in a suitable location.

## Introduction

According to OX place: “The cost of housing pushes people into hardship, overcrowded conditions or out of Oxford altogether. It’s one of the reasons that nearly a third of our city’s children live below the poverty line.” (Ox Place, 2022)

Everyone in Oxford understands our housing crisis. What we don’t understand is why our community is the *only one* presented with the stark choice between recreation ground and social housing. The Planning Statement sees a presumption in favour of sustainable development, at the heart of the National Planning Policy Framework (NPPF), as a “golden thread” running through both plan-making and decision taking. 7.1.5.6. (Arcadis(a), 2023) One of the three “overarching objectives” is a social objective:

**NPPF 8: social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; a social objective – to support strong, vibrant and healthy communities, by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.**

It does not just talk about homes, but the services and open spaces needed by the people who live in them. It is therefore wrong to frame the public discussion as a stark choice between housing and amenities, and wrong to force our community to make this choice.

In a 2021 editorial, the Oxford Mail said:

“At some point, we must draw a line and say if we want this to be a great place for people to live, then we also have to protect the things that make it great: the things people love like Bertie Rec. (Oxford Mail, 2021)

If you want to bulldoze something that really deserves bulldozing, then aim at the Government housing policy which drives a Labour-led council to want to build homes on a beloved children's play park.”

## Members of the Save Bertie Park Campaign object to appropriation/sale of their park for planning purposes for the following reasons:

### 1. Bertie Park is not surplus to requirements.

Part (1) of the 1972 Local Government act (LGA), under which OCC wishes to appropriate Bertie Park for planning purposes states that:

“Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation;”

The National Planning and Policy framework makes clear the necessity for assessment of need for recreational land:

**NPPF 99/Local Plan G5:** Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

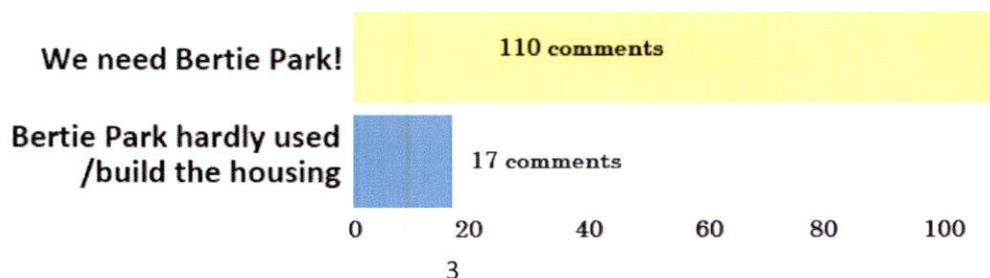
**NPPF 98:** “Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate

Oxford City Council planning department have said that the site is not defined as surplus: “That is why re-provision is required in the policy and has been put forward as part of the application. Albeit that may be in a slightly different form.”

The Save Bertie Park campaign approached all households in the Hinksey Park, south of Hinksey Park, with a survey containing 3 questions:

1. Do you ever use Bertie Park Recreation Ground?
2. Will the new recreation area and wildflower meadow be of equivalent or better **quality** than the current recreation ground?
3. Will the new recreation area and wildflower meadow be equivalent or better in **quantity** (amount) than the current recreation ground?

868 People from 489 households returned surveys. 598 people said they used the park. 324 of the adults also volunteered comments, which we analysed. 127 comments concerned the need for the park.



Unlike OCC, we published all of the data we collected on the Save Bertie Park Oxford website:

<https://savebertie.com/results-of-the-bertie-park-survey/>

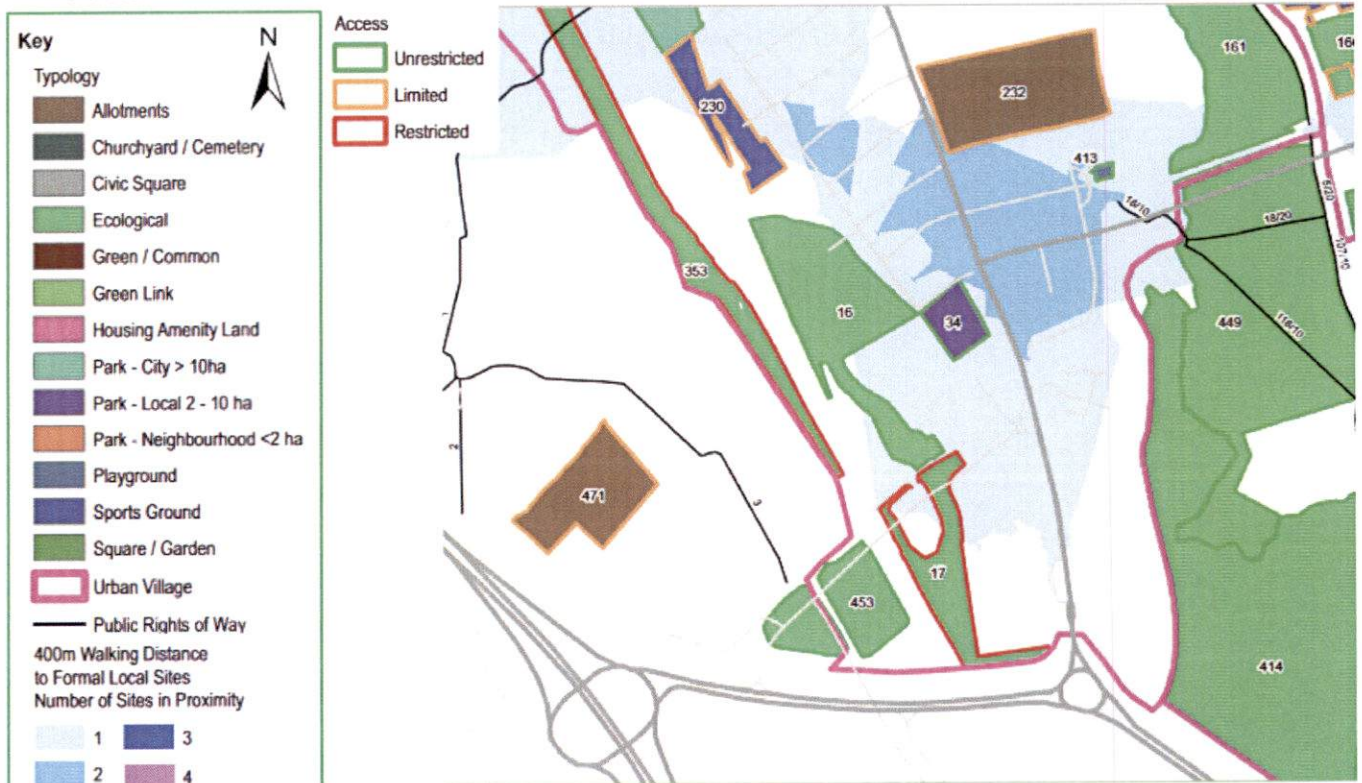
Determining need for a recreation ground is not just about counting the number of people in a park. The motivation for improving cycle routes across Oxford was not the number of cyclists, but the number of accidents. Bertie Park was founded to keep the local community fit and healthy.

Many local children go to Lake Street school which has no grassed areas. They go to Bertie Park to let off steam after school. There is a 19-year-old who recounts meeting his best friend playing football on the park at the age of 9. Local parents and guardians have their own stories of how Bertie Park has acted as a life-line; the mum whose son has ADHD, and the grandmother acting as a foster parent for her grandson.

This is why for both Sport England and Oxford City Council, need is a question of access, not footfall.

**OCC Green Spaces Strategy Objective 4:** aims to improve local access to green space so that people do not have to walk more than 1900m to their nearest large park, not more than 750m to their nearest medium park and not more than 400m to their nearest small park. It states that this standard will be applied to all new developments as well as existing residential areas (OCC(g), 2013).

The image below shows the residential area within 400m walking distance of Bertie Park and Fox Crescent.



34: Site A  
16: Site B

453: Kendall Copse  
17: Redbridge recycling centre

232: Allotments  
413: Fox Crescent



Fox Crescent is a small local park. Bertie Park is a medium local park/NEAP which caters for the whole area.

Park size	Also known as:	Description	Examples
<b>Large Park</b>	City Park (URS Report)	Of a significant size (vary between 7 ha and 122 ha), with secure boundaries and prominent entrances. Usually of a historical significance and sub-regional importance. A high quality landscape comprising a range of elements inc. sports facilities, play areas for all ages and car parking. Likely to have a wide catchment area and significant weekend use	Cuttleslowe & Sunnymead Park Hinksey Park Florence Park
<b>Medium Park</b>	Neighbourhood Park (URS Report)	Intimate relationship with local neighbourhood. Provision of a flexible space, with prominent trees, possibly with some planting and shrubberies. With sports facilities such as fenced-off basket ball hoops or multi use games area (MUGA) or Street Sport site. Children's play area and extensive site furniture often including youth shelter	Fry's Hill Park Botley Park Headington Hill Park
<b>Small Park</b>	Local Park (URS Report)	To serve the immediate locality and needs. Often containing some children's play equipment, but not necessary	John Allen Park Ridgefield Road Recreation Ground Gaisford Road Recreation Ground

The plans use the Fields in Trust (FIT) classification of play areas. The architect referred to use of FIT guidance in the positioning of the LAP in relation to the apartment block (Gardner, 2022). The table below shows FIT recommended benchmark guidelines for formal outdoor space:

**Fields in Trust recommended benchmark guidelines – formal outdoor space (Fields in Trust, 2020)**

Open space typology	QUANTITY GUIDELINE <sup>2</sup> (hectares per 1,000 population)	WALKING GUIDELINE (walking distance: metres from dwellings)
Playing pitches	1.20	1,200m
All outdoor sports <sup>1</sup>	1.60	1,200m
Equipped/designated play areas	0.25 See table 4 for recommended minimum sizes	LAPs - 100m LEAPs - 400m NEAPs - 1,000m
Other outdoor provision (MUGAs and skateboard parks)	0.30	700m

According to FIT, the majority of local planning authorities do not differentiate between rural and urban areas when setting their open space standards. They recommend that 'Equipped/designate play areas' and 'Other outdoor provision' should be added together to give a requirement of 2.15 hectares per 1,000 people. (Fields in Trust, 2020)

**2. The community has by right had access to Bertie Park recreation ground for 85 years.**

Part (1) of the 1972 LGA act also states that:

“The appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned”.

Aside from temporary wartime allocation as allotments, there has been no formal allocation of any part of the recreation ground to a purpose other than recreational use. Residents and visitors have **by right** enjoyed access to Bertie Park for 85 years.

**3. The area of land you wish to appropriate is greater than 250 square yards.**

Part (2) of s122 Local Government Act (LGA) 1972 states that:

“a principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under [F1section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—

- (a) the total of the land appropriated in any particular common, . . . F2 or fuel or field garden allotment (giving those expressions the same meanings as in [F3the said section 229]) does not in the aggregate exceed 250 square yards”.

According to Local Plan policy SP32, Plot A covers 0.66 hectares. This is equal to 7894 square yards.

**4. Access to Bertie Park is important for the health and well-being of our community**

On 2<sup>nd</sup> July 1934, Oxford City Council appointed a Special Open Spaces Sub-Committee to “submit proposals ... for the acquisition of land suitable for Playing Fields and Recreation Grounds” because they realised that “the physical development of the body is as important as the education of the mind; and that it is cheaper to keep a well-developed and healthy community fit, than to cure the sickly inhabitants of congested areas by expensive hospital treatment.” (OCC, 1937 -38).

Bertie Park is currently held for parks and open spaces purposes under the Public Health Act 1875. Awareness of the need for proper recreation space is much heightened in the wake of the pandemic. It is therefore interesting that the 1875 Public Health Act “sought to address longstanding public health problems in relation to such matters as sewerage, housing, water supply and the prevention of epidemic disease” (Day v. Shropshire County Council, 2023).

A similar concern with health and well-being is reflected by the National Planning Policy Framework (NPPF):

**NPPF 98:** “Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities”

Lady Rose, when justifying the Supreme Court judgement on the case of Day v Shropshire emphasised the need for recreation areas:

“Certainly, the events of recent years blighted by the Covid-19 pandemic with compulsory lock downs and social distancing have confirmed that recreation areas have a vital role to play in the physical and mental well-being of people living in an urban environment.” (Day v. Shropshire County Council, 2023)

## **5. Without Bertie Park there will be nowhere safe for young people to gather/play.**

If the development went ahead, we believe that there would be a net decrease in surveillance for the young people at this end of Hinksey Park ward for the following reasons:

The proposed play area is much smaller, and designed for children aged 0-6 within a 1 minute's walk. The MUGA is too small for either basketball or football, and there is no area for free play.

When asked what would happen to young people who currently play in Bertie Park, but who will no longer be catered for, Cllr Hollingsworth has said that his personal view is that: "kids find their own spaces" (Hollingsworth, 2023). He told the Oxford Mail that new facilities would "complement the play areas and football pitch at Hinksey Park, which is less than a 15-minute walk away for older children and teenagers." (Norris, 2023)

Children are not always willing or able to walk to Hinksey Park. Parents are not always willing to let young children go on their own to a park outside of the local community. It is also relevant that they no longer play football in Hinksey Park because it floods too often.

Although there is seating for adults in the play garden, the new amenities will not attract other adult users. These people will not provide surveillance for young people playing on site A

**DAS 5.3:** "Surveillance has been increased in areas of key importance, such as the child's play area and open space leading to Site B. Its location ensures that it can be observed from the road and shared surface on site. In addition, the apartment block bordering the children's play area looks to provide good enclosure and overlooking to this area." (Arcadis(d), 2023)

Although the existing national cycle path will still run through the development, it is not clear who else will be on the road or on the shared surface. People who want to run or walk their dogs will visit site B. If the facilities no longer cater for children of all ages, there will be fewer families with parents/adults present.

For children who have to find somewhere else to play, there may be no surveillance at all.

One of Oxford County Council's safeguarding courses requires participants to watch a TED talk by Carlene Firmin (Firmin, 2019). She explains that, too often, Child Protection Services blame the families of vulnerable children, rather than looking at the poorly supervised spaces in which problematic behaviours arise. The evidence shows that the window between 3.30 and 7.00 is the most vulnerable time for a teenager in this country (Firmin, 2019).

Bertie Park is a safe place for the young people of our community.

## **6. The Rivermead development was built without a playground of its own because Bertie Park was so close.**

The Rivermead development does not contain a play area of any sort. Fields in Trust table shown overleaf sets out recommended benchmark guidelines for the provision of equipped/designated play space. It recommends that these should be provided on site, but say that "A financial contribution (i.e. through S106 or CIL) towards improvement of an existing equipped/designated play space may



be sought in lieu of on-site provision for larger scale play spaces, or where existing play space lies within the walking distance guideline of a proposed development.” (Fields in Trust, 2020)

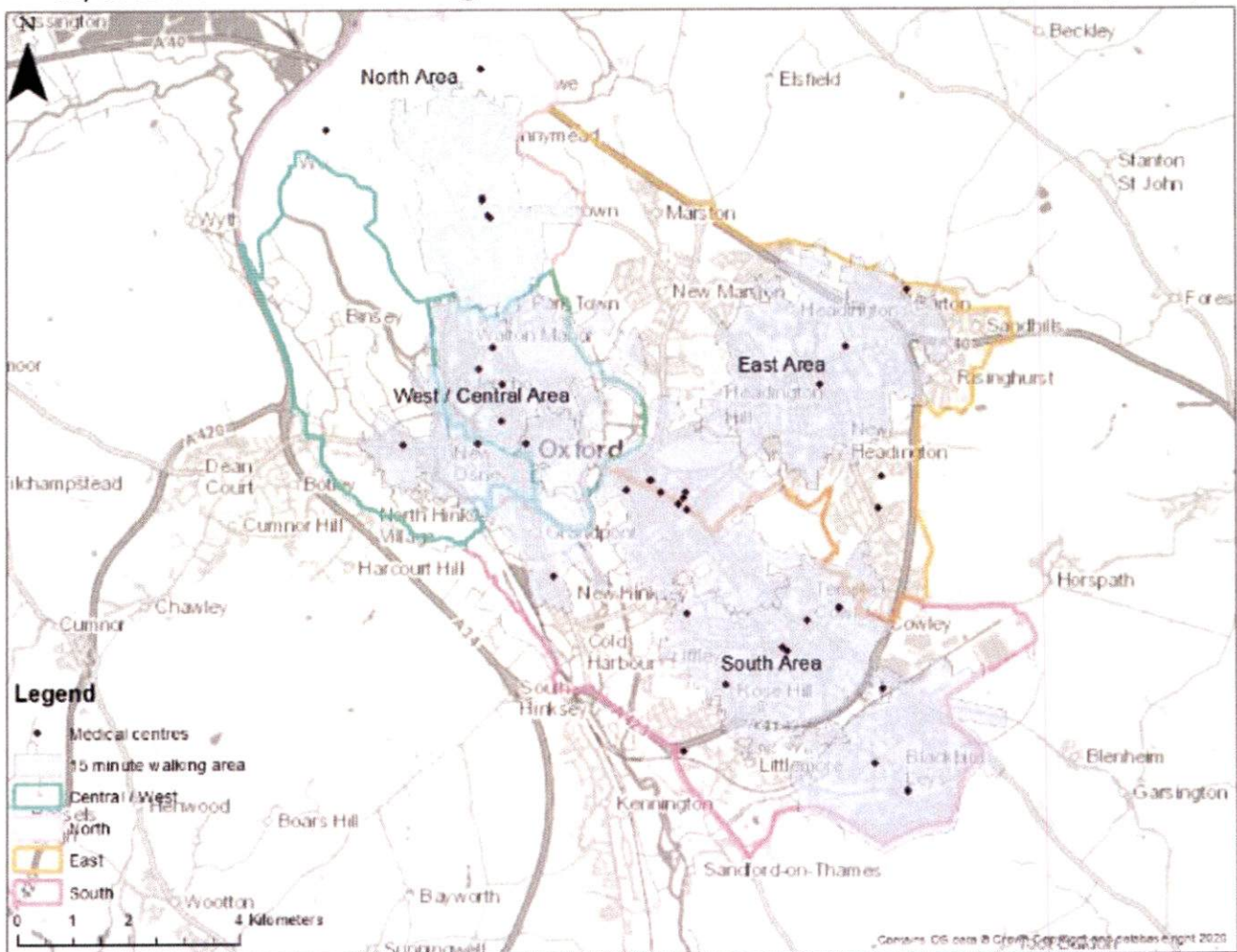
**Recommended benchmark guidelines for the provision of equipped/designated play space**

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
5-10 dwellings	✓			
1-200 dwellings	✓	✓		Contribution

Bertie Park is less than 5 minutes walk away from the Rivermead development. The deeds for the Rivermead estate (107 dwellings) show a 106 agreement to provide funding for the Community Centre at St Luke’s Church.

**7. Bertie Park is our only community amenity.**

According to the 15 Minute neighbourhoods background paper, mapping shows the greater part of the city to be within 15 minutes walking distance of a district centre or a local centre (OCC (15), 2022).





The Cold Harbour/New Hinksey area is not within walking distance of either a district or a local centre.

Lists of community organisations and services identified in the Design and Access Statement and the Health Impact Assessment (Arcadis(h), 2023) and (Arcadis(d), 2023) serve to illustrate the importance of Bertie Park:

**Other public or semi-public open spaces**

- Hinksey Park (15-minute walk away. Even further for residents if new housing is built on Redbridge Meadow)
- Bertie Park (!! ) situated near the river Thames

**Community organisations and Services**

- Tesco Express
- St Luke's Church
- Ox Grow Community Gardening (28-minute walk, no disabled access)
- City of Oxford Rowing Club (11-minute walk. £462 p.a.)
- Oxford University College Sports Ground (17-minute walk. £320 p.a.)
- North Hinksey Parish Council (!!)
- Hinksey Park football club (Grandpont, 20-minute walk)

In the absence of a recreation ground, OX Place suggest that The South Oxford Community Centre "could help encourage greater means of community activity and integration", (Arcadis(d), 2023) but the community centre is not open 24 hours a day, nor do they welcome unaccompanied children. It is relevant that St Luke's Church have always actively supported the Save Bertie Park campaign.

Bertie Park occupies a central site. It offers good access to the members of our community. Good transport links mean that there are other plans to develop this area (current and future, known and unknown). Nobody knows how the future will change this end of the Hinksey Park Ward. We can be sure that it will include more housing. If you build on Bertie Park it will be gone for ever.

**8. Bertie Park is used by visitors to the campsite.**

**Local Plan 1.67:** Tourism is an important element of Oxford's economy... The Local plan seeks to manage the negative impacts of day visitors... and encourage tourists to stay longer through granting permission for short stay accommodation in locations where they are easily accessible through sustainable modes and where they can be good neighbours.

Bertie Park is well-used by visitors to Oxford Camping and Caravan Club which encourages tourists to stay longer by enabling people of more limited means to stay overnight. It is especially appreciated by families with children.

Bertie Park is also used by people from Kennington who stop to let their children play in the park on their way to and from Oxford.

## 9. Bertie Park will not be replaced by equivalent or better provision in a suitable location.

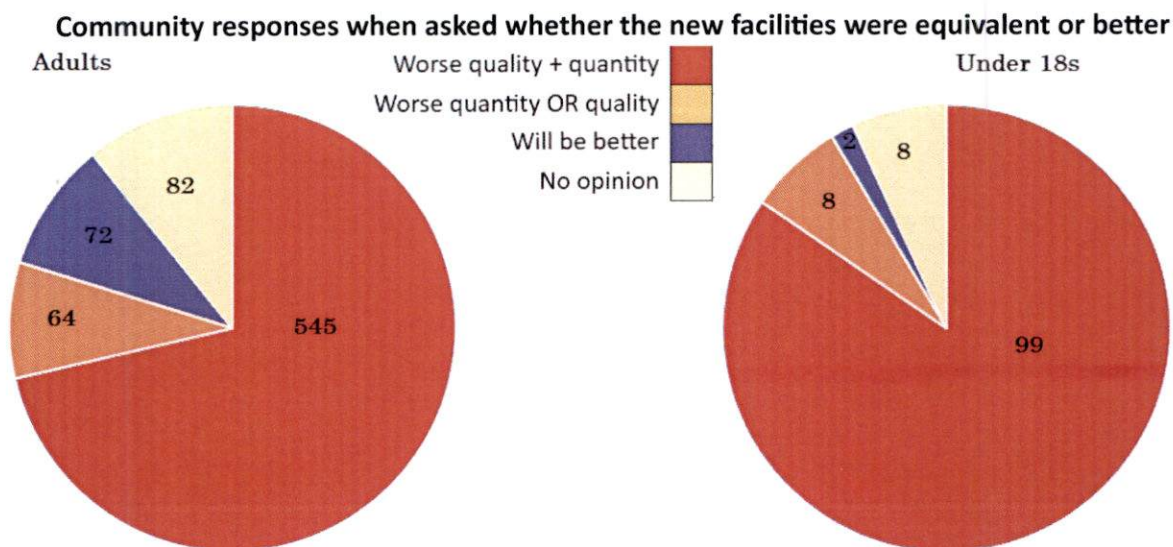
This objection does not concern the need for a recreation ground, but is included as the advertisement placed in the Oxford Times by Oxford City Council says that you would like to appropriate the open space for planning purposes in order to deliver the regeneration of Bertie Place Recreation Ground. This implies both that the recreation ground will still exist and that new facilities will be better than the existing facilities, as required by both national and local policies:

**NPPF 99/ Local Plan G5:** Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;

Rather than provide equivalent or better, OX place has made clear their intention not to re-provide, but retain as much as possible of the public realm and Green Open Space (Ox Place, 2022). According to the senior development officer, they have always intended to replace “like with like, so that there is no nett loss in play area or public open space.” (Moran, Conversation with Stuart Moran, 2021) but have only been able to achieve this as far as space constraints would allow.

### (a) Our community doesn’t find the proposals to be equivalent or better

During the Save Bertie Park campaign door to door survey 80% of our community said that they did not think that the proposed recreational facilities will be equivalent and/or better.



### (b) The new play area is not designed to cope with current or future need.

**OCC Green spaces strategy:** It is ... important to ensure that any new development does not overburden existing infrastructure, including green infrastructure. 3.4 (OCC(g), 2013)

**Sport England** “If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure”. (Sport England, 2023)

The current proposal is to build 31 dwellings on Bertie Park. 170 homes will be constructed on Redbridge Meadow. We have hear-say evidence of further developments across the area. As a rule of thumb, you multiply the number of dwellings x 2.5 to for an indication of number of future inhabitants. Downgrading a key amenity at a time when future need is projected to increase in this way makes little sense.

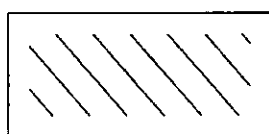
**(c) Modernisation of the equipment at Bertie Park is a red herring**

In the DAS, the client brief describes Bertie Park recreation ground as “currently being ... in need of upgrading” (Arcadis(d), 2023)

Although Bertie Park is well maintained, it is obvious that no council will invest in refurbishment of a park which is slated for development. The parks department have said that “There is a rolling play area refurbishment programme to try to keep all the facilities and equipment up to standard, including complete replacement of items as and when they wear out. Occasionally, new additional equipment is installed at a particular location if external funds are available.” (Bell, 2023). The condition of equipment in any play area can therefore be seen as a “red herring” (Bell, 2023) in relation to any decision to develop Bertie Park.

**(d) The play areas are now designed to flood**

According to the architect, “The play area and MUGA are designed to occasionally flood.” (Gardner, 2022) This is because soil will be taken from the play areas and used to level up the rest of the site. (Ox Place, 2022). Sloped landscaping on the play garden is “designed to help reduce potential flooding of the rest of the site” (Ox Place, 2022). The Planning Statement describes both the play areas on Bertie Place A, and Bertie Place B as “water compatible” (Arcadis(a), 2023). The full landscape plan states that the area will be seeded with wetland grass species.



**Wetland Mix** - All wetland mix areas to be seeded as per specification

Young people can currently still play on Bertie Park, even when Fox Crescent and Hinksey Park are flooded.

**(e) There will be no space for free play on site A**

**Green Spaces Strategy objective 15:** “Play spaces should be located on accessible green space where feasible and include elements of natural and free play” (OCC(g), 2013).

The intention is to build on 80% of the Bertie Park Recreation Ground. The 2022 plans described the remaining area of grass to the West and North of the MUGA and playground as “green public open space”. In the current proposals this will cover an area of 1200m<sup>2</sup> (Arcadis(b), 2023) which corresponds to at most 18% of the green public open space to which our community currently has access, but only because it now includes the bank of the stream.



The development needs to result in a 10% increase in biodiversity across the site. In order to achieve this, the green open space will need to be more diverse than the current area of grass. It is therefore targeted “post-development to have 6 – 8 species per m<sup>2</sup>. It will need to have grasses of different heights (at least 20% less than 7 cm and at least 20% is more than 7 cm) in order to create microclimates which provide opportunities for insects, birds and small mammals to live and breed”. (Arcadis(b), 2023)

It will also be necessary to avoid “erosion caused by high levels of access” (Arcadis(b), 2023). This would indicate that maintaining biodiversity is not compatible with free play. There will therefore be no area for free play.

The artists impression below shows people walking on a gently sloping bank and picnicking on the grass.



According to Cllr Brown, “there’s always a bit of a danger with drawings, which are helpful in terms of trying to give people a sense of what something might look like, in people taking it as read that is exactly what it’s going to look like. It’s an important point to make that they are just indicative at this stage” (Brown, 2023).

The artist’s impression does not give any sense of what it will look like. It will be a wetland area including a steep slope down to Hinksey Stream where people will not be able to either walk or picnic.

(f) The new play garden is not a reprovision of the existing playground

**Green Spaces Strategy** (OCC(g), 2013) aims to apply The Play England manual ‘Design for Play’ to the location and design of play spaces. This requires both meeting community needs and allowing children of different ages to play together.

**Design principle set out in the DAS:** to provide a MUGA and play facilities that encourage community integration.7.1.7 (Arcadis(a), 2023)

In 2022, we asked if the council had done any calculations about the maximum number of children able to use a play area of the suggested size with the suggested amount of play equipment. The architect replied that he was not aware of any capacity calculations. “However, an LAP (Local Area for Play) is designed to have a catchment area of approximately 1 minute’s walk, caters for children up to the age of 6, is a 1 minutes’ walk from a home”. (Gardner, 2022)

The council told the Oxford Mail that “the proposed new play area will be 7.7 % smaller than the existing area”. (Norris, 2023) We measured the current play area to be 570 m<sup>2</sup>. The new play area includes a hedge, 6 trees and various shrubs, a slope designed to protect the rest of the site from flooding, and disabled access to the MUGA. The new area of play safety surface will be 172.7m<sup>2</sup> (Jefferis(a), 2023), about 68% smaller than the existing playground.

The current recreation ground is a NEAP (Neighbourhood Equipped Area of Play). The table below, which gives Fields in Trust specifications for a NEAP (Fields in Trust, 2020):

Area of play surface	1000 m <sup>2</sup>
Distance from dwellings	1 km
Age range catered for	mainly for older children but potentially with play opportunities for younger children
Recommended facilities	An area for play equipment and structures and a hard surface of at least 465 m <sup>2</sup> (the minimum needed to play 5-a-side football)
Boundary zone	30m minimum separation between activity zone and the boundary of the nearest property containing a dwelling

An LAP requires no play equipment as such, and is designed for very young children to play close to where they live i.e. within one minute's walking time. Because the new play area is considered to be an LAP, it can be 5 m away from dwellings. According to Rob Jefferis and Dave Scholes the fact that the play garden is designed as an LAP “doesn’t exclude others from using the play equipment (either living further away or age 6+)” (Jefferis(b), 2023). Following consultation, the OX Place proposals, submitted to planning committee, include the following:

Equipment	Age range
Rock and bowl	2-10
Pick up sticks 4 climber	Little adventurers
Cygnets unit with slide	Early years
Single bay Viking basket swing	5 - adult
Balance and stepping logs	18 months – 14 years



The cygnet unit is *designed* for toddlers. It doesn't need a safety surface as the "critical fall height is less than 60cm" (A E Evans, 2020). The plastic slide is only 1.2 m long. This "doesn't exclude" the children who use currently value and use the climbing frame in the park, but it is not equivalent to what they have, and they would not be seen dead using it.

The current playground has 13 items of play equipment, plus 2 puzzles + hop-scotch. The new play garden cannot be considered a re-provision of the existing playground.

(g) The design and siting of the new MUGA are both problematic

**Policy SP32:** "Planning permission will only be granted ... if the existing Bertie Place recreation ground, including a replacement Multi Use Games Area, is re-provided on land in Plot B"

Initial plans did not include a MUGA. It was not until 17.11.22 that "The principle of Site A accommodating houses and the MUGA/ Child Play Area" was accepted by OCC planning. But they appear unconcerned whether the MUGA fulfils either the needs of our community or the future residents. The plans appear to be deliberately ambiguous.

Although the total area of the new MUGA is roughly equivalent to the current one, it has a basketball court marked out to 66% of the current play area. The council told the Oxford Mail: "the proposed MUGA is 25m long, which is a typical length". (Norris, 2023)

Measured dimensions of current MUGA / m	28 x 15.3 m	430 m <sup>2</sup>
Recommended size of MUGA for basketball/ m (STM, 2018)	28 x 15 m	420 m <sup>2</sup>
Dimensions of new pitch markings/m	22.5 x 12.6 m	283.5 m <sup>2</sup>

Fields in trust say the minimum area needed to play 5-a-side football is 465 m<sup>2</sup>. (Fields in Trust, 2020) The submitted plans state in error the intention to install an arched-end MUGA with recessed football goal areas. The intended specification is for plain fencing, with no indication of the design of basketball hoops or goal areas. There are 30 cm high concrete benches on 2 sides of the pitch, with paths in front of these benches. It is not clear how this would accept the provision of football goals.

Fields in Trust guidance is that a MUGA should be 30m away from housing (Fields in Trust, 2020)

Equipped/ designated play areas	<b>LEAP</b>	0.04ha	<b>20x20 metres</b> (minimum activity zone of 400sqm)	<b>20m</b> min separation between activity zone and the habitable room façade of dwellings
	<b>NEAP</b>	0.1ha	<b>31.6 x 31.6 metres</b> (minimum activity zone of 1,000sqm comprising an area for play equipment and structures & a hard surfaced area of at least 465sqm (the minimum needed to play five-a-side football))	<b>30m</b> min separation between activity zone and the boundary of the nearest property containing a dwelling
Other outdoor provision (MUGAs and skateboard parks)	<b>MUGA</b>	0.1ha	<b>40x20 metres</b>	<b>30m</b> min separation between activity zone and the boundary of the nearest property containing a dwelling



The current MUGA is 40m away from all neighbouring properties. Some of the proposed housing will be 11m away from the MUGA.

The Planning Statement states that the following measures will be taken to mitigate noise pollution 7.5.53 (Arcadis(a), 2023):

1. Design of fencing to prevent resonance.
2. Sinking the MUGA by 30cm from street level.

Mitigation measures suggested by the Noise Assessment Report include (Arcadis (n), 2023):

1. Restricted operational hours and/or naturally controlling the hours of use by no artificial lighting provision.
2. Residents' engagement and ensuring that there is a simple method to report noise complaints, damage and/or misuse.

We currently have a recreational space where young people can gather. They can shout, and scream, and let off steam. This is not a problem with the under-fives in the LAP as they don't have loud voices, and go to bed early. It is clear that there are potential problems for older kids using and gathering around the MUGA. Members of our community predict that it won't be long before the new residents are driven to put out the "no ball game" signs.

(h) A 250m footpath cannot replace a 0.66 hectare recreation ground.

**Oxford Local Plan 2016 – 2036 (OLP36) SP32:** Planning permission will only be granted ... if the existing Bertie Place recreation ground, including a replacement Multi Use Games Area, is re-provided on land in Plot B"

Re-providing the recreation ground on plot B was never suggested:

**DAS 7.1:** "It has been agreed through pre-application meetings with the LPA that the MUGA and play area, which form part of the existing recreation ground, will instead be replaced on Bertie Place A. This is due to the unsuitability of relocating these facilities on Bertie Place B due to poor surveillance." (Arcadis(d), 2023)

The client brief in the Design and Access statement explains that the aim is to provide existing areas of play on Bertie Place A along with improved access to an area the same size as the current recreation ground on site B (Arcadis(d), 2023). According to Cllr Hollingsworth site B "will have to be a very different sort of recreational space, not one that's encouraging children to go ..." (Hollingsworth, 2023). "Minor improvements" to site B consist of clearing a 250m long footpath through the site to encourage access and enjoyment (Arcadis(a), 2023). This path will serve as a nature trail.

There are two problems with this:

1. According to Stuart Moran, "The police are happy with a nature trail, but would not be happy with either a MUGA or a play area on Site B. The trail is not for young children to run round. It would not be safe to leave a small child on site B, parents would need to go with them" (Moran, Conversation with Stuart Moran, 2021). Many parents forbid their children to play on site B and agree with Thames Valley Police that it is unsafe for unaccompanied children.

If it is not possible to move Bertie Park to plot B because there is insufficient surveillance, it is self-evident that it is also unsuitable for any replacement.

2. There is no demonstrable need for a nature trail. Kendall Copse (see map on page 4) is a nature trail only 10-minutes away from Bertie Park. You are telling our young people that they will have to walk 15 minutes to play at Hinksey Park.

A 250m footpath clearly cannot replace a 0.66-hectare recreation ground.

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OXFORD CITY COUNCIL POST ROOM	
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09 OCT 2023	23 OCT 2023

66

Head of Law and Governance

Oxford City Council

The Town Hall

St Aldates

Oxford

OX1 1BX

To: The Head of Law and Governance  
Oxford City Council

Objection to the appropriation of open space land within Bertie Park Recreation Ground, under section 122 of the Local Government Act 1975, section 122, as advertised in the Council's statutory notice 21<sup>st</sup> and 28<sup>th</sup> September 2023.

A: with specific reference to the Local Government Act 1975, section 122.

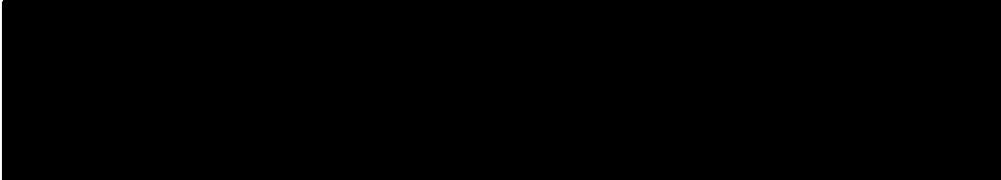
- 1 – The notice is incoherent. The Council gives notice of appropriation, yet also mentions 'sale'. Disposal by sale is covered in section 123 of the Act, which does not apply to this notice.
- 2 – The Council has not shown that Bertie Park 'is no longer required for the purpose for which it is held immediately before the appropriation'. The Council has taken no steps to determine this, and indeed knows quite well that it is so required.
- 3 – The Council plans to appropriate 7777.7 sq. metres. The Act specifies that a Council "may not appropriate.....unless....the total of the land....does not in the aggregate exceed 250 square yards".

B: in general, with reference to the term 'regeneration'.

The term 'regeneration' was presumably chosen to give the impression that the recreation ground itself would see a new lease of life under the Council's plans. This is far from the case. In fact the area for free play would be reduced by over 80%; the playground, currently furnished with fourteen pieces of play equipment, would have five items suitable mainly for the youngest children, living within 100m. Currently, children of all ages, and living as far away as Lake Street and Rivermead Park, make regular use of the playground and MUGA. (Rivermead Park was built without a dedicated playground because of the proximity of Bertie Park). The proposed design of the replacement MUGA is unsuitable for football, for which it used regularly. Groups from as far away as Kennington use the MUGA for practice. The proposed siting of the MUGA is a mere 11m from the nearest dwellings. Noise will inevitably be a concern for residents – it has been suggested that hours of use of the MUGA be limited, and avenues of complaint be made readily accessible; a recipe for discontent and conflict.

The area the Council wish to appropriate is 0.78 hectares "within Bertie Park Recreation Ground". The 2036 Local Plan policy gives the area for development on Bertie Park as 0.66 hectares. The extra comes from the bank of the stream, which is, according to the architect's plans, part of the recreation area. But this area, as well as the playground and MUGA, are "designed to occasionally flood". They are "water-compatible" and to be sown with "wetland mix". Not an adequate replacement then for the loss of our current all-year-round free-play space.

The proposed regeneration, then, is anything but. And if the Council genuinely want to regenerate Bertie Park, they have no need to appropriate it.



05/10/2023



URGENT to  
meet deadline

Head of Law and Governance  
Oxford City Council  
The Town Hall  
St. Aldate's  
Oxford OX1 1BX

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OXFORD CITY COUNCIL POST ROOM	
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5 OCT 2023	19 OCT 2023

OXFORD CITY COUNCIL POST ROOM	
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06 OCT 2023	20 OCT 2023

Att: Head of Law and Governance  
Oxford City Council  
Town Hall  
OXFORD OX1 1BX



For the attention of Head of Law and Governance

Oxford City Council

Town Hall

OXFORD OX11BX

4<sup>TH</sup>. October 2023

RE: INTENTION TO APPROPRIATE BERTIE PARK

Dear Sir

I wish to draw attention to the manner in which Oxford City Council has, in recent years, used apparently misleading language and information, in presenting to the people of New Hinksey, their intention to build accommodation on Bertie Park.

It is clear that Government legislation stipulates that if a recreational playground is to be removed, this must be replaced by facilities of **an equal or better standard**. However, (1) The City Council, at an earlier stage proposed to create an 'Adventure' or 'Nature' park on the other side of the drainage channel that runs alongside the existing playground. For reasons of child security it is now accepted that this could only possibly be considered to be safe for older teenagers, or for younger ones if accompanied by an adult. The Council anticipated that this facility would compensate in some way for the loss of space within Bertie Park that would result from housing development. It is however now apparent that issues raised by the Environment Agency, and the possibility that soil excavated as part of the Oxford Flood Alleviation Scheme will be dumped on that land, may prevent implementation of this part of the scheme. (2) It is quite clear that the Multi-Use Games Area as proposed will be smaller than the present one, being shorter, with goal recesses removed, and constricted by benches installed within it. It will actually be too small to permit even small teams to play football. (3) The proposed Childrens' play area and equipment will be shrunk in size, to the point that it will only be suitable for under-5-year-olds, whereas at present it is also freely used by young teenage people.

The choice of language used by the Council in presenting outline plans to the public has been deliberately misleading: it is specious to describe the changes to the recreational facilities as 'regenerating' the playground, when the children's play equipment and safety play surface is currently in need of nothing more than resurfacing and a coat of paint. Further, to try to persuade the public that this so-called 'regeneration' is contingent on the building of the 31 homes is an equally specious attempt to win public favour for the scheme as a whole.

The attempts of the City Council to establish as a 'front', a supposed development company, is a questionable way to deflect public criticism away from the its own officers and councillors in their decision-making and guidance of planning procedures. The public have become confused as to whether they should address concerns to Council members, or to the 'Development Company'. Furthermore, every material challenge to the proposed plans for 'regeneration' is met with the same endlessly repeated response: 'Bertie Park has been part of the Local Plan for 30 years'. This ignores the way that the plans specific to the park have shifted so far as to have become unrecognizable: previously, the park was to be re-provided on a plot elsewhere, but now it is to be squashed very uncomfortably close to the proposed housing on the same plot. At one stage, the land was to be appropriated in order to build a school. The council has even, recently, been contradicting its own findings that Bertie Park 'is not surplus to requirements'.

The Council also repeatedly insists that there have been successive 'public consultations', so as to discover local concerns. However, the form of such 'consultations' is rather that of displaying plans and making use of artist's 'impressions' that look attractive to the uninformed onlooker but do not match the 'on the ground' realities of the site. Potential problems arising from residents of the proposed homes being disturbed by the proximity of ball games and noise are not addressed, nor are the risks to children of moving about on a slippery surface of semi-wild grass sloping down to the watercourse alongside.

Yours faithfully



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