

# Wirral Local Plan – Main Modifications Response Form

## Part A

### 1. Personal details

(if an agent is appointed, please complete only the title, name and organisation in the boxes below but complete the full contact details of the agent in section 2 below)

<b>Title</b>	
<b>First name</b>	
<b>Last name</b>	
<b>Organisation (where relevant)</b>	D Morgan PLC
<b>Address</b>	
<b>Postcode</b>	
<b>Telephone number</b>	
<b>Email address</b>	
<b>Objective ID number (if known)</b>	

### 2. Agent's details (if applicable)

<b>Title</b>	█
<b>First name</b>	█
<b>Last name</b>	█
<b>Job title (where relevant)</b>	█
<b>Organisation (where relevant)</b>	Peacock + Smith
<b>Who are you representing?</b>	D Morgan PLC
<b>Address</b>	█
<b>Postcode</b>	█
<b>Telephone number</b>	█
<b>Email address</b>	█
<b>Objective ID number (if known)</b>	

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## 3. Data Protection Notice

X	Please tick this box to confirm that you understand that your name and your response will be published, that your full name and details will be passed to the Planning Inspectors, and that you have read and understood the Council's privacy notice.
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Please note that all comments will be held by Wirral Council and made available in accordance with our privacy notice, which can be viewed at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/forward-planning-privacy-notice> or obtained from one of the addresses below.

Please read all the information related to this consultation on the Council's webpage at <https://www.wirral.gov.uk/new-local-plan> or which has been placed in public libraries, and the Wirral Local Plan Modifications Response Form Background Note before you make your representations.

## 4. Completed Responses

Please submit your completed Response Form/s **to arrive at one of the addresses below no later than 5pm on Friday 8 November 2024.**

- by email to: [localplan@wirral.gov.uk](mailto:localplan@wirral.gov.uk), clearly marked as 'Wirral Local Plan – Consultation on Main Modifications'  
or
- by post to: Wirral Local Plan - Main Modifications, Wirral Council, PO Box 290, Wallasey CH27 9FQ

Please note that comments received after this deadline will not be accepted.

Please use a separate Response Form for each modification that you wish comment on.

If you require any further information, please contact the Council's Forward Planning Team by e-mail at [localplan@wirral.gov.uk](mailto:localplan@wirral.gov.uk) or by telephone on 0151 691 8235.

# Wirral Local Plan – Main Modifications Response Form

## Part B

1. To which Modification does your representation relate? (please insert as appropriate)

Main Modification Reference number: MM 5

~~Policies Map Reference number: PM [ ]~~

~~Additional Modification Reference number: AM [ ]~~

2. If your comment is on a Main Modification, do you consider that the Main Modification is:

Legally Compliant – Yes / ~~No (please delete as appropriate)~~

Sound – ~~Yes~~ / No (please delete as appropriate)

3. Please explain why you consider a Main Modification does not assist in achieving legal compliance or soundness or provide any other comments on it in the box below. Please be as precise as possible.

Wirral's own evidence base (Strategic Housing Market Area 2021 Update) identified a need for family housing, "3-bedroom (40%) and four or more bedroom 20%". With a high-density strategy being pursued, this housing mix has not been provided for, making the Local Plan unsound.

Based on the Main Modification version of the Local Plan, we understand the Council are continuing with the approach of not releasing any Green Belt land and not proposing any new sites for development.

The result of this flawed approach, which is politically motivated, is predominantly high-density, high-rise development in Birkenhead, and the exclusion of lower-density family housing throughout Wirral.

The Council's flawed approach is based upon an unbalanced political decision which opposes the release of any Green Belt land, without considering the planning benefits of delivering family housing for which there is an identified need not yet provided for. Wirral is experiencing high levels of deprivation, in excess of 35% of the population and rising; a lack of family housing for higher income contributors to the local economy is part of this increasing problem.

From the initial stages of the preparation of the Local Plan, there has been an unrealistic political aspiration and over-reliance placed on long-standing brownfield sites coming forward "around Birkenhead" and on the "LeftBank' of the River Mersey".

The Strategic Housing Land Availability Assessment (SHLAA) 2019 confirmed:

*"currently there may not be enough specific 'deliverable', or 'developable' sites within the urban area and on existing brownfield sites that will be able to provide for the number of new homes required to be delivered within the Plan Period".*

The Wirral Local Plan CIL & Viability Assessment (2022), para ES13, also went on to state:

*"10% on-site provision of affordable housing is currently unviable on all sites in Zone 1- low value without grant funding".*

Despite all the evidence above, the Council is still blindly relying on a significant amount of urban brownfield sites to come forward during the Plan period including in Zone 1, which even the Council acknowledge has viability issues.

Such unviable sites have not been delivered during times of relative economic prosperity, when there was already a presumption in favour of developing urban brownfield sites (in the Birkenhead area and on the Leftbank of the River Mersey). As we are now in a period of economic uncertainty, it seems even less likely that such unviable sites will be delivered with an acceptable level of affordable housing.

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Sustainable sites outside of the urban area, including Green Belt sites on the urban edge, within the favoured 400m Transit Zones of railway stations, well-served by public transport, can be more 'reliable' sources of viable housing supply which will include the family housing mix that has been identified as required with an element of affordable housing and a Green Belt designation should not preclude sustainable development and should not prevent the required family housing mix with an element of affordable housing being provided.

These sites in sustainable locations can be developed with an element of affordable housing without the same deliverability constraints as those in the urban area (i.e. urban sites requiring costly remediation and which based on the Council's evidence are unviable). The Main Modification version of the Local Plan does not provide for viable development in sustainable locations.

Housing need, including family housing with an element of affordable housing, is a District-wide matter and does not only arise within the urban area of Birkenhead which is focussed on high-rise development including unviable brownfield sites.

The strategy pursued by the Council should recognise this and plan to meet this wider need by distributing growth focussed on viable developments across the District. Whilst intensification with high-rise, high-density developments/apartments on urban sites has a proportionate role to play in meeting some of Wirral's housing need, not everyone wishes to live in a high-rise/high-density development in the urban area in the east of the District.

The government's recent consultation on 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' proposes raising the housing requirement for Wirral from 728 dwellings per annum to 1755 dwellings per annum. Wirral should be forward planning for this significant increase now, rather than pushing the issue further into the future creating a severe housing shortage with a shortfall on the above figures of 1027 dwellings per annum. This demonstrates a stark failure of the Modifications to provide for the forecast need. Wirral's approach is unsound and is the opposite of what forward planning should achieve.

The Local Plan as currently drafted does not contain sufficient flexibility to meet Wirral's housing needs including family housing and affordable housing within viable developments.

Wirral cannot guarantee the delivery of complex, brownfield sites mainly on the LeftBank of the River Mersey which are confirmed by the Council to be unviable and which have never been developed; this issue will only exacerbate in the knowledge that the housing requirement will increase from 728 dwellings per annum to 1755 dwellings per annum. The suggested Main Modifications are not flexible enough to provide for this increase or provide for the housing mix including family housing and an affordable element in viable developments.

Green Belt land surrounds most of the urban areas of Wirral, and the recent government consultation on proposed Planning reforms also introduces the concept of 'grey belt'. There is now national recognition that such sites should be brought forward for development and that Wirral's blanket ban on releasing any Green Belt land is inappropriate and counterproductive. The proposed definition of Grey Belt is "*land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes*".

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As we have set out in previous representations, our client's land at the Former Hooton Brick Works, Eastham Rake (ref: 650) and Former Brick Works, Carr Lane (ref: 1950) are previously developed sites with access to public transport and make limited contribution to Green Belt purposes. These sites are located away from Birkenhead and could be allocated to boost the supply of family housing. As set out previously to the Council, we have provided examples which demonstrate why these sites can be considered to be 'grey belt'. Wirral has also carried out an Environmental Sensitivity Assessment which identifies areas of lower sensitivity to development, further helping to identify 'grey belt' land.

The former Brick Works, Carr Lane (ref: 1950), with access to the allocated TownMeadow Merseyrail station, is surrounded by existing 30+ year mature tree-planted landscape screen mounds which remain a permanent feature of the landscape, effectively screening the quarry and Brick Works from view. The landscape screen mounds will also screen any future housing development on this brownfield 'grey belt' site. It should also be noted that North Wirral Waste Water Treatment Works lies a short distance to the north of the site, parallel to the Merseyrail line, and the residential area of Moreton abuts the site, lying immediately to the east of Carr Lane. These features have an urbanising impact on the surroundings of the site resulting in a "*lower sensitivity to development*", as confirmed by the Local Plan's Environmental Sensitivity Study. The Main Modifications proposed are unsound because they do not take into account sustainable Green Belt locations such as site ref: 1950 which has a lower sensitivity to development.

Our client also has brownfield sites within the urban area which should be allocated for development to boost housing supply and provide for certainty in terms of delivery. This includes land at the Former Railway Goods Yard, Bebington (site ref: 503) which is adjacent to a Merseyrail bus/rail interchange at Bebington Station, next to an Aldi supermarket and within 300m of New Ferry Local Centre promoting Active Travel within the urban area. In the SHLAA it is stated as having capacity for up to 120 dwellings.

Given the principle of development is generally accepted within the urban area, we would welcome a discussion with the Council about how this site can come forward to deliver much needed housing in this sustainable location. It is currently designated as a Local Wildlife Site.

Paragraph 186 of the NPPF states:

*When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

There is no outright presumption against development provided biodiversity impacts can be off-set, including by financial means.

The Local Plan as drafted is unsound as it continues to preclude development on an otherwise suitable site. It is in conflict with Para 186 of the NPPF and it should be made clear that site ref: 503 can be brought forward for development for up to 120 dwellings in a highly sustainable location.

Wirral Council is required to prepare a sound Local Plan and our client considers changes are needed in order to achieve this.

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### 4. Please set out in the box below the changes you consider necessary to make the Main Modification legally compliant and sound.

The Council should allocate additional sites to ensure there is a variety of housing including family housing with an element of affordable being delivered widely across Wirral, and to give the strategy flexibility.

Our client's sites remain available for allocation/development for residential purposes:

1. Former Railway Goods Yard, Bebington (ref: 503) – we would like to see the Site of Biological Interest designation not being unilaterally applied to prevent development of 120 homes on a site which Wirral acknowledge is a suitable and sustainable location. The Council's approach is in conflict with the NPPF which supports development of such sites where mitigation can be provided for, including financial compensation; the Local Plan is unsound in continuing with its approach. Previous submissions have demonstrated willingness to comply with NPPF policies. The Local Plan must not be in conflict with the NPPF.

2. Former Hooton Brick Works, Eastham Rake (ref: 650) which is adjacent to Eastham Rake, Merseyrail station. The Local Plan should focus sustainable development in locations, including in the Green Belt, that are well-served by public transport particularly within a 400m Transit Zone of a bus/rail interchange. It is inappropriate for sites not to benefit from these excellent public transport links because of a Green Belt designation. Flexibility needs introducing to obtain these benefits.

3. Former Brick Works, Carr Lane (ref: 1950) – this brownfield, 'grey belt' site surrounded by 30+ year mature tree-planted screen mounds, which the evidence base confirms has a lower sensitivity to development on this site, should not be excluded from an inflexible Local Plan and the opportunity to bring it forward for development should be provided for in the context of the Planning reforms now being taken forward by government.

Dependent upon density, the site can accommodate between 454 and 757 dwellings. It can provide for family housing which the Local Plan as currently modified fails to do, and can assist the Council in meeting its housing targets following the proposed increase in housing numbers to 1755 dwellings per annum.

The site has recently been promoted for residential use as part of the Liverpool City Region Spatial Development Strategy Call for Site process, see Call for Sites submission at **Appendix 1**.

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5. Do you have any comments on the Sustainability Appraisal or to the Habitats Regulations Assessment in respect of this particular Main Modification? Please provide them in the box below.

No.

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**6. Do you have any comments on a Proposed Change to the Policies Map? Please provide them in the box below.**

No.

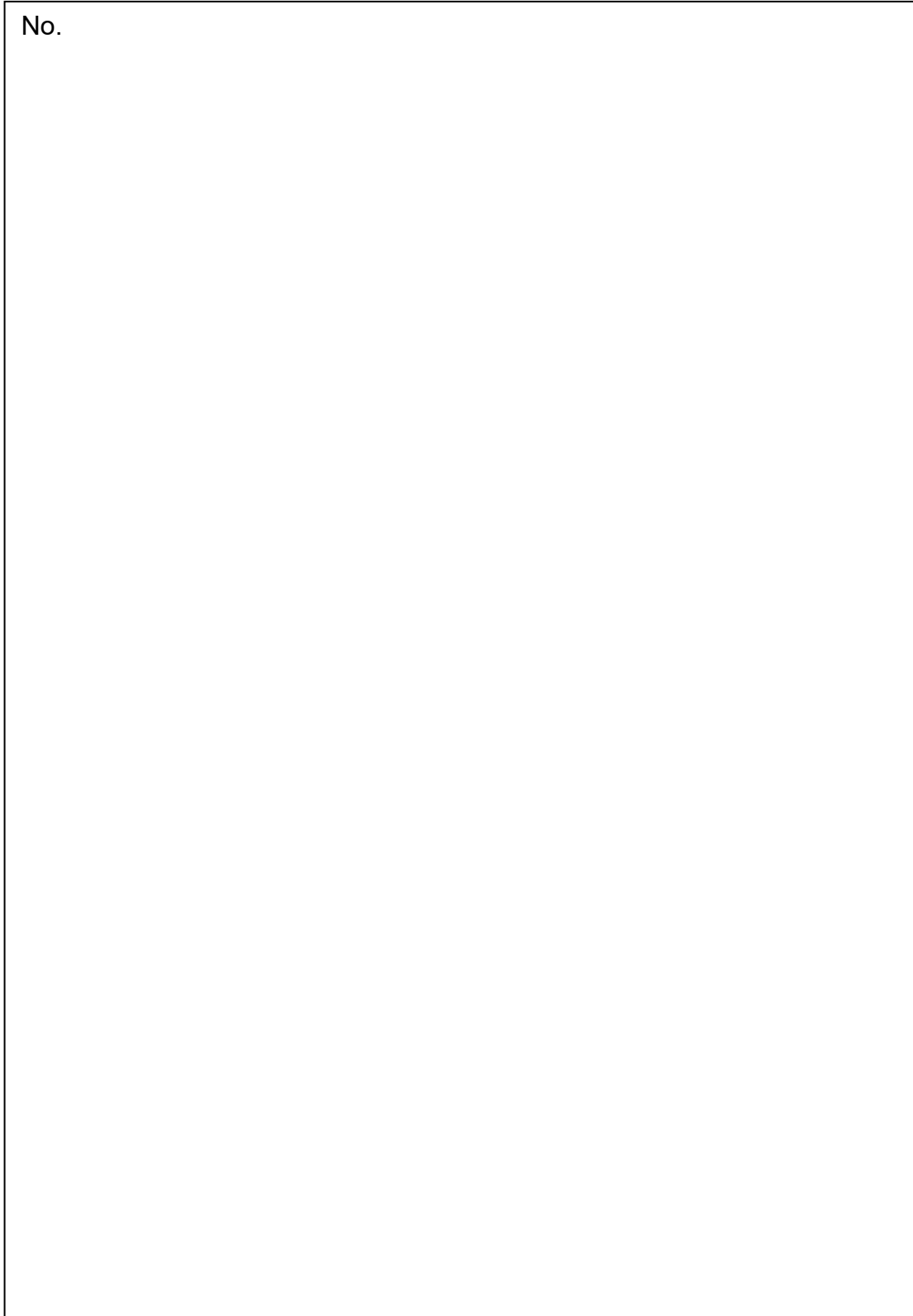


# Wirral Local Plan – Main Modifications Response Form

## Part C

**Do you have any comments on one of the Councils Additional Modifications? Please provide them in the box below.**

No.



## Wirral Local Plan – Main Modifications Response Form

Thank you for completing this form.

Please submit your completed Response Form **to arrive at one of the addresses below no later than 5pm on Friday 8 November 2024:**

- by email to: [localplan@wirral.gov.uk](mailto:localplan@wirral.gov.uk), clearly marked as ‘Wirral Local Plan – Consultation on Main Modifications’

OR

- by post to: Wirral Local Plan - Main Modifications, Wirral Council, PO Box 290, Wallasey CH27 9FQ

Please note that comments received after this deadline will not be accepted.

## APPENDIX 1



LIVERPOOL  
CITY REGION  
COMBINED AUTHORITY

METROMAYOR  
LIVERPOOL CITY REGION

# Liverpool City Region Spatial Development Strategy Call for Strategic Sites Suggestion Form, November 2023

For help in completing this form, please see the accompanying Guidance Note, or contact a member of the LCR Spatial Planning team by email at [SDS@liverpoolcityregion-ca.gov.uk](mailto:SDS@liverpoolcityregion-ca.gov.uk) or telephone at 0151 330 1005.

### Data Protection and Freedom of Information

The information collected in this Call for Strategic Sites process will be used by the Liverpool City Region (LCR) Combined Authority to inform the preparation of the LCR Spatial Development Strategy (SDS). As this is a public consultation process, your name, organisation (where relevant), and the site's location will be published by the LCR Combined Authority in the relevant emerging SDS evidence base documents as appropriate. However, in line with the Data Protection Act 1998, no other personal details will be released to third parties or published without your permission. Please note that site submissions cannot be treated as confidential.

By responding, you are accepting that your response and the information within it will be in the public domain, and that it may be disclosed if requested under the Freedom of Information Act. However, any published information will not contain personal details of individuals.

Your information will be retained by the Combined Authority in line with its information retention schedule. The LCR Combined Authority's Fair Processing Notice – Spatial Planning can be viewed here: [Fair-Processing-Notice-Spatial-Planning.pdf \(liverpoolcityregion-ca.gov.uk\)](#)

<b>(1) Your Details</b>	
Name	██████████
Organisation (if applicable)	Peacock + Smith
Address	Central House 47 St Pauls Street Leeds LS1 2TE
Telephone	██████████
Email address	██
What is your interest in the site?	<i>(Owner / agent / prospective purchaser, etc.)</i> Planning Agent



### (2) Landowner Details

Please provide the details of the owner(s) of the site if known:

	Owner 1	Owner 2	Owner 3
Name	D Morgan PLC	n/a	n/a
Address	██████████ ██████████ ██████████ ██████████		
Postcode	██████████		
Does the owner support the development of the site?			
Yes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not known	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### (3) Site Details

Please provide the details of the site you are suggesting. If you are suggesting more than one site, please use a separate form.

Site name (if applicable)	Former Brick Works, Quarry and adjacent land, Carr Lane
Approximate size (in hectares)	15.14ha
Ordnance Survey grid reference (if known)	324547, 389858
Address	Former Brick Works, Quarry and adjacent land Carr Lane
Have you attached/enclosed a map showing the site's precise location and detailed boundaries marked in red?* Yes <input checked="" type="checkbox"/>	
*For guidance on how to obtain an appropriate map, please see the Guidance Note	

<b>(4) Site Information</b>	
What is the site's current use?	Land comprises former Brick Works and Quarry. Remaining buildings (previously associated with the Brick Works) are now used for light industrial / storage purposes. On fields to the north, the land is used for agricultural / grazing purposes.
If currently vacant, when was the site last used (and for what)?	See above.
Does the site have any relevant planning history?	Various applications relating to the operation of the former Brick Works and Quarry, but none relating to redevelopment of the site.
Does the site currently benefit from planning permission?  <i>If yes, please provide further details.</i>  <i>If no, do you intend on submitting a planning application?</i>	There is an extant planning permission on the site for the winning and working of minerals until 2042 (application ref: APP/2001/6405).  Any application for redevelopment would follow the allocation of the site.
Has the site already been submitted for consideration in the Local Authority's strategic housing/employment land availability assessments or through the Local Plan process?	The site has previously been submitted for consideration as part of Wirral's Local Plan.
What proportion of the site is made up of buildings?	Former Brick Works buildings 1.99ha Approximately 13.14%
What proportion of the site is open land?	Former Brick Works storage areas, quarry and agricultural land 13.15ha Approximately 86.86%
How many buildings are on the site?	7
What proportion of the land is currently in active use?	Former Brick Works buildings 1.99ha Approximately 13.14%
What proportion is greenfield (i.e. not previously developed)	Agricultural land – approx. 53.96% (A)*
What proportion is previously developed and cleared?	Former brick works processing, storage areas and quarry – approx. 32.9% (B)*



What proportion is previously developed and not cleared (e.g. demolition spoil etc.)	Former brickworks buildings – approx. 13.14% (C)*  *A+B+C should add up to 100%
Utilities available to the site (where known) e.g. mains water supply; mains sewerage; electric supply; gas supply; public highway; landline telephone/broadband internet.	The former Brick Works site still benefits from utilities.

### (5) Proposed Future Uses

*Please indicate the preferred use that you would like the site to be considered for, and where possible, specify the Use Class. Please also indicate any other uses that you would consider acceptable. **If you wish the site to be considered for a mix of uses, please tick all boxes that apply***

What is the preferred strategic use(s) for the site and what is its potential capacity?

	Residential	Employment	Green Infrastructure	Other
Preferred use	X	n/a	n/a	n/a
Potential capacity	All of the promoted land (15.14ha) could be suitable for residential development.  Using a density of between 30 and 50 dwellings per hectare it could provide between 454 and 757 dwellings in this highly sustainable location..  <i>Please indicate what type and tenure of residential use i.e., flats, houses, market and or affordable housing if possible</i>	n/a	n/a	n/a

\*Residential density is measured in dwellings per hectare (dph)

## (6) Market Interest

Please indicate what level of market interest there is in the site:

Site is owned by a developer	X	<p>The site is owned by D Morgan PLC, a developer and major civil engineering company (<a href="https://www.dmorgan.co.uk">https://www.dmorgan.co.uk</a>).</p> <p>The site would be marketed and sold to a house builder should the site be allocated for residential development.</p>
Site under option to a developer	<input type="checkbox"/>	
Site is being marketed	<input type="checkbox"/>	
Enquiries received	<input type="checkbox"/>	
None	<input type="checkbox"/>	
Not known	<input type="checkbox"/>	

## (7) Constraints to Development

Please tell us about any known constraints that apply to the site:

	Yes	No	Unsure
Land in other ownership must be acquired to enable the site to be developed		X	
Restrictive covenants exist		X	
Current land use(s) need to be relocated		X	
Physical constraints (topography, trees, other)		X	
Flood Risk	X		
Infrastructure required		X	
Public rights of way cross or adjoin the site		X	
Land contamination		X	
Access constraints		X	
Environmental constraints		X	

Please provide any relevant information of likely measures to overcome the above constraints that you have answered "YES" to:

**Flood Risk**

Flood Zone 3 washes over a small northern part of the site, the Zone also includes many existing areas of residential development, including nearby existing and other residential areas in nearby Leasowe and Moreton. The Zone washes over recently approved sites for residential development in Flood Zone 3, including at the former Burton Biscuits factory (Planning ref: DLS/19/01305, consented 2020). Flood Zone 3 does not preclude residential development.

The former Burton Biscuits factory lies in the same Flood Zone 3 as does a small part of the Carr Lane site. Neither the Environment Agency nor local authority evidenced an objection in principle to the proposed development on Flood Risk grounds. The promoted site at Carr Lane, and the Burton Biscuits factory, are defended by the same flood defences, and national policy and technical guidance should be applied to any development taking place, as it was to the Burton Biscuits factory.

The majority, including the previously developed brownfield ("industrial") area of the site is within Flood Zone 1 – the lowest flood risk.

No part of the red line site is located within the functional flood plain, where development is precluded.

In terms of the promoted site former Brick Works site and adjacent land at Carr Lane, Flood Risk Zone 3 on a small northern part of the site is not an insurmountable obstacle to the development of the site, most of which is within Flood Zone 1.

**Land Contamination**

The site contains previously developed land, a former Brick Works. This industrial process turned the raw material clay from the adjacent quarry into bricks, which was not a contaminating process. The former buildings do continue to exist on site and would be demolished. The demolition material would include asbestos, cement, and bonded sheets which would be removed from site. This site contamination is not an insurmountable obstacle to the development of the site.

**(8) Timescale for Delivery**

Please indicate when the site will become available for development:

Immediately	X	The site can be made available for development during any time period.
Up to 5 years	X	
5-10 years	X	
10-15 years	X	
Beyond 15 years	X	



## (9) Any Other Information

Please let us know of any other important information regarding this site, if not already covered above. Please use a separate sheet if necessary.

1. The promoted site is identified in Appendix C, page C-7 of the Environmental Sensitivity Study associated with the Wirral Local Plan. It is described in a Landscape Character Area (LCA) as follows:

*“there are areas of industrial and commercial developments on the urban edge in the north east of the LCA including landfill, mineral extraction, water treatment works and commercial units along the A553 Hoylake Road. These reduce tranquillity and signal lower sensitivity to development”.*

This assessment highlights that the largely brownfield site, quarry and Brick Works, is in an area of lower-sensitivity to development and therefore any visual and landscape impact from developing the site for housing will be minimal.

2. The Quarry and Brick Works is surrounded by existing 30+ year mature tree-planted landscape screen mounds which remain a permanent feature of the landscape and which purpose it is to screen the quarry and Brick Works from view. They will also screen any future development of the brownfield site for housing.
3. It should also be noted that North Wirral Waste Water Treatment Works lies a short distance to the north of the site, parallel to the Merseyrail line, and the residential area of Moreton abuts the site, lying immediately to the east of Carr Lane, which have an urbanising impact on the surroundings of the site with *“lower sensitivity to development”*, confirmed by the Wirral Local Plan (see 1.0 above).
4. Town Meadow railway station (Local Plan reference: TC-SA5.1) is proposed within 400m of the promoted site, accessing the West Kirby – Birkenhead/Liverpool Merseyrail line. The Wirral Local Plan confirms this Merseyrail line provides *“a frequent and high-quality... commuter service... to Liverpool City Centre”* accessing employment centres and shopping.
5. The A553 Hoylake Road adjoining the site is a high-frequency bus route.
6. The quarry and Brick Works site was originally proposed to be included in the Wirral Local Plan as a Mineral Safeguarding Area. However, this is no longer the case after we evidenced to the Local Plan Examination that this site is no longer viable for mineral extraction. This is now acknowledged in the new Local Plan at Paragraph 6.118 following updated wording agreed with the Council, which reads:

*“The remaining workable site for clay extraction at Moreton Brickworks, Carr Lane, Moreton, has now ceased operating and there is no reasonable prospect of mineral extraction restarting because the remaining clay is no longer of any economic value.”*

7. North Wirral Coastal Park (Local Plan reference: CREC-SA8.1) with benefits to health and well-being (including mental health) offering diverse recreational activities including walking, cycling, horse-riding, sailing, tennis courts, bowling and many other activities including camping on sand dunes, is located approximately 1.2km from the promoted site. The Coastal Park can be accessed directly from the site, using Carr Lane, an existing, well-used Active Travel (walking/cycling) route which is traffic-free for much of its route to the coast and which provides a safe route for unaccompanied children to this nearby Coastal Park.
8. The site is conveniently located between Hoylake – a designated District Centre (Local Plan reference: TC-SA6.2) and Moreton – a designated Town Centre (Local Plan reference: TC-SA5.1), both with their own Merseyrail stations and accessible from the proposed Town Meadow station. These areas are also accessible by Active Travel (walking and cycling) from the promoted site. For those that need to use a car, travel distances are extremely short to key services and facilities. No cars are needed to access North Wirral Country Park which is in close proximity to the site and can be reached via walking and cycling with links to the wider Active Travel network.



Please return your completed form and map by 5pm on 16th February 2024.

It is preferable if you return this form and accompanying sheets/maps, etc. by email so we have the documents in digital format, but we do accept paper submissions by post.

Return by email to: [REDACTED]

Return by post to: [REDACTED]  
[REDACTED]