

**From:** [Planning](#)  
**To:** [NWL Planning](#)  
**Subject:** RE: EXT- Norfolk County Council Planning Application Ref. FUL/2024/0022 – Norwich Western Link - The Wensum Valley Barbastelle Project & the Proposed Norwich Western Link Six Year Report: 2028-2023  
**Date:** 17 December 2024 13:10:03

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**WARNING:** External email, think before you click!

Dear Mr Johnson,

Re. Norfolk County Council Planning Application Ref. FUL/2024/0022 – Norwich Western Link - The Wensum Valley Barbastelle Project & the Proposed Norwich Western Link Six Year Report: 2018-2023

Thank you for your letter of 2<sup>nd</sup> December 2024. We appreciate your time considering the evidence report we appended to our response to the Norwich Western Link planning application consultation.

At the current time, our reasons for needing to redact some of the report information remain i.e. the data contained in the report are under embargo and will be subject to publication in peer-reviewed scientific journals; the release of the data into the public domain prior to this would preclude publication. As stated in our response, we are still happy to provide an unredacted version of the report once all associated publications are complete.

Page 83 of the report (under section 7.7 Mitigation licensing: the "three tests") states, with regard to the Conservation of Habitats and Species Regulations 2017 (as amended):

*"The Regulations also stipulate that a 'competent authority' (which includes planning authorities) must have regard for the Regulations in their exercise of their functions i.e. planning permission should only be granted if a proposed development would not breach the offences listed above (under Regulation 43 (1)) **and/or would be unlikely to be licensed**). Therefore the planning authority has to assess the likelihood of a licence being granted by Natural England and determine the planning application in light of the three tests (and guidance is provided in Natural England 2010)."*

We understand that Natural England have reviewed in detail all of the available survey data relating to barbastelle bats in the area that will be impacted by the proposed road scheme. In their responses to the planning application, they have clearly stated that they would be unable to grant a licence for the project for barbastelle bats (as the Favourable Conservation Status Test cannot be met). Consequently, with NCC performing its duties as the "competent authority", we would consider that planning permission cannot be granted on this basis and that to do so would be in breach of The Regulations.

Your sincerely



Planning and Advocacy Advisor