



LEGAL ALERT: FORMAL NOTICE TO LICHFIELD DISTRICT COUNCIL

TO: Case Officer, Gillian Pinna-Morrell, Planning Department, Lichfield District Council

FROM: Burntwood Action Group & Residents

DATE: 6 January 2026

URGENT LEGAL ALERT: Potential Breach of Wildlife and Countryside Act 1981 – Ref: 25/01485/OUTM (Land off Church Road / Coulter Lane)

Dear Gillian Pinna-Morrell,

We are writing to formally alert the Local Planning Authority (LPA) to a critical legal conflict within the above-referenced application.

Following a professional review of the applicant's submission by **Charley Scattergood (National Trust Ranger & BSc Conservation Scientist/ National Ranger)**, we have identified that the proposed development risks the criminal destruction of protected bird breeding grounds, specifically those of the **Lapwing** and **Skylark**.

1. Admission of Breeding Pairs The applicant's own ecological submission admits the presence of **two established breeding pairs of Lapwing** on the site. Lapwings are a **Section 41 Species of Principal Importance** and are **Red-Listed** due to severe national decline.

2. The Legal Conflict (Wildlife and Countryside Act 1981) Under Section 1 of the Act, it is an offense to intentionally or recklessly take, damage, or destroy the nest of any wild bird while it is in use or being built.

- **The Conflict:** The applicant proposes the total urbanisation of the specific open pasture required by these ground-nesting birds.
- **The Risk:** Professional assessment by a Conservation Scientist concludes that the proposed "on-site mitigation" is fragmented and functionally incompatible with the breeding requirements of these species. Therefore, a grant of permission would effectively facilitate the **reckless destruction of a known and admitted breeding site**.

3. Functional Linkage to Gentleshaw Common SSSI evidence indicates that Gentleshaw Common SSSI (located 1.2km away) is functionally connected supported by a National Trust professional opinion. It serves as a vital "stepping stone" and "buffering landscape" for rare species. The applicant has failed to model the disturbance impacts on this wider ecological network.

4. Formal Request for Action In light of this professional expert testimony, the Burntwood Action Group formally requests that the LPA:

1. **Issues a Holding Objection** until a full-season, independent survey of breeding birds and Polecats is conducted during the optimal spring window.
2. **Engages in non-statutory consultation with the Staffordshire Wildlife Trust** to verify the "unlawful" implications of destroying this specific habitat mosaic.
3. **Seeks independent legal counsel** regarding the LPA's potential liability should it grant permission for a scheme that necessitates a breach of the 1981 Act.

We remind the Council that under the **Environment Act 2021**, there is a strengthened duty on public authorities to conserve and enhance biodiversity. Granting permission for the destruction of a verified Red-List breeding site would be a clear failure of this duty.

We look forward to your urgent response regarding how the Council intends to mitigate this legal risk.

Yours sincerely,

Burntwood Action Group (*Supported by Charley Scattergood, BSc Conservation Scientist/
National Trust Ranger*)