



## 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*)