

1. INTRODUCTION

1.1 Terms of reference

- 1.1.1 Wardell Armstrong LLP was appointed in December 2007 to coordinate the preparation of an Environmental Impact Assessment, on behalf of the Russell Foster Tyne & Wear Youth League. This organisation was founded in 1975 and information about it can be found on <http://www.rfyouthleagues.co.uk>. The Russell Foster Tyne and Wear Sports Foundation is a (charity registered number 1063594).
- 1.1.2 The league was formed with the sole sponsorship of Mr Foster in 1975 to provide football facilities for youngsters in the local community. The initial season saw 8 teams competing in one under 13 Division; this season (2007/8) has 434 teams competing in 37 divisions covering age groups from under 8s to under 21s. The League's long term plans include having their own indoor and outdoor sports complex enabling them to continue as a League and to assist in providing outdoor pitches for games and an indoor hall for small sided events. This will enable the new small-sided teams for boys and girls aged 6-10 to practise the skills they have been gained.
- 1.1.3 The current membership is summarised in Table 1.1. The total number of members at December 2007 is 10,238.

Table 1.1	
Summary of Youth League membership on December 2007	
Age group	Number
Small sided players	
Under 7s	232
Under 8s	445
Under 9s	720
Under 10s	845
Under 11s	136
Under 12s	47
Total	2425
Under 11s Girls	166
Under 12s Girls	186
Under 13s Girls	145
Under 14s Girls	123
Under 15s Girls	93
Total	713
11 a side players	
Under 11s	798
Under 12s	967
Under 13s	832
Under 13s Girls	69
Under 14s	917
Under 15s	931
Under 16s	774
Under 17s	735
Under 18s	395
Under 21s	254
Total	6672
Deregistered players	428
Total registered	10,238

1.1.4 The Youth League has a number of other facilities as outlined in Table 1.2. At the Sunderland sites (marked with an asterisk in the Table), there is no capacity for further teams to use the sites, so teams from these areas currently have to travel to Peterlee and Durham. Occasionally teams have to go to the Gateshead International Stadium to use the all weather pitch as well.

Table 1.2	
Summary of Youth League facilities & teams	
Site name and location	Facilities & teams using the site
Durham City AFC at Belmont	Development League, under 7 years, 32 teams 4 mini soccer pitches
Peterlee College	Under 12 girls, southern part of County, 20 teams 4 mini soccer pitches
Northern Area, Washington*	Under 10s boys and mixed, 82 teams 12 mini soccer pitches
Downhill Sports Complex, Sunderland*	Under 9 boys and mixed, 78 teams 8 mini soccer pitches
Ford Quarry, Sunderland*	Under 8s boys and mixed, 48 teams 6 mini soccer pitches
Oxclose Community School, Washington	Under 11 girls and 13s girls, 32 teams 4 mini soccer pitches
Nissan Sports and Social at Washington	Under 12s girls north side of county, 10 teams 14s girls, 12 teams 15s girls, 8 teams 4 mini soccer pitches
* At these sites the landlord is Sunderland Council and they are full and cannot accommodate any more teams	

1.2 Planning history

1.2.1 The original planning application was made 11th February 1998 and was approved in 1999. The planning application for the current proposal was submitted in December 2004 and was approved by Committee decision on 7th April 2005 subject to various conditions, (reference: 04/02864/FUL Appendix 1.1). At time of writing these conditions are in the process of being discharged. An injunction was raised to prevent implementation of the scheme prior to the outcome of a legal case¹, but this injunction has now lapsed.

1.2.2 In January 1996 part of the Newbottle site was approved for the Farm Woodland Premium Scheme, and given an annual grant for the Woodland Conservation Plan on the site. This provided the funding for the planting on site, but the ten year duration of this contact has now expired.

1.3 Requirement for an Environmental Impact Assessment

1.3.1 The statutory requirement for Environmental Impact Assessment (EIA) derives from the 1985 European Council Directive (No85/337/EEC) amended in 1997 by Council Directive 97/11/EC that requires the study of the effects of a development upon human beings, flora, fauna, soil, water, air, climate, the landscape, material assets, cultural heritage, and the interaction between these. The Town and Country Planning (Environmental Impact Assessment) Regulations 1999 translate the EIA

Directive into the UK's planning legislation. No EIA was required for the Planning application.

1.3.2 Initially the Forestry Commission took the view that no EIA was required under EIA (Forestry) Regulations 1999. However, on Friday 29th June 2007 a judgment was made in the High Court of Justice, Queen's Bench Division, Administrative Court, on the application of Tree and Wildlife Action Committee Ltd verses the Forestry Commission, which subsequently led the Commission to change its view. The claimant, Tree and Wildlife Action Committee Ltd (T.W.A.C) is a body that was formed by local people who were concerned at the possible loss of part of the Newbottle Woodland. T.W.A.C. has been assisted by the Friends of the Earth.

1.3.3 In considering the case Mr Justice Collins¹ determined that

'the position here is that the proposed development for the football pitches is not covered by the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations and therefore it falls within the Forestry Regulations.' and ...

;'.....the whole project, including the proposed use, must be taken into account in deciding whether the relevant assessment is required.'

1.3.4 The full judgement is given in Appendix 1.2.

1.3.5 The Challenge was on the basis that the defendant, the Forestry Commission, (who has the responsibility of deciding whether an EIA is needed and whether in the circumstances, if they decide that none is necessary, consent should be given to the development), failed properly to consider what should have been considered in reaching their conclusion that no Environmental Impact Assessment was required.

1.3.6 Therefore in November 2007 the Forestry Commission provided a screening opinion with a summary of features of project and of its location indicating the need for EIA (See Appendix 1.3);

- *'The scale of the project will lead to significant numbers of cars accessing the site during operation and there is potential for noise impacts and loss of amenity for local communities. The site is on a public road currently only used to access the adjacent housing estate. The potential impact of the traffic, noise and associated loss of amenity needs to be investigated and quantified where possible.*
- *Removal of the woodland may have implications for protected species under the revised Habitat Regulations and these need to be clarified.*

¹ CO/5376/2006 High Court of Justice Queen's Bench Division, Administrative Court
Neutral citation number(2007 EWHC 1623 (Admin))

1.3.7 *There are concerns over a number of other issues, whilst these are not considered to be significant enough in their own right to trigger the requirement for an EIA, they would be worth considering within the Environmental Statement*

- *The loss of informal natural green space in this area may lead to a loss of local amenity and should be investigated.*
- *Deforestation leads to long term loss in CO₂ storage and contributes to climate change. Whilst this impact may be small at this scale of deforestation, it would still merit investigating as part of the ES process.'*

1.3.8 The Forestry Commission confirmed by letter in December 2007² that the deforestation and development project propose will require their consent for the following stated reasons :

- *"The project contains proposals for deforestation, which exceed the thresholds laid down within the above regulations.*
- *The project involves development out with the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999, which falls to be considered under the EIA (Forestry) Regulations 1999.*
- *From the information you have provided there are a number of aspects of the project which we consider may have a significant impact on the environment.*

This decision is valid for only five years from the date of this letter and shall cease to have effect beyond 29 November 2012. If you do not apply for and receive our consent before 29 November 2012 and you still wish to carry out the work you propose in your application, then you must inform us beforehand and we will check for you whether our consent is still required.

To obtain this consent the application needs:

- *a map to clearly show the area where the proposed project will take place;*
- *a full description of the nature of the proposed work;*
- *an environmental statement for the project."*

1.3.9 The formal requirements as to the content of an Environmental Statement (ES) are set out in Schedule 1 of the EIA (Forestry) Regulations. While every ES should provide a full factual description of a project's effects, the emphasis of Schedules 2 and 3 is on the *significant* effects to which a project is likely to give rise. Other effects of little or no significance in relation to planning considerations usually need only brief reference in the ES to indicate that their possible relevance has been considered.

² Letter in Appendix 1

1.3.10 There is general guidance given on the definition of what constitutes a *significant* effect, but this is not exhaustive and much is dependent on expert opinions, including the views of regulatory authorities, and local conditions at the application site.

1.4 Consultant team

Consultants	Project Areas	Key Persons
Anthony Watson Chartered Architects	Project Director	Tim Cook, Site design and agent for planning application
Wardell Armstrong LLP	Project Director	Helen Kennedy
	Project description	Helen Kennedy
	Planning	Chris Warren
	Air Quality	John Raper
	Landscape and open space	Harriet Astbury
	Hydrology	Colin Gray
	Noise	John Raper
Jacobs	Transportation	Darran Kitchener
Durham University Archaeological Services	Cultural Heritage	Dan Still
Dunelm Geotechnical & Environmental	Ground conditions	Katie Purves
E3 Ecology Ltd	Flora and Fauna	Tony Martin
Waterman Environmental	Tree survey	Nick Wright

1.4.1 Table 1.3 identifies the consultants responsible for the various areas of technical work. With the exception of Wardell Armstrong and Jacobs, the consultants responsible for the various areas of work are those that worked on the planning application.

1.5 Application structure

Level of detail to be applied

1.5.1 The level of detail to be applied in undertaking the assessment work can vary from project to project. In general terms, the more sensitive the environment, the greater the level of detail required in order to ensure that the assessment has covered all aspects at the appropriate level, whether this is at a national level or at a local, site-specific level. The scale of the development and the potential for adverse effects can also determine the level of detail required.

1.5.2 In the case of the site at Newbottle, the project is primarily of local significance, though there are some aspects to which a greater weight could be attributed. Therefore, the level of detail applied varies for different aspects of the development. Where there is the potential for significant adverse effects, or where the affected feature is of more than local significance, then a high level of detail is applied to the assessment. In other instances, a more general approach is acceptable. The

precise level of detail to be applied to specific assessments is formulated to take account of the response to the scoping report.

Criteria to be used in evaluating effects

1.5.3 The criteria to be used in evaluating the effects of the development consist of a range of aspects, including:

- the degree of change in environmental conditions, as a result of the proposal;
- the scale, extent and duration of the proposal;
- the number of people, and of other receptors affected;
- the value, and/or scarcity of the resources affected;
- whether the proposal results in any breach of environmental standards;
- whether any protected sites or features are affected;
- the probability of the effect occurring;
- whether the effect is permanent or temporary, reversible or irreversible, continuous or intermittent; and
- whether it will be feasible to avoid, reduce, remedy or compensate for the effect.

1.5.4 The structure of the Environmental Statement is as follows:

Part A

1.5.5 A description of the development (site, design and size) and likely impacts. This section also includes:

- The planning and landuse section which examines, the proposal in the context of relevant National, Regional, and Local Planning Policies. Other policies specific to each area of study are referred to in each section of the ES.
- Discussion of the results of the scoping exercise.
- A consideration of alternatives.

Part B

1.5.6 This section addresses assessment of the potential environmental effects. Each section:

- Describes the methodology used in the preparation of the assessment, including consideration of the limitations of the sources on which the assessment is based, where relevant.
- Provides a historical overview where relevant.

- Includes an assessment of baseline parameters to provide an evaluation of the character, extent, quality and sensitivity of the environmental resource of the site at a local, regional and national context where appropriate
- Describes the methodology and criteria against which the significance of impacts is assessed, including where relevant any statutory protection.
- Identifies potential sources of impact.
- Assesses potential significant effects, including issues drawn to the attention of the applicant in discussion with the Forestry Authority during scoping. This includes direct, indirect, secondary, cumulative short, medium and long-term, permanent and temporary, positive and negative effects of the development, the use of natural resources, emissions, creation of nuisance and elimination of waste.
- Reviews measures to prevent, reduce and where possible mitigate significant adverse effects on the environment, and residual impacts.
- Considers and advises on the need for future work, during the construction phase, and any time constraints for these.
- Provides a summary conclusion.

Non Technical Summary

- 1.5.7 This provides a description of the project and the likely environmental effects using non-technical language. It has also been produced as a separate document so that it can be made freely available to all interested parties.