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**For the attention of: David Grimshaw – Case Officer**  
Newcastle upon Tyne City Council

[By email: [planning.control@newcastle.gov.uk](mailto:planning.control@newcastle.gov.uk)]

6 February 2025

Dear David

**Re: 2024/0447/01/DET**

**Erection of Battery Energy Storage facility with associated plant and boundary treatment following demolition of existing buildings on site; North East Concrete Ltd, North East Concrete Ltd, High Street, Newburn, Newcastle Upon Tyne, NE15 8LN - RECONSULTATION**

Thank you for your notification of 3 February 2025 seeking the further views of the Coal Authority on the above.

The Coal Authority response: **Fundamental Concern – RECOMMEND REFUSAL**

The site falls within the defined Development High Risk Area. The records identify that there are numerous coal mining related risks pertaining to the application site.

The Coal Authority records indicate that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth and that thick coal seams outcropped across the site. Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

As well as the above risks, there are two recorded mine entries (shafts) that are within the immediate vicinity of the development proposals (mine entry references 417565-017 and 417565-018). The Coal Authority holds no treatment details for these mine entries and, due to plotting inaccuracies, there could be some deviation, by several metres from the inferred location. An untreated or an inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

The applicant previously submitted a Coal Mining Risk Assessment (16 February 2024, prepared by Hydrock Consultants Ltd), the content of which confirmed that potential shallow coal mine workings would require investigation. We confirmed that the investigations could be ensured by way of condition.

Turning to the situation with regard to the mine entries, the Coal Mining Risk Assessment recommended the investigation of them. However, and despite any justification being provided for potentially building directly over these coalmining hazards, we confirmed our expectation of the undertaking of the investigations prior to the determination of the planning application, specifically to ensure the agreement of the details of any necessary remedial/mitigatory measures.

On account of the above, the Coal Authority objected to the planning application and we took the opportunity to draw the applicant to the following statements:

*'The Coal Authority considers that the building over or within the influencing distance of a mine entry raises significant safety and engineering risks and exposes all parties to potential financial liabilities and as a general precautionary principle, should wherever possible be avoided.'*

*'Building over or within the influencing distance of a mine entry will only be permissible when expert advice allows a suitable engineering design to be developed and agreed to take account of all the relevant safety and environmental risk factors including gas and mine-water. This information should be submitted alongside the Coal Mining Risk Assessment and should be considered prior to the determination of the planning application. A link to The Coal Authority's Policy for Building Over or within the Influencing Distance of a Mine Entry is included at the end of this letter.'*

*'It is a requirement of the National Planning Policy Framework, paragraphs 189-190 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.'*

The Coal Authority now notes the submitted letter (dated 2 September 2024) from Roberts Environmental Ltd, the content of which has been informed by appropriate geological and mining information. Based on a review of this information, the content of the letter is able to discount any undue risks posed by potential unrecorded shallow coal mine workings. This is despite the previously submitted Coal Mining Risk Assessment confirming a high risk

and recommending their investigation. On the basis of that this is the professional opinion of the author of the letter, and that a thorough interpretation of the available data has been undertaken, the Coal Authority is able to accept this.

Notwithstanding the above, turning to the situation with regard to the mine entries, and based on anecdotal information, the letter suggests the likelihood of the removal of the mine entries as part of the construction of a steel works. However, and as opposed to addressing our previous concerns regarding layout and the mine entries potentially being built over, the letter appears to discount any significant stability and public safety risks based on the low sensitive nature of the development being proposed. Indeed, no investigations are recommended, other than vigilance during earthworks.

On account of the above, insufficient and inadequate information has been provided to demonstrate to the satisfaction of the Local Planning Authority that the proposed built development is acceptable having due regard to coal mining legacy (mine entries). The proposals therefore fail to satisfy our adopted policy regarding new development and mine entries and NPPF, paragraphs 187, 196 and 197. **The Coal Authority therefore now recommends that the planning application be REFUSED PLANNING PERMISSION.**

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



**Planning Liaison Manager**

#### General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the

occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

#### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.