

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Decision Notice

ENVIRONMENT, REGENERATION AND STREETSCENE SERVICES
CABINET BOARD - URGENCY ACTION , MONDAY, 8TH APRIL, 2024

Please see below approval of decision as follows:

1. **Godre'rgraig School Building and Associated Land - 120TD**
(Pages 3 - 20)

To secure a decision in response to a recent request to purchase the site occupied by Godre'rgraig school building(s) and associated land.

That having due regard to the Integrated Impact Screening Assessment the Director of Environment and Regeneration be authorised to confirm that the Council will not agree to sell Godrergraig school and its grounds to the Residents Group or any subsequent third party.

For Immediate Implementation

Yours sincerely

Tammie Davies

p.p Chief Executive

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment, Regeneration and Streetscene Services Cabinet Board

Urgency Action Report of the Director of Environment and Regeneration N. Pearce 8th April 2024

Matter for Decision:

To secure a formal decision in response to a recent request to purchase the Godre'rgraig school building and associated land

Wards Affected: Godre'rgraig

Purpose of report

1. To secure a decision in response to a recent request to purchase the site occupied by Godre'rgraig school building(s) and associated land.

Background

2. In July 2019, following the receipt of a report from external geological experts which identified a potential risk to the school, a decision was taken to bring forward the Summer school holidays for staff and pupils at Godre'rgraig Primary School. The risk identified at that time, was linked to the stability of a quarry tip located above the school.
3. Since September 2019, the pupils and staff have relocated to demountable classrooms in their own dedicated area at Cwmtawe Community School.
4. Since this initial report was received, the council has also commissioned further assessment and monitoring of the tip to clearly establish clearly the risks to the site and whether these can be mitigated. As a consequence in June 2021 the council's independent

experts were asked to investigate design options and associated budgets for work associated with the tip. These options included but were not limited to:

Option 1 - The development of a design and production of a budget estimate for the removal of the spoil materials associated with Cilmaengwyn Godre'r Graig tip.

Option 2 - The development of a design and production of a budget estimate for a hard engineering solution in the form of bunds, catch walls etc., to protect Godre'r Graig Primary School from the slip of any spoil material associated with Cilmaengwyn Godre'r Graig Tip; and

Option 3 - The development of a design and production of a budget estimate for demolition of Godre'r Graig Primary School building and reusing as a biodiversity habitat site. This option will have to take into account the effect on properties downhill of the school from the slip of any spoil material associated with Cilmaengwyn Godre'r Graig Tip.

5. Detailed advice in relation to the potential options was provided by the council's expert consultants and a report was presented to the Environment, Regeneration and Streetscene Services Cabinet Board on the 2nd December 2022. The report highlighted the following advice to Members:

Option 1 - Removal of Quarry Spoil Tip

This option would involve the design and removal of approximately 90,000m³ of material. The work would take a couple of years and entail a large number of truck movements on the public highway through our communities with a budget estimate of circa £6.1m. NPT would also have to enter into negotiations with a number of private land owners to agree access for the vehicles needed to remove the material, this option will remove the risk.

There are also major concerns about the ability to obtain licences from Natural Resources Wales as the material is classified as waste and would need to be disposed of in a licensed tipping facility.

The cost of Option 1 was estimated at the time to be in excess of £6.1m

Option 2 - Engineered Structure

This option would involve the construction of a retaining structure above the school would be designed to catch any falling material. The work would take up to two years to complete and the budget estimate is £1.4m. NPT would also have to enter into negotiations with a number of private land owners to agree purchase & access rights for construction. This option would not remove the risk which would require on-going monitoring and management.

The cost of Option 2 was estimated at the time to be in excess of £1.4m and would also be the subject of ongoing maintenance and inspection costs which were estimated to be in the region of £10k per year.

Option 3 - Demolition of School

This option would involve the demolition of the school building, however the site will not be suitable for re-use in terms of a community benefit. As part of this work the area will be remediated and landscaped into biodiversity habitat with a bund formed to protect the properties downhill of the school from any slip materials. The work would take an estimated 6 months to complete with a budget estimate of circa £245K.

There would also be a need to improve the drainage system in the land below the tip structure. This work would take an estimated 3 months to complete, the budget estimate circa £150K.

The cost of Option 3 was estimated at the time to be in the region of £395k and ongoing maintenance associated with any necessary drainage was also estimated to be £2.5k per year.

6. Having regard to the advice contained within the officer's report, the associated technical detail contained within the appendix and having full regard to the Integrated Impact Screening Assessment, Members approved Option 3.

Current Position

7. Since that decision was made, the council has been working to agree a programme of works to ensure a safe method of demolition, the design of a structural bund which will be required to protect the residential properties located opposite the school building, in addition to designing the drainage for the site and ecological mitigation.
8. This detail has now been completed and a contractor has been commissioned to undertake the works on the council's behalf. The works programme which has been communicated to local residents, elected local members and the Community Council, has confirmed the following:

1. Services will be disconnected the week commencing 25th of March 2024.
 2. Internal soft stripping work will start week commencing the 8th April 2024.
 3. External soft strip & roof removal will start week commencing 22nd April 2024.
 4. Removal of walls and construction of bund, work will start week commencing 29th April 2024.
9. The site work will be completed on the 31st May 2024.
10. Whilst this design and commissioning work has been ongoing, the Council has been inundated with various requests for information under the Freedom of Information Act, in addition to receiving a number of very detailed technical requests requiring further justification for the proposed course of action the council is taking.
11. These requests have been responded to in full with support provided from external consultants, which has been at additional cost to the council.
12. In addition to the above, a number of meetings have been held between elected members and local interested parties as well as officers and local interested parties, the most recent of which was held on the 4th April 2024. These are in addition to the public meetings held both virtually and in person which have been arranged to discuss this matter since the school was vacated in July 2019.
13. The council is also aware that a complaint was submitted to the Public Service Ombudsman for Wales by a third party and confirmation was received on the 5th April 2024 that the Public Service Ombudsman for Wales do not propose to investigate the complaint further.

Request to Purchase the site

14. Following the meeting held on the 4th April 2024, the council received a request from a local resident on behalf of the Godrer'grraig Residents Group. They have indicated in their request that they are aware that they can legally make such a request. They have also indicated that such a sale will save the Council the associated demolition costs and they have also requested an immediate response given the imminent demolition.

15. Local Authorities are able pursuant to S123 of the Local Government Act 1972 to dispose of land as they wish for best consideration. When determining the “best consideration”, a Local Authority should only consider consideration that can have commercial, economic or monetary value. Local Authorities may also rely on the general consent issued by the Welsh Ministers to dispose of land for less than best consideration where they consider the purpose of the disposal is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area and the extent of the undervalue does not exceed £2 million.
16. However, the council have consistently expressed concerns with regard to the risk posed by the tip located above the school building and associated grounds. Inclinator measurements taken from within the boreholes sunk into the tip, indicate that there is ongoing movement of the tip which has resulted in it being classified as ‘Actively Unstable’. This position has been confirmed on a number of occasions to the Residents Group in addition to other interested individuals within the area. The documentation which explains this position has been published for some time on the council’s website. Furthermore, in the report to Environment, Regeneration and Streetscene Services Cabinet Board in December 2021, option 3, which was the option chosen by Members, clearly indicated the site was not suitable for community benefit. This position was confirmed on the basis of its continued location immediately below and within the flow path of an actively unstable quarry tip.
17. Given this risk, it would be wholly inappropriate to sell the land and property to a third party who on the face of it are likely to continue to use the site for the benefit of the community. Whilst it should be acknowledged that the community have an interest in retaining a building which has a special interest to them in terms of its heritage and its role in supporting the community, this interest and enthusiasm must be considered in line with the inherent risks which remain in place.
18. Accordingly, it would be inappropriate for the council to sell the land and property onto a third party, especially with the real risk that the land could be reused without appropriate safety mitigation being in place. If this occurred, the council would find itself in a position whereby it would have no alternative but to take enforcement action to force them to cease using the building and associated land. The community would then be left with a building which could fall into a state of disrepair and be the subject of anti-social behaviour, yet the Residents Group would be left with legal responsibilities and financial exposure that freehold ownership would bring. Whilst it is acknowledged that the Residents Group maybe prepared to accept these liabilities, it is felt inappropriate and

irresponsible for the council to proceed to agree to this proposal given the consequences that would arise.

19. The council took these considerations into account when the external geological experts were asked to consider the options available.
20. For this reason, it is considered to be inappropriate for the Council to agree to the request from the Residents Group and as such it is proposed that the Council do not sell the building and associated land.

Financial Impact

21. Following the decision in December 2021 the funding for the demolition of the building, the creation of the bund and works to the site drainage have been set aside within the Council's Corporate Contingency Reserve. Whilst it is acknowledged that if ownership passed the council would no longer be responsible for demolition costs, for the reasons identified above, it is recommended that the council decline the request from the Residents Group.

Integrated Impact Assessment

22. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. An overview of the Integrated Impact Assessment has been included below in summary form only and it is essential that Members read the Integrated Impact Assessment, which is attached to the report at Appendix 1, for the purposes of the meeting.

Valleys Community Impacts

23. It is acknowledged that the loss of this building within Godre'rgraig will result in the loss of a once important community facility. The council is pursuing options to secure a replacement facility in a location which does not have the inherent safety risks associated with this site.
Notwithstanding the importance of this building to the community, the risks over its continued use or indeed its retention in the longer term will result in a continued safety risk to users of the site. Moreover, if the building and site are allowed to remain as they are at present, but are not able to be used for a community purpose, it is likely that they will fall into

a state of disrepair which will in turn undermine the character and appearance of this part of Godrergraig.

Workforce impacts

24. No impacts

Legal impact

25. No impacts over and above those identified above.

Risk management

26. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.

Consultation

27. There is no requirement under the Constitution for external consultation on this item.

Recommendation

28. It is recommended that having due regard to the Integrated Impact Screening Assessment that Members provide the Director of Environment and Regeneration with the authorisation to confirm that the Council will not agree to sell Godrergraig school and its grounds to the Residents Group or any subsequent third party.

Reason for proposed decision

29. The risk associated with the sale of the building and land and its likely reuse without appropriate safety mitigation in place is too significant.

Implementation of decision

30. The decision is proposed for immediate implementation with the consent of the Chair of the Environment, Regeneration and Streetscene Scrutiny Committee, in order for a timely response to be provided to the Residents Group or indeed any other interested party prior to the commencement of demolition

Appendices

Appendix 1 – Integrated Impact Assessment

List of background papers

Officer contact

Nicola Pearce – Director of Environment and Regeneration

Tel. No. 01639 686668

e-mail: n.pearce@npt.gov.uk

Impact Assessment - First Stage**1. Details of the initiative**

Initiative description and summary: Authorisation to reject a request to purchase the Godre'rgraig school site

Service Area: Property

Directorate: Environment & Regeneration
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2. Does the initiative affect:

	Yes	No
Service users		√
Staff		√
Wider community	√	
Internal administrative process only	√	

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.
Disability		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works

						programme to secure its safe demolition within the clearly defined timescales.
Gender Reassignment		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.
Marriage/Civil Partnership		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.

Pregnancy/Maternity		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.
Race		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.

Religion/Belief		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.
Sex		√				As this is a proposal to not sell land to a Residents Group there would be no impact to any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.
Sexual orientation		√				As this is a proposal to not sell land to a Residents Group there would be no impact to

						any protected characteristic. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.
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4. Does the initiative impact on:

	Ye s	N o	None/ Negligibl e	Don' t kno w	Impa ct H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		√				The proposal has no impact on people's opportunity to use the Welsh language. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.

Treating the Welsh language no less favourably than English		√				The proposal has no impact on treating the Welsh language less favourable than English. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.

5. Does the initiative impact on biodiversity:

	Ye s	N o	None/ Negligibl e	Don' t kno w	Impa ct H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		√				The council has been working to agree a programme of works to ensure a safe method of demolition, the design of a structural bund which will be required to protect the residential properties located opposite the school building, in addition to

						designing the drainage for the site and ecological mitigation
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		√				The council has been working to agree a programme of works to ensure a safe method of demolition, the design of a structural bund which will be required to protect the residential properties located opposite the school building, in addition to designing the drainage for the site and ecological mitigation

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people		√	Given the location of this site below an actively unstable quarry tip, its use for any purpose within the community other than as open countryside would have risks as highlighted in the report, hence the Council's previously approved approach to demolish and reinstate to countryside. Any sale of the building and associated land will undermine that approach and will re-introduce an inherent risk to future users of that site. Such risks being included within the main report.

<p>Integration - how the initiative impacts upon our wellbeing objectives</p>		√	<p>Whilst the site is well located in the heart of the community, its location beneath an actively unstable quarry tip does not allow its continued use as a community asset and as such any future community uses must be directed towards alternative locations.</p>
<p>Involvement - how people have been involved in developing the initiative</p>		√	<p>There have been a number of public meetings and meetings with organised groups within the community. There has also been significant levels of written correspondence with the community. Whilst it is acknowledged that some of the community do not support the future of the site, hence the request to purchase the building and associated land, the safety risks associated with such a sale are too great.</p>
<p>Collaboration - how we have worked with other services/organisations to find shared sustainable solutions</p>		√	<p>The Council is pursuing plans to deliver educational services on an alternative site which is not subject to the same safety risks.</p>
<p>Prevention - how the initiative will prevent problems occurring or getting worse</p>		√	<p>Declining to sell the land will prevent its re-occupation and therefore mitigate the safety risks as referred to within the report above.</p>

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) **is not** required

√

Reasons for this conclusion

There would be no impact on protected characteristics, no impact ability to use the Welsh language, no biodiversity implications and the decision would be in accordance with the sustainable development principle. The risks associated with the continued use of the building and indeed the risk if the council does not demolish the building are clearly set out within this report. To manage those risks it is important that the council continue with the works programme to secure its safe demolition within the clearly defined timescales.