

Godre'r Graig Primary School

Complaint to the Public Services Ombudsman for Wales
On behalf of the residents group TEGWCH

February 2024



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Appendices

Timeline

Correspondence between the Earth Science Partnership and the Coal Authority 2019

Coal Tip Safety Grant payments for L44 Cilmaengwyn Tip

Earth Science Partnership Invoices related to L44 Cilmaengwyn Tip and Godre'r Graig School

Email related to Site Visit at Darren View, 191 Craig Rd.

Letter to NPTCBC from Mr Peter Ryan - 16 October 2022 - **No reply from NPTCBC**

This document does not comment in detail on geotechnical issues, but should be read in conjunction with previous correspondence

Letter to NPTCBC from TEGWCH (Residents Group) - January 2023 - Attached

Letter to TEGWCH from NPTCBC in response - May 2023 - Attached

Letter to NPTCBC from TEGWCH (Residents Group) - June 2023 - Attached **No Reply from NPTCBC**

Letter to NPTCBC from the chair of Governing Body - May 2023 - Attached

Letter to Chair of Governing Body from NPTCBC - June 2023 - Attached

Correspondence between Mr Peter Boden-Ryan and NPTCBC - various dates 2023/24

This document is version 1 and is based on information that has been provided up to 14 February 2024.

The author of this document is Mr Peter Boden-Ryan on behalf of the residents group TEGWCH.

The intention is for further updated versions as information becomes available.

The council have confirmed their intention to demolish the building this spring and this complaint is made as a last resort.

Some requests for information have been refused and we are considering appealing to the information commissioner.

It is unclear why advice has been provided to elected representatives that they should not provide answers to direct requests for information and that all matters should be directed to the head of legal services at NPTCBC.

The reasons why the Leader, Chief Executive and Local Elected Members have refused offers of meetings to discuss concerns are unclear.

The documents below, though unpublished, are deemed to possess significant relevance. The reason as to why the documents are unpublished is unclear.

2017/18 CA - Tip Management Program

2018/19 CA - Tip Management Program

2018 ESP - Cilmaengwyn Landslide Assessment

2020 - 24 CA - Inspections related to Coal Tip Safety Welsh Government

2021 ESP - Desk Study and Visit Report, Darren View, 191 Graig Road, Godre'r Graig

2022 ESP - Drainage Assessment - Godre'r Graig Primary School

Summary

Godre'r Graig Primary School was closed on 11 July 2019 after the Authority became concerned that a rock could fall into the rear playground. Nearly five years later the pupils remain in temporary cabin accommodation located over 3 miles away.

No visual evidence of movement has ever been identified at the former sandstone quarry that was closed prior to 1877. The School opened in 1908.

Puzzlingly the former Quarry has been recorded as a tip in 2017 on the authorities asset register and later as a Coal Tip on the National Coal Tip Map. The Authority says the school site can not be occupied and the building must be demolished so it does not fall into disrepair.

At this time there is no funding secured, nor planning consent for a replacement school which has been proposed on a site that has considerable geotechnical issues that are far greater than any speculated at the current school site and cited as the reason for the prolonged closure.

To date we believe over 3 million pounds has been spent on a concern that is not proven. The person or persons who identified the concern remains unknown.

We are making a request that the circumstance, prolonged closure, and decision to demolish Godre'r Graig Primary School be investigated before any demolition is undertaken.

Much effort has been made to seek answers to many inconsistencies but we regard some of the authorities' responses that have been provided as evasive and deceptive.

We believe that little effort has been made to be transparent and explain the rationale behind decisions. In addition information has not been provided, even after a review found that the authority had not complied with their duties under freedom of information legislation.

The lack of record keeping is surprising and the Authority has not provided responses when serious issues have been highlighted.

The local elected representatives do not appear to possess a complete picture of the matter which is nearly five years old and there appears to be a complete lack of scrutiny.

Previous assurances given to the Public Services Ombudsman for Wales have not been kept.

The public have not been consulted on the latest proposal for a replacement school.

Numerous reports critical to transparency and decision making have not been published.

Despite many requests the authority has not provided any lead officer for correspondence.

Is the land behind Godre'r Graig school a Spoil tip?

The Mines and Quarries Act 1969

There are two distinct subgroups of disused tips within NPT's boundary:

Those where,

The Authority is the landowner (and thus the owner of the tip) and has particular responsibilities under the Mines and Quarries Act 1969-Part II.

Tips owned by others. All tips have the potential to endanger the public and the Authority has powers (but not duties) under the Mines and Quarries Act to require tip owners to carry out remedial works to make the tip safe, or to carry out such works itself and recover the costs.

The 1969 Act" means the Mines and Quarries (Tips) Act 1969;

"classified tip" means a tip to which Part I of the 1969 Act applies, being a tip of any of the following classes—

(a) the tip consists of refuse accumulated or deposited wholly or mainly in a solid state and not in solution or suspension and—

(i) the superficial area of the land covered by the **refuse exceeds 10,000 square metres; or**

(ii) the **height of the tip exceeds 15 metres; or**

(iii) **the average gradient of the land covered by the refuse exceeds 1 in 12;**

(b) the tip consists of refuse accumulated or deposited wholly or mainly in solution or suspension and—

(i) any part of the tip (other than any wall or other structure retaining or confining it but including any liquid in it) is more than 4 metres above the level of any part of the neighbouring land within 50 metres of the perimeter of the tip; or

(ii) the volume of the tip (other than any wall or other structure retaining or confining it but including any liquid in it) exceeds 10,000 cubic metres:
Provided that for the purposes of determining whether refuse has been accumulated or deposited wholly or mainly in a solid state or wholly or mainly in solution or suspension any wall or other structure retaining or confining the tip shall be excluded.

Where are the previous inspection reports that have been undertaken since the 1969 Act?

In response to FOI requests made for previous tip inspections, NPTCBC say for the periods-

1969 - 1996

"There have been two local government reorganisations in the locality and the information requested in your particular request has not been passed over to the County Borough it would appear from a search of our records and archives"

1996 -2015

"Inspections have been undertaken up to 2015 but no information is currently held within our records i am advised. Despite an in-depth search of emails, the council officers cannot locate the said information. The Engineer in question who undertook this work no longer works for the authority therefore there is no scope to be able to identify information that could assist in your query"

2015 - 2017

"Following a verbal query from our planning section, it became apparent that there has been a misconception that the Inspections of disused tips had been transferred to Carmarthenshire"

2017 - Present

Following the realisation that they hadn't the Engineering Section started work on setting up the current disused tips monitoring.

Background

In response to an FOI request made to the Coal Authority (CA) it was identified that in May 2017 Neath Port-Talbot County Borough Council (NPTCBC) had contracted the CA to undertake tip management of the tips located within the borough. The program included a desk top study of spoil tips within NPT and subsequent inspections.

High risk sites were inspected first in 2017 & 2018, then medium and low risk sites later in 2018 and early 2019.

Correspondence indicates the invoice relating to the last inspections was paid on the 22 March 2019. The email of 6 March 2019 reveals

“so i can pay it out of this year’s budget even if some of the reports following april”.

The final inspection reports were provided to NPTCBC on the 21,22 & 23 May 2019 following correspondence on 14 May 2019.

On 16 May 2019 NPTCBC instructed Earth Science Partnership (ESP) to undertake a Landslide and Hazard Risk assessment on the land behind Godre'r Graig School.

NPTCBC in response to an FOI request state,

“I am advised that Earth Science Partnership were appointed pursuant to the South Wales Framework for Ground Investigation because they are doing similar works on the Pantteg Landslip which is on the same hillside. Attached will be the proposal request, the scoping exercise and an official order form. ”

The proposal request, scoping exercise and an official order form referred to, as attached, are signed in 2016 and are related to works in Pantteg only.

On 17 May ESP emailed the CA authority

*“We are looking at the School for NPTCBC, **** & **** have asked if you can implement an inspection of the tips above as shown on our plan.*

*They want something similar to what was produced for Pantteg - can you provide a cost to us for this? **NPTCBC want us to engage you** and incorporate findings into our geomorphological work.*

We're under a bit of time pressure to complete our report in 3-4 weeks. If there's any problem please let me know"

On 21 May ESP emailed the CA authority

"Are you able to get back to me on the above? NPTCBC are very keen to get this done"

On the 29 May the CA emailed ESP

"There has been a slight change to the quote as * will be carrying out the inspection alone"***

Also on the 29 May ESP email the CA

.....As mentioned we are under time pressure to complete our assessment for the area and a timely visit and report would be greatly received

On the 5 June ESP email the CA

....we're keen to get you to site quickly

ESP ordered the CA quarry inspection report on 17 May 2019 and on 28 May 2019 signed the agreement which was dated 28 May 2019 on behalf of NPTCBC.

The report was delivered to ESP on 2 July 2019, and subsequently to NPTCBC on 4 July 2019.

In reply to the question *'Has Earth Science Partnership been granted the power (for example by delegation, or contract) to act on behalf of NPTCBC?'* on 27 November 2023, NPTCBC said

"No, Whilst Earth Science Partnership are appointed by virtue of a South West Wales Engineering Construction Framework they are not granted a power to act on behalf of NPTCBC in the matter you have suggested other than a contract for service provision"

Concerns pre 2019 ESP Report

- It is unclear why the authority has no records relating to the title deed CYM253613 which was purchased in 1971.

- It is unclear why the authority has no records of any previous tip inspections for the period 1969 - 2017.
- It is unclear how the L44 Cilmaengwyn Tip was first entered onto the authorities asset register in 2017 and how the boundaries were identified, without any inspection.
- It is unclear why L44 Cilmaengwyn Tip was not inspected during the tip management program contracted to the Coal Authority in May 2017 and completed in May 2019.

Concerns regarding the May & June 2019 ESP and CA Inspections

- It is unclear why a separate CA appraisal via the consultants ESP was requested by NPTCBC for the inspection of L44 Cilmaengwyn Tip.

ESP assessments provided under the South West Wales Framework for Ground Investigation usually include a written offer proposal.

- It is unclear why there is no offer proposal/scoping provided for the 2019 ESP Report: *Godre'r Graig Primary School - Preliminary Landslide Hazard and Risk Assessment*

Whilst the ESP agreed to the CA standard terms and conditions,

- It is unclear why there is no evidence of any proposal or scoping exercise for the June 2019 CA report; Site Inspection Report L44 – Godre'r Graig Tip.
- It is unclear that ESP possessed the necessary authority to request a Tip Inspection Report **on behalf** of the NPTCBC.
- It is unclear why the Authority “are very keen to get this done” and putting pressure on ESP to complete the assessment in 3-4 weeks.
- It is unclear why the Authority who are keen to get the work done quickly don't agree to the CA's suggestion that they invoice the NPTCBC account, as it's already set up.
- It is unclear that an appropriate CA director signed the consent so as to become a supplier to ESP.
- It is unclear that the CA possessed the necessary consent to enter private land during the recce visit of 28 May 2019.
- It is unclear if any notice under the 1969 Mines and Quarry Act was served on the owner of the title CYM625348 before inspections.

- It is unclear why in Section 1 of the CA's report: Godre'r Graig Tip, it is stated

"The quarries were inspected by Darren Bryant and Robert Sullivan of the Coal Authority, on the 13th June 2019".

Email in May 2019 indicates that this is not accurate and that the inspection was undertaken alone.

- It is perplexing why this inaccuracy remains published despite the correspondence indicating that the consultants ESP and NPTCBC know it cannot be true.
- It is paramount that information relating to the 2019 CA inspection which was cited as the catalyst for providing advice to the governing body to close the school is accurate and not misleading.
- There is concern that no oversight is provided and the impression is created that this inspection was included in or undertaken on the same terms and scope as the Coal Authorities 2017 - 2019 Tip Management and Inspection program. That being that

Two inspectors would assess the site

and

"Should an inspection find an issue of significant immediate concern, NPTCBC will be notified before the inspector leaves site or as soon as practicably possible"

It is noted that the previous quarry inspection at Pen y Graig Arw Quarry in 2018 was undertaken as part of the 2017-2019 Tip management program and on that occasion the site was inspected by Darren Bryant and Robert Sullivan of the Coal Authority who were accompanied by two NPTCBC officers.

- It is unclear why the CA report findings were further interpreted by the consultants ESP and not provided directly to the Authority in the same manner as the Tip Inspection program that was completed in May 2019.

Concerns about the advice provided to the governing body

- It is unclear how the decision to recommend to the Governing body that they should close the school immediately was made, as there is no evidence presented of any formal appraisal of the ESP report before the first task force meeting in May 2019.

Minutes of Task force meeting 1 in July 2019 state,

“It should also be noted that the Council suggests there is an estimated volume of approximately 40,000 tonnes of quarry spoil and associated sub material and vegetation in the respective area.

*The Leader continued and **asked the attendees to note that to do nothing was NOT an option.***

This meeting needed to consider the immediate actions/priority and longer term actions/priorities.

*To put the issue into context an **area around Cyfyng Road slipped** when there was little or no rainfall and that was a low risk area. This is a medium risk so is a tangible threat”*

SP stated the priority is to get children off the site immediately and there is no choice but to close the school immediately.

There is concern that without any formal appraisal the leader and chief executive have misinterpreted the level of risk and conflated a tip inspection report as a landslip assessment and provided ill conceived advice to the governing body.

The minutes further state,

“SG stated it was necessary we highlight that the report was received yesterday by the Leader and we as a council are acting today”

The Quarries which are located within the 2017 L44 Cilmaengwyn Tip boundary were inspected by the CA on the 13 June 2019 and the report delivered to ESP on the 2 July 2019. The report was interpreted by ESP and delivered as part of their assessment to the authority on 4 July 2019. The task force meeting took place on the 11 July 2019.

- There is concern that an impression has been created that the authority has had to act immediately, whereas the CA report has not indicated that it is necessary and the inspection was undertaken 4 weeks previously.
- There is concern that the impression has been created that the report is part of the May 2017 - May 2019 CA Tip Management Program and that information relating to concerns had just been received.

Concerns about decisions taken in February/March 2020

In the meeting of senior officers, chief executive and leaders in March 2020; from recollection the officers have stated that it was the Leader and CE that decided that no risk was acceptable so the option of further monitoring/investigations or a warning system were discounted.

- There is concern that there are no records of any formal assessment of how the Leader and Chief Executive made the decision that no risk was acceptable. A zero risk approach is impossible to overcome and the Authority has not indicated what would be a suitable factor of safety.
- There is concern that the authority have given undertakings to the Public Services Ombudsman for Wales in June 2021, that no final decision would be taken until the outcome of the School reorganisation program was complete, but subsequently took the decision to demolish the school on the 2 December 2022, 3 days before launching the new consultation on 5 December 2022, following the High Court Ruling on 24 October 2022 to quash the previous consultation. The decision to scrap the schools reorganisation program was taken on 19 April 2023 approximately 19 weeks after the decision to demolish the existing school.

Concerns about issues at Cwar Pentwyn Quarry and its inclusion into assessments related to Godre'r Graig School.

The initial CA inspection in June 2019, in addition to the old sandstone quarry behind the school, also included inspections at the freehold which contains the property known as Darren View and the adjacent former Stone Quarry 'Cwar Pentwyn'.

On 17 May 2019 a planning investigation into that freehold commenced and also ESP instructed the CA to inspect that quarry on behalf of NPTCBC.

On 29 May 2019 Darren Bryant undertook a 'recce' of the site. In email correspondence to ESP it was said,

"Also, is the western quarry (Cwar Pentwyn) registered land? During my visit Yesterday, it was apparent that recent tipping and quarrying has been taking place here (see attached photos) and the site is clearly owned by somebody".

In the July 2019 ESP report: Godre'r Graig School, Landslide and Hazard Risk Assessment delivered to the Authority on 2 July 2019, in relation to the CA inspection on 13 June 2019, it is said in section 3.2.1

The Coal Authority suggested that if a significant failure of the spoil heaps occurred, it would impact the access road to Pentwyn Farm and the properties along the access

road. Blockage of the water emanating from the mine entries could lead to increased pore water pressures within the spoil and result in failure.

Legal and permissible consideration will also need to be given to the recent activities in the quarry and the tipping of spoil.

In section 3.3 it is recommended that

Investigate ownership of Site 1 and establish what measures, if any, have been taken with regard to placing recent materials over historic spoil materials;

Investigate activity within Cwar Pentwyn to establish if planning or quarry regulations have been breached;

In the February 2020 Report: Preliminary Investigation and Additional Assessments in section 4.1.2 it is stated that

“The upper access track was constructed through the former Cwar Pentwyn Quarry, accessed by a private lane north of Graig Road. Vegetation clearance and excavation work were undertaken by the client between the 10th and 14th October 2019 to construct a track to the site investigation area allowing for access for an excavator and drilling equipment”

Following guidance from the Tip Safety Team at Welsh Government in February 2021 the Cilmaengwyn Tip was subdivided as the locations do not have interlinkage. The Cwar Pentwyn Quarry was entered as Cilmaengwyn A on the 19 February with the old quarry and former adits located further north east listed as Cilmaengwyn B & C on the 22 February 2021.

In the internal NPTCBC internal email on the 25 February 2021 it is said

“I asked if we could continue to inspect the quarry and track above the property didn’t want to do that – commented about the water diversion by the council who he said built the access track – this area was therefore not visited, so the possibility of working in the quarry, tipping or the access track was not investigated.

In the ESP March 2021 Report: Darren View, 191 Graig Road, Godre’r Graig, SA9 2NZ

In section 1.2 it is said

“We are not aware of any previous geotechnical or geo-environmental investigations or assessments at the site”

And in section 2.1

“An initial site visit and inspection was carried out on the 12th February 2021 by a Chartered Geologist and registered Ground Engineering Specialist from ESP. Access was enabled via a warrant served by the local police and NPTCBC.”

And in Section 3.0

“Planning policy guidance note 14: development on unstable land should be reviewed (<https://gov.wales/planning-policy-guidance-note-14-development-unstable-land>). PPG 14 explains the effects of instability on development and land use. Consideration is given to the responsibilities of the various parties to development and the need for instability to be considered in the planning process is emphasised.”

The Environment, Regeneration and Streetscene Services Cabinet Board met on 2 December 2022 a week earlier than the original date proposed of 9 December 2022.

In the 2022 Report: Design Options for the Remediation of Cilmaengwyn Tip above Godre'r Graig Primary School, which was presented to the Environment, Regeneration and Streetscene Services Cabinet Board on 2 December 2022 the purpose of the report in section 1.0 states

“To inform Members of the results of Earth Science Partnership’s work to investigate design options and produce budget estimates for works associated with the remediation of Cilmaengwyn Spoil Tip and for Members to agree the option to be pursued.”

And in section 2.0

“The report outlines the remediation options and associated costs for the remediation of Cilmaengwyn Spoil Tip and its effect on the Godre'r Graig Primary School site. It should be noted for clarity that this report is not part of the wider review of the Swansea Valley Schools, which is due to take place in the near future.”

And in Section 3.0

Inspection of historic Ordnance Survey plans dating from 1877 indicates the overall site to have initially developed with the formation of two small quarries, one named Cwar Pentwyn and the other un-named and described as an ‘old quarry’. A mine entry (adit) is shown as an ‘old coal level’ at the southwest corner of Cwar Pentwyn with a small spoil tip immediately adjacent. Mounds of quarry waste are shown to the south and east of both quarries.

The 1898 plan shows Cwar Pentwyn to have expanded slightly, with a corresponding increase in spoil tip mounds to the south and east. Both quarries appear to be disused on the 1918 Edition plan, with Godre'r Graig School having been constructed during the period between surveys.

The spoil tip to the east is the problematic one above the school. The majority of the land on which this tip is on, is in the ownership of Neath Port Talbot CBC and is registered on

the same Land Registry Title as the school. The other tips within this complex are on privately owned land.

In email correspondence on the 3 October 2023 the Authority has said

Specifically, the stability of the area incorporated into the Darren View report is associated with the actions of an individual property owner who has been undertaking unauthorised works on their site. The 'Darren View' report was commissioned to support what is an ongoing Planning Enforcement investigation into such matters and is not associated with the risks linked to the tipped material above the school site.

In response to requests for information in 2023 the Authority has said it has not applied for a warrant to enter Darren View in the previous five years and also,

"On the 10th June 2019, the case was marked as closed on the basis of an individual withdrawing a complaint due to an ongoing civil/police inquiry which negated the requirement for a site visit. There would be no documentation or correspondence for disclosure as the referral was made by way of telephone"

"I am advised by our Development Control Team that there are no records on our planning systems to suggest if any investigation was carried out between the period of notification and the date the complaint was withdrawn. The officer in question who received the notification is no longer in the employ of the local authority and accordingly despite checks of emails and our planning enforcement systems there is no information concerning any investigation"

"Officers have advised me that the only additional information held relating to this matter relate to an investigation that took place in early 2021 and i attached an email chain which highlights a site visit undertaken and report produced by ESP regarding Graig Rd"

- It is unclear that the CA possessed the necessary consent to enter private land during the recce visit of 28 May 2019.
- It is unclear why the *ESP March 2021 Report: Darren View* states "Access was enabled via a warrant served by the local police and NPTCBC" whereas the Authority states they have not applied for a warrant.
- It is unclear why in section 1.0 of the *ESP March 2021 Report: Darren View* states "We are not aware of any previous geotechnical or geo-environmental investigations or assessments at the site". As outlined in the previous section there were numerous site visits, inspections and correspondence by ESP and the CAT in the previous two years.

- It is not clear why the 2019 Planning investigation was closed when the complainant, then the CA and ESP indicated that there were unauthorised works that needed to be investigated.
- The purpose and dates of any subsequent planning investigation is unclear, as the authority appears to be saying that there was no planning investigation after the 10 June 2019 but also that there was an ongoing planning investigation.
- There is concern that the closure of the planning investigation into 'Darren View' and Cwar Pentwyn Quarry was orchestrated to gain access to the land behind the school.
- It is unclear why the areas of study chosen in the Darren view reports appear to be determined by ownership boundaries.
- The Environment, Regeneration and Streetscene Services Cabinet Board met on 2 December 2022 a week earlier than the original date proposed of 9 December 2022. It is unclear why the meeting was brought forward. Consequently the residents group were unable to present their report: RE: 171 Graig Road, Godre'r Graig, Ystalyfera, Swansea (Formerly Godre'r Graig Infants School) before a decision was taken to demolish the building.
- It is unclear why references to Cwar Pentwyn Quarry are included in the report presented to The Environment, Regeneration and Streetscene Services Cabinet Board on the 2 December 2022 as the scope and purpose of that report is *"for the remediation of Cilmaengwyn Spoil Tip and its effect on the Godre'r Graig Primary School site"*.
- It is unclear why references to Cwar Pentwyn Quarry are included in the report presented to The Environment, Regeneration and Streetscene Services Cabinet Board on the 2 December 2022, as identified in february 2021 as Part of the WG national tip inspection program, that Cwar Pentwyn Quarry has no interlinkage with the sandstone quarry located further north east.

Coal Tip Safety Regime

Following storm Dennis on 15 & 16 February 2020 the Coal Spoil Tip Safety Team was formed at the Welsh Government. The L44 Cilmaengwyn Tip currently is included in that program.

On the 7 July 2021 in email correspondence from NPTCBC to WG Coal Tip Safety Team in relation to the Coal Tip Safety Grant it is said,

*“Various tips work: The Design & supervision element is for all the tips listed above in the application.....Namely A21, A25, A27, A37, A41, L04, L19, L69, N22 & **L44.**”*

*“Whilst the majority of the work associated with the application are on Public tips we are continuing to inspect Private Tips and are starting to collate works that need doing, but no urgent work has been identified to date. **A number of the Private C & D tips are quarry spoil tips so fall outside the grant funding**”*

In the Report: Management of Risk and Liabilities of disused Mine and Quarry Tips within the Authority and the future management of Coal Tip Safety, published on 1 September 2023 it is said

“Neath Port Talbot County Borough Council inspect privately owned category C and D high risk tips (as detailed in the circulated report) in conjunction with the Coal Authority, until the new legislation comes into force”

On 17 June 2023 in response to a request for information NPTCBC stated

“The question of inclusion of quarries was raised by a number of local authorities during the taskforce meetings and the New Regulations that are currently in the process of becoming law are being written to include provision for inclusion of all spoil tips”

In response to a letter sent by the Chair of Governors citing concerns on the 27 June 2023 NPTCBC wrote

*ESP have also discussed the scenario, context and findings with peers and remarks echo the cautious approach considering the site setting. **This also aligns with recent Welsh Government consultation guidance.** This gives the Council further assurance regarding the advice given to the Governing Body to vacate the school buildings in July 2019, and more recently in December 2022, the decision to demolish the school and construct a structural bund to protect the properties immediately opposite the school site.*

On the 17 July 2023 in response to a request for information NPTCBC said

ESP informally discussed the scenario at Godre'r Graig School with various colleagues and peers at different times, as is normal in professional practice. The Coal Authority were consulted previously by NPTCBC and noted that “A major failure of the quarry spoil could potentially reach Godre'r Graig School.” This aligns with assessments carried out to date:

If the school remains in place and occupied then the Receptor Level (Table 2, Hazard Level Matrices) could always be Level 4.

With no changes/modification to the slope, the Likelihood is at best going to be Possible (but could conceivably be considered higher), meaning the Hazard Level (Table 3) is going to be at least 'Major Hazard'. This is also the case if a failure is considered 'unlikely' and perhaps underlines the sensitivity of the Godre'r graig school scenario.

On the 22 September 2023 in email correspondence to CA the Coal Tip Safety asked

"We have reviewed records (on both Egress and our server) and can't find the reports for the 4 tips listed below. Could you check your records please? It could simply be an incorrectly typed ID or Just where a report has missed getting uploaded.

- *Cwar Pentwyn Quarry/Cilmaengwyn*

On the 27 September 2023 the CA respond

*We've looked at this further and think we understand why they might be missing. **Cwar Pentwyn Quarry/Cilmaengwyn** - I think this tip came up recently, **isn't this the one CA didn't inspect as they think it is a sandstone quarry?** Happy to have a chat through if that would help, particularly on the Cwar Pentwyn Quarry Tip.*

On the 14 November 2023 the Minister for Climate Change: in responding to questions on the Statement: Data on Coal Tip Locations, replied

"In terms of the credibility of the classification, we've had an inspection regime for some time now. We've paid the Coal Authority some £3 million in order to do this work for us. The C and D tips are the higher risk categories, and by 'higher risk' we mean there's a need for more inspection regimes to ensure the integrity of the tip; we don't mean that they're an immediate risk to the public. It's important to make that distinction"

On 16 November the Coal Tip Map was published by WG and shows the old sandstone quarry as a Coal Tip. The boundaries appear to be the spoil within the former quarry and very different to the suggested extent by ESP.

During 2023 after being presented with inconsistencies the Authority has made statements that despite those concerns, that their approach has been discussed with peers and aligns with recent Welsh Government consultation guidance which would be impossible to overcome.

- Whilst it is acknowledged that NPTCBC have called for the inclusion of Sandstone quarries into the coal tip safety regime, there is concern that this was in isolation to all

the other respondents, and for the purpose of mudding the waters surrounding what was reported initially to be concern, that a rock could fall into the school playground, although unlikely.

- Members of the expert panel highlighted the difficulties in such an approach, and the law commission accepted that advice in Section 7.14 and 7.33 of their review of the consultation responses - coal tip safety, and statements to the contrary by the authority are unhelpful.
- It is unclear why the consultation responses provided by NPTCBC appear to be largely copied from those provided by WLGA, and if it's appropriate to say that they align.
- There is concern that a Sandstone quarry is being included in the national inspection program which at this time is for Coal tips only. The Tip Safety Team at Welsh Government say the authority should only be using the 1969 Mines and Quarries Act at this time.
- There is concern that although the CA were contracted to do the inspections and data cleanse they do not appear to agree that there is a Coal Tip and it is unclear if they have inspected the site since the 2019 inspection requested by ESP on behalf of NPTCBC.
- It is unclear if the Cilmaengwyn Tip has been inspected every 6 to 8 weeks, supplemented by more frequent visits during periods of heavy rainfall as stated in September 2021 Report: Management of Risk and Liabilities of disused Mine and Quarry Tips, within the Authority and the future management of Coal Tip Safety.
- It is unclear if 6 monthly inspections of this site, since 2020, have been undertaken by the CA and what report could be the basis for its inclusion in the 2023 national coal tip map.
- It is noted that ESP have invoiced NPTCBC for monitoring inspections throughout 2023. It is unclear why those inspections are not published. It is unclear if those inspections are the basis for its inclusion on the national coal tip map and why the Coal authority, who are contracted to provide that information to the WG Tip Safety Team, have not done so.

Coal Tip Safety Fund

The Authority has made claims to the Coal Tip Safety Grant for work undertaken at Cilmaengwyn Tip for 4 years from March 2021, as outlined in the appendix. The Cilmaengwyn Tip was subdivided into 3 smaller tips on 19 and 22 February 2021 which can be summarised as Darren View and Cwar Pentwyn Quarry, The Old Quarry, and a group of adits to the north east of the Old Quarry.

- It is perplexing to understand how any funding for investigations at either, Darren View and Cwar Pentwyn Quarry, or the Old Quarry and hillside below, located behind the school could have been funded from the Coal Spoil Safety grant as

They are not coal spoil tips,
There are no issues related to Storm Dennis and tip management,
Investigations commenced long before the Spoil Tip Safety Team was created.

- It is unclear why the authorities numerous applications also indicate that they own the 'Cilmaengwyn Tip', yet in other correspondence identify the sites are not owned by the authority.
- It is unclear why the information on how the issue was identified is absent from the numerous applications made.
- There are funds available via the Tip Safety Team at Welsh Government to deal with any tip management issues on public or private Category D tips. It is unclear if the Authority has applied to that fund to resolve any concerns.

The November 2023 proposal to seek funding for a replacement school.

- The proposal is unclear as very limited information is available.
- It is unclear why the decision to proceed with the demolition has been taken when it is not clear that funding and planning consent has been secured for a replacement school site.

- It is unclear if the Authority has undertaken any cost benefit analysis between remediation costs at the current school site (notwithstanding concern that all options for remediation have not been fully explored) and the remediation costs of the replacement schools site, which are indicated to be significant.
- Plans to keep primary education in the local village are welcome and the priority must be to ensure that the pupils can leave temporary accommodation as soon as possible.
- The assessments undertaken to date have been for the current site to continue as a primary school. It is not clear that other uses for the current school site, that may have a lower hazard score, have been fully explored.
- There is to be no restriction on access to the land between the school site and the old quarry which are in private ownership. If the risk level is deemed acceptable for persons to use that land, then there does not appear to be any good reason why other use options for the current school building cannot be explored.
- There are no geotechnical reasons to demolish the school buildings. The reason for the demolition is so the building does not fall into disrepair.

Timeline

Key

Yellow - Coal Authority Tip Inspection Program - May 2017 - May 2019

Purple - Cilmaengwyn Landslide Assessment - ESP 2017/18

Blue - Earth Science Partnership Godre'r Graig Assessments 16 May 2019 - onwards

Green - Darren View issues

Red - Coal Tip Safety Regime - Welsh Government March 2020 - onwards

	Event	NPTCBC	ESP	CA
27 February 2017	Landslip 200m2 - 86 Cyfyng Road			
3 April 2017	Landslip 50m2 29 Graig Rd			
26 May 2017	NPTCBC elect new Leader			CA send Tip Management Proposal to NPTCBC - Phase 1 High Risk Sites
5 June 2017		NPTCBC accept the CA tip Management Proposal	Cilmaengwyn Landslide assessment offer letter sent to NPTCBC	CA commence inspections of High Risk Spoil Tips
19 October 2017		Cilmaengwyn Tip is first registered on NPTCBC asset register		
20 November 2017		Quarry inspection Pen y Graig Arw Quarry	Quarry inspection Pen y Graig Arw Quarry	
12 December 2017		Instruct EPS Cilmaengwyn Landslide assessment		
29 March 2018			Deliver Cilmaengwyn Landslide Assessment	
26 June 2018				Deliver Pen y Graig Arw Quarry Inspection report to NPT

24 July 2018				To NPT "I am pulling the proposal together and wondered if you had any more sites for Q3 and Q4..."
13 December 2018	Darren View Sale			
26 October 2018				CA send Tip Management Proposal to NPTCBC - Phase 2, Med & Low risk sites
20 November 2018		Llangiwg and Alltwen Primary School Condition Report Inspection		
13 May 2019		To CA "Do you know when you will be able to send the inspection reports...."		
14 May 2019				To NPTCBC "They will be with you by next week"
16 May 2019		NPT instruct ESP Preliminary Landslide hazard and risk assessment for land behind the school		
17 May 2019		Planning investigation opened into unauthorised works reported at Darren view	ESP instruct CA to inspect three quarries on NPTCBC's 'behalf'	
21 May 2019				CA send Tip Reports to

				NPTCBC
22 May 2019				CA send Tip Reports to NPTCBC
23 May 2019				CA send Tip Reports to NPTCBC
28 May 2019				CA provide proposal for <u>2</u> inspectors to visit the 3 quarries
29 May 2019			ESP Accept CA Proposal dated <u>28 May19</u> and sign on <u>'behalf'</u> of NPTCBC	CA provide proposal for <u>1</u> inspectors as Darrent Bryant will do the visit alone
29 May 2019				Darren Bryant (CA) undertakes 'recce' and notes unauthorised works at Darren view
10 June 2019		Planning investigation closed into unauthorised works reported at Darren view 'the person who made the complaint telephoned to withdraw, there are no records'		
13 June 2019				Darren Bryant (CA) Official inspection - 3 quarries

2 July 2019				CA deliver report to ESP
4 July 2019			ESP deliver Preliminary Landslide hazard and risk assessment to NPTCBC	
10 July 2019		DG (NPTCBC) visits site to look at vegetation and estimate volume		
11 July 2019		Task force meeting 1		
11 July 2019		NPTCBC advise governors to close the school immediately		
10 October 2019	NPTCBC appoint new director of environment			
10 - 14 October 2019		NPTCBC Construction of new track from Pen Cwar Quarry/Darren View to the old quarry behind the school		
14 October 2019		Instruct ESP to proceed with wider village assessment consultancy report	ESP offer services for wider assessment consultancy report	
29 November 2019			Inclinometer reading - 9:49	
9 December 2019			Inclinometer reading - 11.26	
20 December 2019			Inclinometer reading - 12.17	

9 January 2020			Inclinometer reading - 10:03	
17 January 2020			Inclinometer reading - 10:16	
15 February 2020	Storm Dennis			
25 February 2020		Publish: Godre'r Graig Primary village – Preliminary Investigation and Additional Assessment		
3 March 2020	Coal Tip Safety project meeting			
11 March 2020			Inclinometer reading - 10.15	
16 March 2020		Godre'r Graig Primary School, Executive Summary; Preliminary Landslide and Risk Assessment		
8 April 2020			Inclinometer reading - 9.21	
12 May 2020			Inclinometer readings 12:30, 12:45	
23 May 2020	UK Cov19 Lockdown			
15 June 2020			Inclinometer reading 10:55	
June 2020		NPTCBC Publish ESP - Godre'r Graig Village Preliminary Landslide Hazard and Risk Assessment - final		

		version 2		
31 July 2020	253 Graig Rd Sale			
21 Sept				<p>CA to ALL LA's</p> <p>I hope your data cleanse is progressing well to ensure we can finalise the respective numbers of each risk category tip (i.e. D/C/B/A/R) and the ownership details of each tip with your respective boundary. The completion target remains no later than 3 months after your respective data cleanse project meeting. If you require assistance or resource to complete this task, please contact us.</p>
30 September 2020		<p>NPTCBC email CA. 'Sorry for the delay in getting back to you about the second visit for the C & D tips. We would like to utilise the CA for these</p>		<p>CA email NPT. 'We will be in contact and build NPT tips into the inspection schedule'</p>

		inspections and **** will contact **** in the near future to arrange programming them in'		
3 November 2020		NPTCBC publish school reorganisation consultation		
16 December 2020	NPTCBC appoint new Director of Education			
19 December 2020	Wattstown tip slip			
22 December 2020	3rd WG Tip Summit			
21 January 2021		A combined Executive Summary: Assessments for the school and Village was prepared; Godre'r Graig Village, Land Stability Summary		
12 February 2021		Site inspection at Darren view	Site inspection at Darren view	
19 February 2021		Register Cilmaengwyn Tip A		
22 February 2021		Register Cilmaengwyn Tip B & C		
25 February 2021		S Ball email - Alan's notes on site visit		
5 March 2021		NPT write to residents to advise the houses are safe.		
6 March 2021	Leader of NPTCBC steps			

	down			
17 March 2021		Can we do it on teams? As I'd like **** there too. How are you fixed Thursday pm or Monday & Tuesday pm next week.		CA email NPTCBC 'Hi Paul, Can we catch up on the phone - just conscious we haven't started any cleanse with NPT and the WG deadline of the end of March is approaching. Whats the best number for you?
13 May 2021	WG appoint new minister for education			
27 May 2021			Inclinometer reading - 10:02	
21 June 2021		NPTCBC direct award contract to ESP - Tip remediation study		
24 June 2021		Audit/Ombudsman Report: Review of NPT structures and processes published		
29 June 2021			Inclinometer reading - 10.10	
5 July 2021	253 Graig Rd Sale			
7 July 2021		Email from NPTCBC TO WG CTS Various tips work: The Design		

		<p>& supervision element is for all the tips listed above in the application, with the exception of A02 & A08 which have been included in the budget estimate. Namely A21, A25, A27, A37, A41, L04, L19, L69, N22 & L44.</p> <p>Various tips work: Tip remapping, classification and additional inspections. A breakdown of estimated cost is attached for the work which is mainly on private tips.</p> <p>1. This work is the completion of the boundary mapping for the additional tips that the CA found or the boundaries of existing larger tips that have been broken up to smaller more</p>		
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		<p>defined tips.</p> <p>2. Work to classify new or unclassified tips.</p> <p>3. Additional Inspections of Private tips including the C & D categories.</p> <p>Whilst the majority of the work associated with the application are on Public tips we are continuing to inspect Private Tips and are starting to collate works that need doing, but no urgent work has been identified to date. A number of the Private C & D tips are quarry spoil tips so fall outside the grant funding.</p>		
28 July 2021			Inclinometer reading - 10.53	
26 August 2021			ESP deliver - Tip remediation study to NPTCBC	
1 September 2021		Report: Management of Risk and Liabilities of		

		disused Mine and Quarry Tips within the Authority and the future management of Coal Tip Safety.		
21 September 2021		Report: Godre'r Graig School Tip Remediation Assessment Final Report (final of 4) "Tip is actively unstable"		
14 oct 2021		NPTCBC publish school reorganisation consultation report		
20 October 2021		Cabinet adopt recommendation to proceed with the superschool		
5 May 2022		Local Elections		
7 June 2022		New 'Rainbow coalition'		
18 - 19 July 2022	RHAG v NPTCBC Court Hearing			
2 August 2022			ESP send Godre'r Graig School Drainage Assessment proposal to NPT	
1 September 2022		NPTCBC accept Godre'r Graig School Drainage Assessment proposal by ESP		
9 - 13 September	RHAG V NPTCBC Written			

	submissions			
24 October 2022	RHAG V NPTCBC Administrative Court, quashes Neath Port Talbot Council's plan to open a new English-medium "super-school" in the Swansea Valley			
8 November 2022		Public Meeting - Godre'r Graig		
17 November 2022			ESP deliver Godre'r Graig School Drainage Assessment	
2 December 2022		ENVIRONMENT, REGENERATION AND STREETSCENE SERVICES CABINET BOARD Make decision to demolish Godre'r Graig School		
5 December 2022		New Consultation on the reorganisation of the Swansea Valley primary schools.		
23 Jan 2023	TEGWCH write to NPTCBC			
19 April 2023		Superschool Proposal Scrapped		
20 April 2023	WG email NPTCBC	NPT email WG "To be perfectly honest		

	<p>'Hi **** We spotted the article below about the scrapping of the new super school and were wondering what this might mean for the long-term strategy at Godre'r Graig Primary? I remember discussing the high-level options with the preferred (the new super school) now sounding off the table</p>	<p>I'm Not sure at the moment. Hopefully I will have a better idea early next week. I'll be in touch"</p>		
1 May 2023 - 16 May 2023			ESP commence work to update assessment & Options appraisal regarding Darren View	
20 May 2023		NPTCBC respond to TEGWCH		
24 May 2023	Governing body write to NPTCBC			
5 June 2023			ESP send Godre'r Graig School Hydrological Assessment proposal to NPT	
14 June 2023		NPTCBC accept Godre'r Graig School Hydrological Assessment proposal by ESP		
20 June 2023	TEGWCH send response to NPTCBC			

23 June 2023	P Ryan meeting with SD Coal Tip Safety WG	NPTCBC send letter of complaint to community magazine		
1 July 2023	P Ryan write to JJ Minister for climate change			
28 July 2023	P Ryan meeting with SD Coal Tip Safety WG			
1 August 2023	<p>WG write to P Ryan</p> <p>‘Thank you for your email to the Minister for Climate Change on 9 July regarding the coal spoil safety regime, I have been asked to reply.</p> <p>We met to discuss your concerns on Friday 28 July. As mentioned during our meeting, the new regime will extend to include non-coal disused tips, which will be introduced in a proportionate and phased manner.</p> <p>If you have any further concerns, I would be happy to discuss them further.</p>			
22 September 2022	WG email to ? “We have reviewed records (both on Egress and our server) and can’t find			

	<p>reports for the 4 tips listed below. Could you check your records please?</p> <p>It could simply be an incorrectly typed ID or just where a report has missed getting uploaded.</p> <p>Cwar Pentwyn Quarry/Cilmaengwyn</p>			
27 September 2023				<p>?? email WG</p> <p>"We've looked at this further and think we understand why they might be missing.</p> <p>Cwar Pentwyn Quarry/Cilmaengwyn - I think this tip came up recently, isn't this the one CA didn't inspect as they think it is a sandstone quarry?</p> <p>Happy to have a chat through if that would help, particularly on the Cwar Pentwyn Quarry Tip</p>
28 September 2023			ESP deliver Godre'r Graig School Hydrological Assessment to NPTCBC	

16 October 2023	P Ryan sends Letter to NPTCBC			
15 November 2023	WAG Coal Tip Map published (includes Cwar Pentwyn Quarry/Cilmaengwyn as a Coal Tip)			
20 November 2023		NPTCBC Cabinet adopt proposals to seek funding for new school in Godre'r Graig		
21 November 2023	<p>P Ryan email to WG</p> <p>Hi Sam</p> <p>I am confused why the former sandstone quarry located up hill from Godre'Graig school is shown as a Coal Spoil tip in cat D on the new published register. Do you have new evidence that it is a Coal Spoil tip as the previous reports indicate that it is not.</p> <p>Does the site fit the definition of a tip at all?</p> <p>Please can you provide any correspondence or other communications between a any representative of the Welsh</p>			

	Government and Neath Port Talbot or The Coal Authority or Earth Science Partnership or other any other persons from January 2019 to today with regard to any tip which contains or previously contained the reference number L44.			
29 November 2023	<p>WG email to P Ryan</p> <p>Hi Peter</p> <p>Your request for info.....</p> <p><u>Tip Inclusion</u></p> <p>The tip has been included as it cannot be categorically proven that none of the material relates to historic coal mine activity. It is noted that records refer to the site as a sandstone quarry, which does widely reflect what is observed on the ground; however, visual observation is limited given the density of</p>			

	<p>established vegetation, which has been taken into consideration. It has been noted that some exposures of colliery spoil material are evident immediately adjacent to the former quarry. Further, the tip is located in an area of significant historic coal mining activity.</p> <p>Its inclusion does mean that the tip is inspected as part Welsh Government's national inspection programme, which is deemed proportionate and pragmatic particularly in light of the recent history of the site.</p> <p>We are happy to review further evidence for any tip, which may inform potential changes to our records.</p>			
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	Many thanks,			
19 December 2023	<p>Hi Peter,</p> <p>For your information, the tip of particular interest re the Godre'r Graig School is now referred to as T37552.</p>			
19 December 2023	<p>Hi Sam</p> <p>Thanks for the response, I will review the attachments.</p> <p>Could your department or the minister clarify if the site T37552 is causing concern to Godre'r Graig School currently, and if so what plans are in place to ensure that this concern is removed and the school building can be reused? If there are no plans for such, can you tell me why?</p>			
19 December 2023	<p>Hi Peter,</p> <p>This is a matter for Neath Port Talbot County Borough Council and we advise that a query is raised directly with them. Contact details for</p>			

	<p>local authorities can be found at Coal tip safety: contact details GOV.WALES.</p> <p>Apologies that I cannot be of more assistance.</p> <p>Regards,</p>			
19 December 2023	<p>Hi Sam</p> <p>Thanks for coming back to me. Is it not the case that the new authority is now responsible for the site and not the Local Authority as it's on the register as a Cat D site?</p> <p>I would like to see the latest inspection reports which I note are reported as being done every 6 months. Can you provide me with a copy of the latest report?</p> <p>FYI I have written to the chief executive at NPTCBC to ask if they are working with the new authority to resolve any issues, but I have not had a response, except from the chief executive to</p>			

	confirm she will not respond. It rather looks like the ombudsman will need to take a look at the whole affair.			
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	<p>Hi Peter,</p> <p>The Supervisory Authority – the new statutory body which has been proposed and the one I believe you are referring to – has not yet been established. The establishment will follow the introduction of a new tip safety bill and the implementation of the regime. Details on the wider programme, including the policy and legislative proposals can be found at Coal tip safety GOV.WALES.</p> <p>In the meantime, the Local Authority continues to be responsible for the delivery of operational matters.</p> <p>I will need to confirm the status of the latest report, so will look to share in due course.</p>			
9 February 2023		NPTCBC publish notice of Demolition		

**Correspondence between Earth Science Partnership and The Coal Authority
May 2019 - June 2019**

On 17 May 2019 18.10 ESP wrote to the CA

*"We are looking at the School for **NPTCBC**, **** & **** have asked if you can implement an inspection of the tips above as shown on our plan.*

*They want something similar to what was produced for Pantteg - can you provide a cost to us for this? **NPTCBC want us to engage you** and incorporate findings into our geomorphological work.*

We're under a bit of time pressure to complete our report in 3-4 weeks. If theres any problem please let me know"

On the 21 May 06.54 ESP wrote again to the CA

*"Are you able to get back to me on the above? **NPTCBC are very keen to get this done"***

On the 21 May 2019 09:49 ESP wrote to NPTCBC

Hi both

*Just FYI **** will confirm costs this week and has pencilled in next Wednesday for his tip inspection.*

Can you provide and owner details along with your version of maps of the area (so we can consider which is most relevant)?

On the 21 May 2019 10:09 NPTCBC wrote to ESP

Attached is a copy of the Cilmaengwyn pdf which shows all the land registered in the area.

As you can see part is unregistered but an owner may come out of the woodwork during a visit

CYM25613 is owned by NPTCBC

*CYM625348 was owned by **** who has passed away. We have been in touch with his family **previously** as he used to own most of Pantteg slip and they are ok with us inspecting the land*

We have written to WA73104 & WA70942 telling them that we would be looking to undertake an inspection

On the 21 May 2019 10:38 ESP wrote to CA

"Please see the above and attached"

On the 22 May 2019 08:17 internal CA emails state

"We've been asked to carry out another site inspection for NPT but this time through their consultants ESP.

It's a day of my time and a day for * - can you price it up with the current rates please.***

A email to them setting out costs and our standard T&C's will be sufficient.

They'd like a price by the end of the week, and I have provisionally pencilled in next Wednesday to do the inspection.

The site is a series of Quarry tips at Godregraig, near Ystalyfera and the report will feed into a wider piece of work that ESP are doing for the council.

This work is exactly the same work which we've already been doing for NPT"

On 22 May 2019 17:57 internal CA emails state

"Who will the cost need to go and who is paying the bill? If it's NPT then that would be quicker as i have got an account set up if its their consultants then it may take longer(if not set up). * is doing the internal docs which need signing off by Richard Bond, which she will chase tomorrow"***

On 23 May 2019 16.39 internal CA email state

"RB signing the docs off now, will scan and send over to you both along with saving the signed copy in the BD folder on the shared drive"

On 23 May 2019 16:46 internal CA email states

"As promised, have a good evening both"

On 28 May 2019 11:27 CA wrote to ESP

Many thanks for your enquiry regarding the Tip/Spoil above Godregraig School.

I can confirm that the price for the inspection of the quarry tips at Godregraig, near Ystalyfera will be £1,470

If your happy to proceed, please can you sign the acceptance form to agree to the price and also

On 29 May 2019 10:10 CA wrote to ESP

*Good morning *****

There has been a slight change to the quote as * will be carrying out the inspection alone, the amended price for the inspection of Quarry tips at Godregraig near Ystalyfera is now £855 plus VAT.***

As per my email yesterday, if you are happy to proceed, please can you sign the acceptance form to agree to the price and also the stand T&C's

On 29 May 14:02 ESP wrote to CA

*Please find attached our signed Acceptance **form on behalf of NPTCBC**, for an inspection of tips above Godre'r Graig School for the agreed sum of £855 plus VAT. Our desk Study which includes an aerial photo interpretation exercise with stereo pairs **suggest that there is two coal tips above Godre'r Graig School, and one a little further down the valley as per the attached plan, we trust that the visit will visually inspect these three tips/features and report accordingly.....***

Prior to the works, would it be possible for you to send over site specific risk assessment and method statements for the walkover please?

All invoices for the work should quo

.....As mentioned we are under time pressure to complete our assessment for the area and a timely visit and report would be greatly received

On

On 30 May 2019 9:07 CA wrote to ESP

*Please see attached RAMS for the inspection I **visited site yesterday** to carry out a recce and note that access is only available via third party ownership.*

Could you mark the exact locations for inspection on your plan please - my proposed route is attached

Can you please confirm that permission has been gained to access the following titles

WA73104

WA 70942

*Also, is the western quarry (Cwar Pentwyn) registered land? **During my visit yesterday, it was apparent that recent tipping and quarrying has been taking place here (see attached photos) and the site is clearly owned by somebody***

On confirmation I will undertake the inspection as soon as possible

On 5 June 2019 15:36 [ESP](#) wrote to CA

*Just wondering if you've had time to complete our Approved Supplier forms yet, **we're keen to get you to site quickly***

On 5 June 2019 17:09 internal CA email states

Any progress?

On 6 June 2019 6:41 CA wrote to [ESP](#)

I've chased this up with our commercial team and will get back to you asap

On 6 June 2019 08:37 internal CA email states

*Just waiting completion of the H&S environmental & quality sections - I've copied **** & **** into this email as they will be able to update us.*

On 10 June 2019 9:29 internal CA email states

*Hi *****

Here are the documents I've received back so far, I still need some final signature/responses which I hope to obtain for you today.

I'll give you a call this afternoon to run through it all

Apologies for the delay

On 12 June 2019 9:49 CA wrote to [ESP](#)

I believe you now have the information requested - could you please confirm if we have the go ahead to undertake the inspection

Weather dependant, we intend to visit site tomorrow (Thursday 13th) if acceptable

On 13 June 2019 12:03 CA wrote to [ESP](#)

Please accept my apologies for this delay. I am struggling to obtain a signature from an appropriate director at this point. I will keep trying and update you all ASAP.

*Once again, apologies for the set back, as i know you were keen to have **** on site today.*

On 18 June 2019 14:31 CA wrote to [ESP](#)

Apologies again for the delayed response - our Head of SHE has signed this questionnaire in the absence of a Director

Please note his updated CV attached

I hope this will be suitable, please advise if you require any further information.

On 2 July 2019 14:23 CA wrote to [ESP](#)

Please see attached the report for land to the north of Godre'r Graig school.

Please come back to me if you have any queries

Coal Tip Safety Grant

Date	Works	Purpose stated	Purpose of grant	Year	Amount paid -
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	comple ted	on applica tion	payment		L44 Cilmaengwyn
26/3/21	March 21	Consultants Hazard Assessment	Works carried out at coal tip sites as listed in the application form, together with design and supervision costs for above work; and tip remapping	20-21	62,100.53
29/3/21	NA		To enable you to purchase technology to assist with the monitoring of spoil heaps and/or biodiversity	20-21	
	1 March 2022	Consultants Hazard Assessment		21-22	50,795.80
	Ongoing	Drainage work - ongoing into next FY		22-23	50,954.00
	March 24	Drainage works design & construction		23-24	120,000

Earth Science Partnership Invoices

Invoice date	Work period	Works detail	Amount
9 July 2019	Offer ?	Godre'r Graig School	16,530

	Instruct 16/5/2019	Preliminary Landslide Hazard and Risk assessment	
29 August 2019	20 May 2019 - 9 August 2019	Ongoing support, advice for Godre'r Graig inc meetings, site visits, project management of contractors, scoping and amendments to report as required.	5,767
10 September 2019	12 August 2019 - 6 September 2019	Ongoing support, advice for Godre'r Graig inc meetings, site visits, project management of contractors, scoping and amendments to report as required.	7,711
14 September 2019	9/9/19 - 8/11/19	Ongoing support, advice for Godre'r Graig inc meetings, site visits, project management of contractors, scoping and amendments to report as required.	45,410
20 December 2020	Offer 14/10/19 Instruct 14/10/19	Godre'r Graig wider assessment, consultancy report	7,365
20 December 2020	9 September 2019 - 8 November 2019	Ongoing support, advice for Godre'r Graig inc meetings, site visits, project management of contractors and monitoring.	49,970
9 March 2020	14/10/19	Godre'r Graig wider assessment consultancy report	8,565
7 April 2020	16 December 2019 - 20 March 2020	Ongoing support, advice for Godre'r Graig inc meetings, site visits, project	41,711

		management of contractors and monitoring.	
19 May 2020	23 March 2020 - 13 May 2020	Ongoing support for Godre'r Graig School - inc. meetings and monitoring	3,836
17 July 2020	14 May 2020 - 3 July 2020	Ongoing support for Godre'r Graig School - inc. meetings and monitoring.	972
3 September 2020	6 July 2020 - 3 September 2020	Ongoing support for Godre'r Graig School - inc. meetings amendments to reports and preparation and issue of Executive Summary	978
21 April 2021		Godre'r Graig geotechnical assessment, Provision of geotechnical desk study	4,518
13 July 2021		Provision of two monitoring visits at the tip and a brief visit to insert new batteries.	1,443
13 July 2021		Godre'r Graig Tip Remediation study	12,000
26 Aug 2021		Godre'r Graig Tip Remediation study	12,000
14 November 2021	4 October 21 - 14 November 21	Ongoing support for Godre'r Graig School and Enforcement - inc technical input, meetings and correspondence	5,073
14 January 2022	15 November 21 - 12 January 22	Ongoing support for Godre'r Graig School	5,334

		and Enforcement - inc technical input, meetings and correspondence	
1 February 2022	13 January 22 - 31 January 22	Ongoing support for Godre'r Graig School - inc technical input, meetings and correspondence	5,691
14 April 2022		Godre'r Graig geotechnical assessment consultancy fees	1,800
14 April 2022		Graig Road, Godre'r Graig, consultancy fees	3,000
29 September 2022	Offer 2/8/22 Instructed 1/9/22	Godre'r Graig Primary School, drainage assessment	6,105
17 November 2022	Final invoice	Godre'r Graig Primary School, drainage assessment	6,105
21 December 2022	24 October 22 - 21 December 22	Ongoing support for Godre'r Graig School - inc. meetings, site monitoring visits, vegetation clearance and emails to queries.	6,357
30 January 2023	22 December 22 - 27 January 23	Ongoing support for Godre'r Graig School - inc. meetings, site monitoring visits, and emails to queries.	1,971
29 March 2023	28 January 23 - 28 March 23	Ongoing support for Godre'r Graig School - inc. meetings, site monitoring visits, and emails to queries.	5,755
2 May 2023	29 March 23 - 26 April 23	Ongoing support for Godre'r Graig School - inc. meetings, site	9,115

		monitoring visits, emails to queries and a review of residents group report	
28 July 2023	27 April 23 - 27 July 23	Ongoing support for Godre'r Graig School - inc. meetings, site visits and monitoring visits	6,203
28 July 2023	Offer - 18 May 23 Instruct - 25 May 23	Godre'r Graig School Bund Assessment	3,750
28 July 2023	Offer - 5 June 23 Instruct 14 June 23	Godre'r Graig School Hydrological Assessment	6,000
28 July 2023	1 May 23 - 16 June 23	Jay Francis Land Updated Assessment & Options regarding *****, Godre'r Graig	4,830
29 August 2023	28 July 23 - 25 Aug 23	Ongoing support for Godre'r Graig School - inc. meetings, site visits and monitoring visits	933
31 August 2023	Offer - 18 May 23 Instruct - 25 May 23	Godre'r Graig School Bund Assessment	1,050
31 August 2023	Offer - 5 June 23 Instruct 14 June 23	Godre'r Graig School Hydrological Assessment	6,000
29 September 2023	Offer - 18 May 23 Instruct - 25 May 23	Godre'r Graig School Bund Assessment	1,050
28 September 2023	26 August 23 - 27 September 23	Ongoing support for Godre'r Graig School - inc. meetings, site visits and monitoring visits	360
28 September 2023	Offer - 5 June 23 Instruct 14 June 23	Godre'r Graig School Hydrological Assessment	6,000

Email related to Site Visit at Darren View, 191 Craig Rd.

From: Steve Ball <s.ball@npt.gov.uk>
Sent: 25 February 2021 16:29
Subject: RE: Cilmaengwyn tip

Afternoon all,

Here are Alan's notes he sent after the visit

Further to our site visit to Godre Graig on Friday 12th February please note the following comments.

- After the lengthy discussions re getting in due to eventually we were allowed to enter the site.
1. On the track leading to and beyond the site demarcated in Red on the enforcement plan we initially arrived at the junction accessing property, at the junction there was a touring caravan parked evidently for quite some time. I would assume the caravan is lived in no doubt used as a security person warning for
 2. The area the caravan is parked on built up tipped material with block stone stock piled in the and on the area. The tipping area is based on the profile of its angle of repose, the trees in the vicinity show stress, there is a security camera system in the vicinity. The one thing noticed in this area was the issued (discoloured at the back of a property down slope. Is there an enforcement issue here with tipping material forming a platform over tipping trees the caravan. Where was this tipped material sourced from and where was the block stone sourced.
 3. Leading up the track leading into – this was concreted and the bottom side had a quantity of tipped material which stated it was to be removed foundations built then a retaining wall built, the wall would be significant ground level difference was from 1 to 2 mts. The bottom side was not in the ownership of – there could be an issue re enforcement in this area.
 4. Going through the gate it was has widened the yard in front of the house and this is now concreted. The drainage is poor and the run off is not designed or runs into any kind of controlled features. There was evidently a vast quantity of tipped material over the side and was formed to the angle of repose. We need to enforce against the tipping over the side to the south of the property this is unstable and could become more unstable due to run off, the over tipping precariously is over the gardens of the properties below over a case of unauthorised engineering works.
 5. On and around the property there was an issue with waste – a huge amount of tyres were present without the attempt to bale the tyres to try and form a retaining structure at the base of the active slip which is a dangerous situation. There were tyres tipped amongst inert there was plaster board chip board composite tile /slate sink sheeting large amount of bikes canisters gas containers scrap value steel galvanised fabricated vents etc.
 6. On the eastern limits of the site there was a considerable surcharge of tipped material on the boundary this was 2 mts vertically above the adjoin land in places, this needs to be removed the trees were over tipped but not dead yet This surcharge was detrimental to the drainage and run off in that area. There was clear scour on the tipped over tip in front of the property where a significant amount of run off runs over clearly in an uncontrolled manner, this could lead to a serious problem at the base of the slope.
 7. Behind the property and to the east of the gable end there was a serious land slip no doubt in my mind this is active, there are a number of developing back scars progressing up the slope. The water course on the western limits is running but not as heavy as the terrain would suggest. There were wet areas visible on the slope especially where material had been historically surcharges and quite evident these areas were wet. This area needs to be addressed as a matter of urgency.
 8. There were numerous on site – should we investigate the
 9. I asked if we could continue to inspect the quarry and track above the property didn't want to do that – commented about the water diversion by the council who he said built the access track – this area was therefore not visited, so the possibility of working in the quarry, tipping or the access track was not investigated.

In light of the above the temporary stop notice was served and explained to

on site, the next move is to serve an enforcement notice.

Items I feel need to be covered are as follows

1. The removal of all waste from areas recognised – explaining that he is not to tip the materials in the quarry as he mentioned he was going to do, we need the waste off site.
2. The over tipping to the front of the property needs to be assessed, and a design arrived at, how to stabilise the slope and how to provide an appropriate drainage scheme for the area, securing the future stability of the unauthorised engineering works. Regularising the concrete area to the front of the property should also be included, and the removal of the surcharged materials on the boundaries outside Mr Francis's ownership recovering the trees also – probably a detail topographic survey would be required to highlight these areas.
3. The area behind the property i.e. the active slip needs to be investigated and a design to stabilise the slip acquired, the drainage issues should be included in this area, again a topographic survey would be required to address this area.
4. The area where the caravan was situated needs to be resolved – enforcement against the tipping and parking of the caravan, especially with the materials used and the water issuing lower down the slope.
5. Included in the response I would advise we point out to , where he intends to build the retaining wall, needs to remove tipped material and apply for planning permission as this is not land.

As a way forward I feel we need to engage with

so that we can engage with

EPS, is commission to advise, assess and design what's required.

Once has submitted his report with recommendations – covering his views on the highlighted need for a scheme which would need to accompany an Enforcement Notice - we will need a further meeting to discuss next steps and responsibilities.

Steve

Steve Ball

Development Manager - Planning / Rheolwr Datblygu - Cynllunio
Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Tel/Ffôn: 01639 686727
Email / E-bost: s.ball@npt.gov.uk

Letter to NPTCBC from Mr Peter Ryan

16 October 2022

Dear Karen

I write in response to your email of 3 October 2021 and my reply to you that evening, to which I have not yet received a response.

I have copied your email below for ease of reference.

Dear Mr Boden-Ryan,

Further to your email dated 21st September, I wish to confirm that the 'Darren View' report to which you refer is unrelated to the assessments undertaken for the school and wider village and was commissioned for very different reasons.

Specifically, the stability of the area incorporated into the Darren View report is associated with the actions of an individual property owner who has been undertaking unauthorised works on their site. The 'Darren View' report was commissioned to support what is an ongoing Planning Enforcement investigation into such matters and is not associated with the risks linked to the tipped material above the school site.

Accordingly, officers of the Authority have not in any way acted inappropriately or misled residents as you have alleged.

I trust you will find this clarification of assistance.

Yours sincerely

As you are aware I have been looking into the circumstances of the closure of Godre'r Graig School building in 2019 and the decisions since for it to remain closed.

You may be aware that the freehold property which contains the house known as 'Darren View' and the land known as Cwar Pentwyn Quarry was purchased most recently in December 2018 and that unauthorised work was reported to the authority in spring 2019.

In response to my FOI request for all documents relating to any planning investigation at that freehold or adjacent land you informed me that a planning investigation commenced on 17th May 2019 and was closed on the 10th June 2019. The reason you stated was that the complainant telephoned the authority to withdraw the complaint and that there are no written records on any investigation. You also provided me with a copy of a report published in March 2021 titled Darren View.

I am perplexed as to the contradictory version of events. If the planning investigation was closed in June 2019 why did the authority commission ESP to write the report "Darren View" in 2021?

If there was a new planning investigation after the 2019 investigation, where are the records related to it and why have they not been disclosed under my FOI request?

If there are no records How can there be an ongoing planning investigation?

You have stated that the Darren View report is unrelated to the assessments undertaken for the school and wider village and was commissioned for very different reasons.

It may be useful to understand that in section 1.2 of June 2020 report; *Godre'r Graig Village Preliminary Landslide Hazard and Risk Assessment*, it is stated

*“As discussed in Section 1.1, the aim of this report is to provide an assessment of the terrain above Godre'r Graig (study area defined in Section 1.1) and **assess any hazards** and outline the risks they pose to residents in Godre'r Graig “*

In section 3.4.5 some of the unauthorised work is specifically referenced

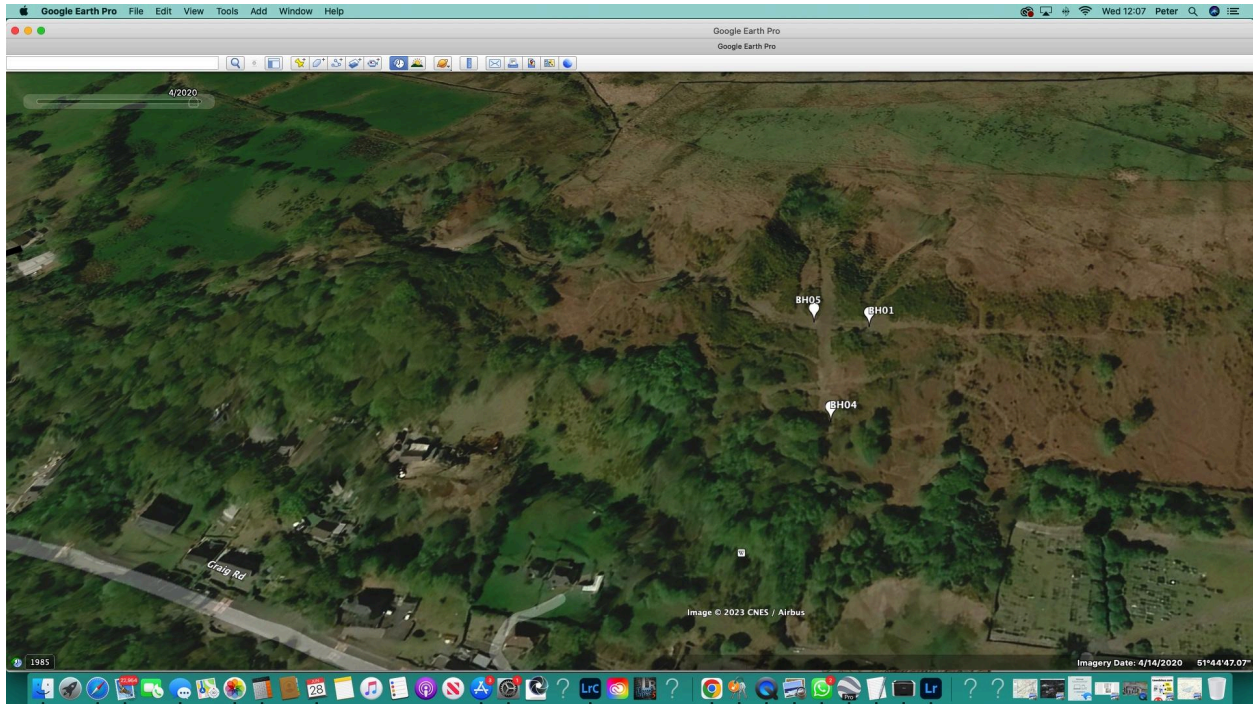
“Recent works have been undertaken in Quarry 1 with an improved access road constructed. Spoil from this work has been end tipped below the quarry entrance (Plate 4)”

It is apparent that the site inspections and Coal Authority report commissioned by ESP in May and June 2019 also noted the unauthorised works and that they are referenced throughout the documents related to Godre'r Graig School, most recently in the remediation options report to cabinet in December 2022, despite it having no relevance as to the purpose and scope of that report which is puzzling.

The field notes from the 2021 inspection in addition to the unauthorised landform work note

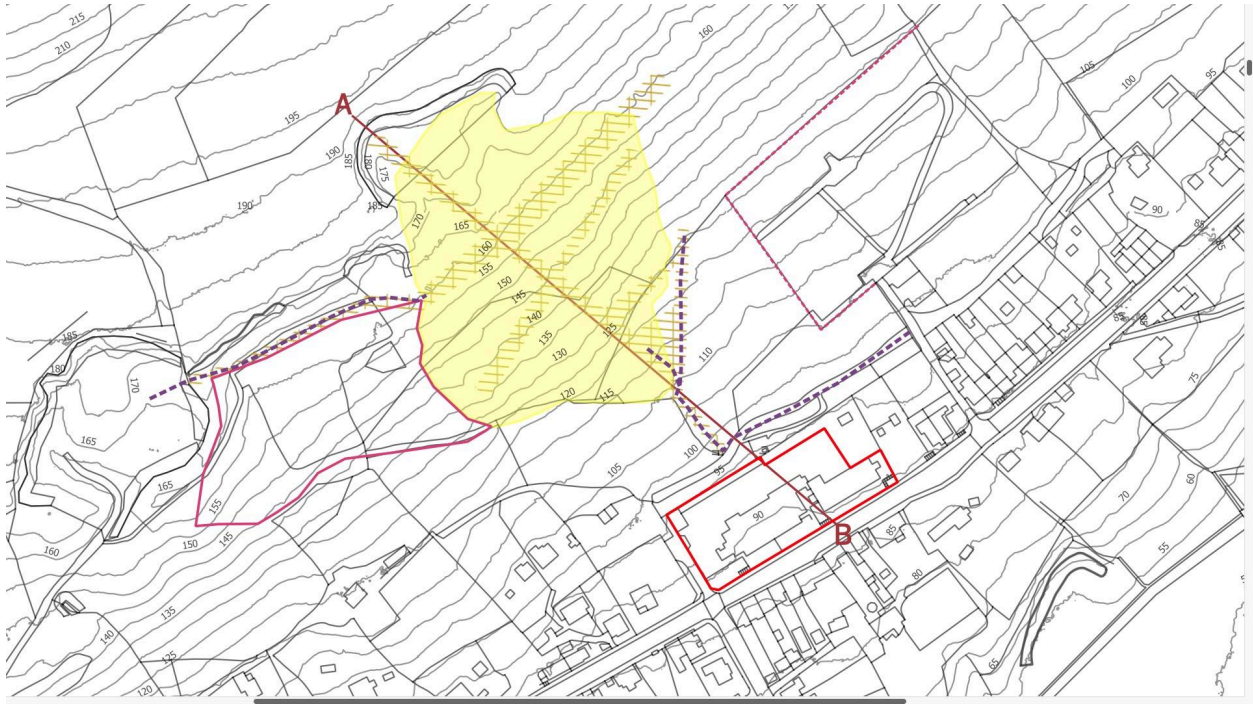
“Behind the property and to the east of the gable end there was a serious land slip no doubt in my mind this is active, there are a number of developing back scars progressing up the slope”

In addition there is evidence that some of the unauthorised works were undertaken by NPTCBC so as to build a track from the Cwar Pentwyn quarry to the former old quarry site located on the hill above the school in order to facilitate site investigations.

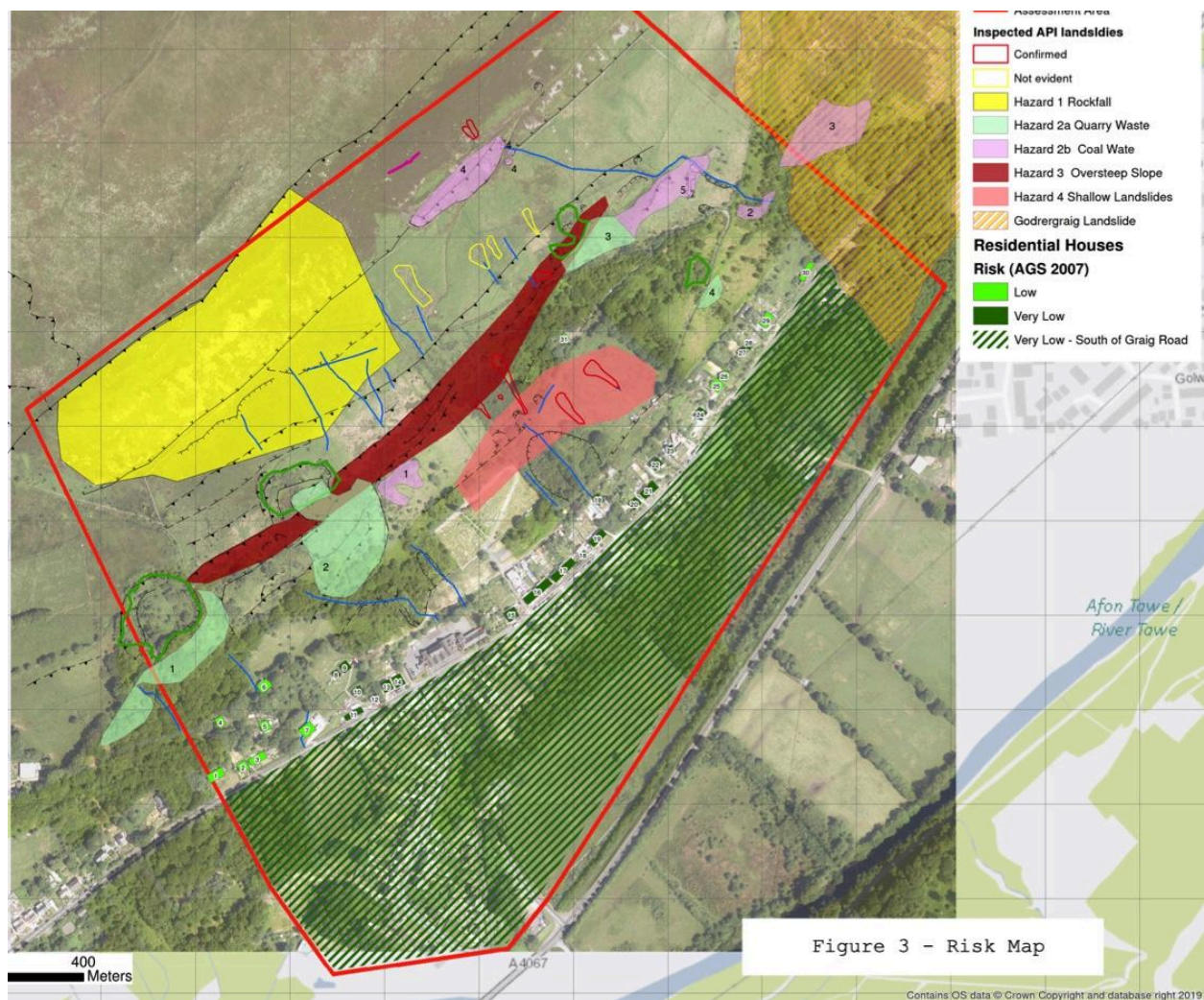


It is evident that NPTCBC would require permission to navigate across the freehold known as Darren View and Cwar Pentwyn Quarry in the absence of evidence that could be determined as conveying rights under the 1969 Mines and Quarry for access.

The land on which the track was constructed is identified in the 2020 report *Godre'r Graig Primary School Executive Summary; Preliminary Investigation and Additional Assessment* to be an extended tipping area.

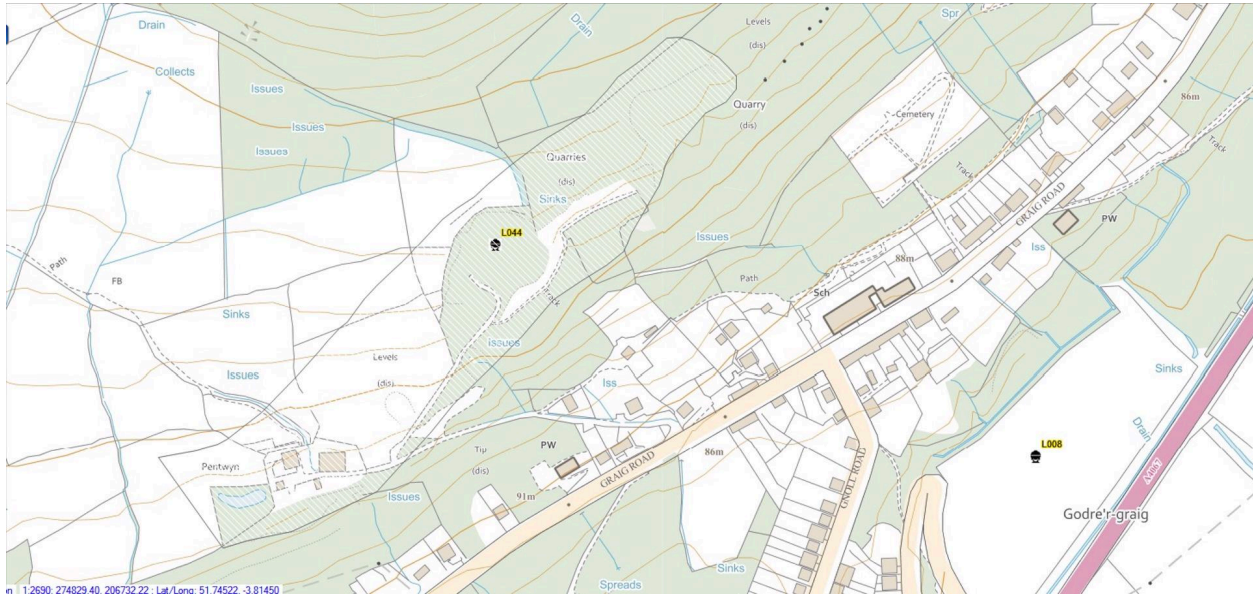


This too is wholly absent from the Wider village Hazard Risk Report and Hazard Map which further undermines your assertion that officers have not misrepresented the risks and further calls into question the credibility of advice provided by Earth Science Partnership



Your assertion that the reports were commissioned for very different reasons is without foundation. It is clear that the wider village assessment purports to identify all risks, yet the information is cherry picked, in what appears to support the authorities interpretation that only the school building is in danger.

The areas of study defined by Earth Science Partnership are selected based on ownership boundaries rather than any coherent evidence of risk, and it is unclear that the hillside behind the school and below the 'Old Quarry' satisfies the definition of a tip at all. The study area does not resemble the L44 tip Boundary as identified on the authorities AMX asset register.



Residents, land owners, finance providers and insurers amongst others rely on the accuracy of such reports to make important decisions and the rationale of contradictory evidence must be independently investigated.

Has the authority closed the planning investigation into Darren View and Cwar Pentwyn Quarry so as to gain access to the land behind the school and misreference the unauthorised works in numerous reports concerning the purported potential risk to the school?

Did Earth Science Partnership have delegated powers to act on behalf of NPTCBC and if so can you provide me a copy?

Funding of investigations

The Authority have made repeated claims that the investigation work undertaken behind Godre'r Graig School was part funded by the Welsh Government and you have made claims to the Coal Tip Safety Grant.

It is perplexing to understand how any funding for investigations at either, Darren View and Cwar Pentwyn Quarry, or the Old Quarry and hillside below, located behind the school could have been funded from the Coal Spoil Safety grant as they are not coal spoil tips, there are no issues related to Storm Dennis. investigations commenced long before the Spoil Tip Safety Team was created.

It is noted that the authorities numerous applications also indicate that you own the L44 spoil tip, yet in other correspondence you identify the sites are not owned by the authority. The application should also provide information on how the issue was identified, which notably is

absent from the numerous applications made. I previously wrote to the Director of the Environment and the leader and received no response.

Local Authority	Spoil Tips/Tip Grouping Name	Spoil Tips/Tip Grouping Ref	Risk Rating	Ownership	Description of works	How works were identified	Predicted Spend 2021/22
NPTCBC	Complex at Centre of Cwmafan	A01	C	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	
NPTCBC	Dyffryn Rhondda Colliery Riverside	A02	B	Local Authority	Reconstruction of gabion wall	Coal Authority inspection	750,000
NPTCBC	Nantewlaeth, Cymmer	A06	B	Local Authority	Scour protection	Coal Authority inspection	
NPTCBC	Old Dyffryn Rhondda Aerial Tips	A08	B	Local Authority	Reprofile minor slip areas & clear drainage. Fencing to prevent animal access.	Coal Authority inspection	100,000
NPTCBC	Ynys Y Gwas Tips, Cwmafan	A21	B	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	55,000
NPTCBC	Torymynydd Rhondda Colliery, Pwll Y Gwlaw, Cwmafan	A25	B	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	8,000
NPTCBC	Bryn (Navigation), Port Talbot	A27	B	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	1,800
NPTCBC	Pwll Y Gwlaw, Cwmafan	A37	B	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	7,000
NPTCBC	Abergwynfi School, Culvert	A41	B	Local Authority	Fencing	Coal Authority inspection	5,000
NPTCBC	Darren Tips, Trebanos	L04	B	Local Authority	Fencing, vegetation clearance & drainage	Coal Authority inspection	3,100
NPTCBC	Old Tarrini, Gleisjons mine	L8, L16, L19	B	Local Authority	Minor erosion, fencing, vegetation clearance & drainage	Coal Authority inspection	44,500
NPTCBC	Cwmgoris	L69	B	Local Authority	Prevent vehicular access, vegetation clearance & drainage	Coal Authority inspection	20,200
NPTCBC	Pontwallby, Glynneath	N22	B	Local Authority	Drainage work	Coal Authority inspection	94,150
NPTCBC	Cilmaengwyn	L44	D	Local Authority	Consultants Hazard Assessment		28,000
					Design & Site Supervision costs		40,493
					Tip remapping		67,123
							1,157,243

Has the authority fraudulent claimed funding purported to be related to coal tip stability, whereas the work is related to unauthorised land form works and the construction of an access track. Has the authority misrepresented that funding as further assurance that the investigations behind Godre'r Graig school because they are reportedly funded by a safety grant?

Duties under the 1969 Act and previous safety assessments

I have made numerous FOI requests to the authority and you have not provided adequate responses. For example on the 13th of June I requested documents relating to a review of spoil site inspections in 2017. The reason for that request is that since 1969 the authority has had a responsibility to ensure the safety of all spoil tip sites and if there is a spoil tip site above the school there should be records of previous inspections.

I am aware that for the period 2015-2017 the authority had mistakenly thought that this function had been facilitated by Carmarthenshire CBC under a service agreement whereas it had not. In 2017 following that realisation the authority reviewed all the spoil tips on the register and started an inspection regime, in order to perform your duty under the 1969 Act. Despite my FOI request, a review and a further FOI request that information still has not been provided without good reason.

I am not surprised by your reluctance, NPTCBC's 2017 Tip Management agreement with the Coal Authority indicates that no land located near Godre'r Graig school was identified as needing an inspection as a High, Medium, or Low risk spoil site during the 2017-2019 inspection period. In contrast another school constructed in 2011 and located in the Afan Valley was identified as a potentially high risk location due to an adjacent coal spoil tip and has remained open.



The Coal
Authority

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: [REDACTED] (Mobile)
01623 637 000 (Switchboard)
Fax: [REDACTED]
Email: [REDACTED]@coal.gov.uk
Web: www2.groundstability.com/

Our Ref: OP17-100077
Your ref:

26th May 2017

For the attention of [REDACTED]

Neath Port Talbot County Borough Council
The Quays
Brunel Way
Baglan Energy Park
Neath, SA11 2GG

Dear [REDACTED]

Tip Management Services for Neath Port Talbot CBC

Further to recent discussions with [REDACTED], please find attached our proposal to provide tip management services to Neath Port Talbot CBC. Our proposal includes, a review of existing documentation, training and the inspections for seven of the high risk sites identified by yourselves.

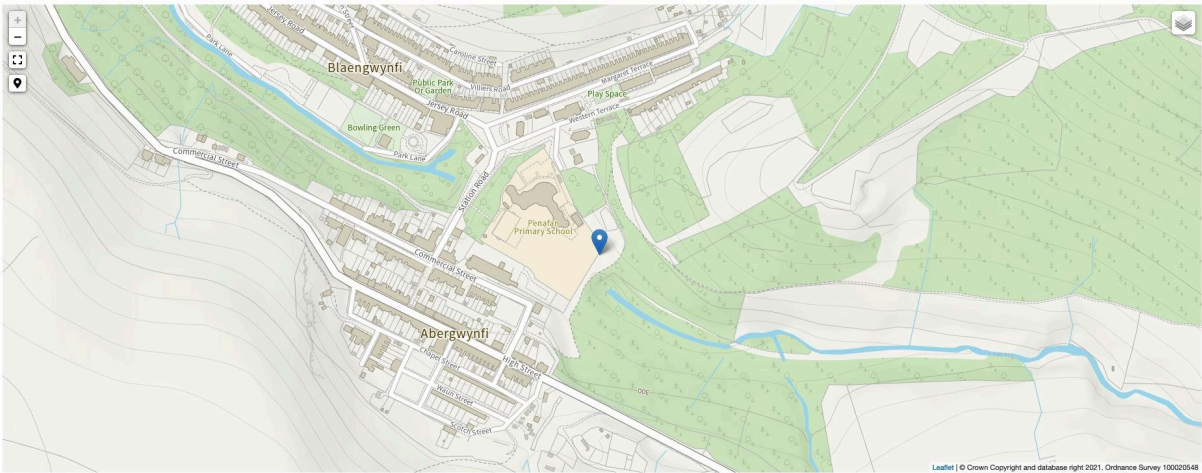
I have also attached a copy of our standard terms and conditions which details the 'Consultancy Services' referred to within this proposal. We will bill on a quarterly basis for the inspections that have taken place in that period commencing with the first inspection and will require payment within 30 days from the date of our invoice.

I hope you find this proposal satisfactory and covers your requirements, if you have any questions please do not hesitate to contact [REDACTED] or myself.

Yours sincerely

[REDACTED]
Business Development Manager

Avon Colliery;Afan Colliery, Abergwynfi



Details	Images	Related	Archives
NPRN	80555	Description Afan Colliery was sunk by Sir Daniel Gooch between 1877 and 1882. The Inspector of Mines noted that it employed 559 men producing steam coal in 1896. It was taken over by the Great Western Railway Company in 1905 and by 1908 had a workforce of 907. In 1912 the Ocean Coal Company took over the running of the colliery. It closed in 1969. RCAHMW, 16 May 2008.	
Map Reference	SS89NE		
Grid Reference	SS8950096250		
Unitary (Local) Authority	Neath Port Talbot		

Avon Colliery;Afan Colliery, Abergwynfi



Details	Images	Related	Archives
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Map Reference	SS89NE		
Grid Reference	SS8950096250		
Unitary (Local) Authority	Neath Port Talbot		

The authority has recently made the case that the decision to provide advice to the governors to close the school has previously been investigated by the ombudsman that provides assurances.

In your letter to the governing body on 27 June 2023 you stated that

“The preliminary report from ESP was delivered to the council on 4th July 2019 and following review a meeting was sought with the governing body,”

Yet the task force records of the meeting on 11 July 2019 state that

“ it was necessary we highlight that the report was received yesterday by the Leader and we as a council are acting today”

My further inquiries revealed there was no review, just the above task force meeting where the leader of the authority at that time stated without adequate qualification

“...that to do nothing was NOT an option”

The former chief executive also stated without adequate qualification

“ the priority is to get children off the site immediately and there is no choice but to close the school immediately”

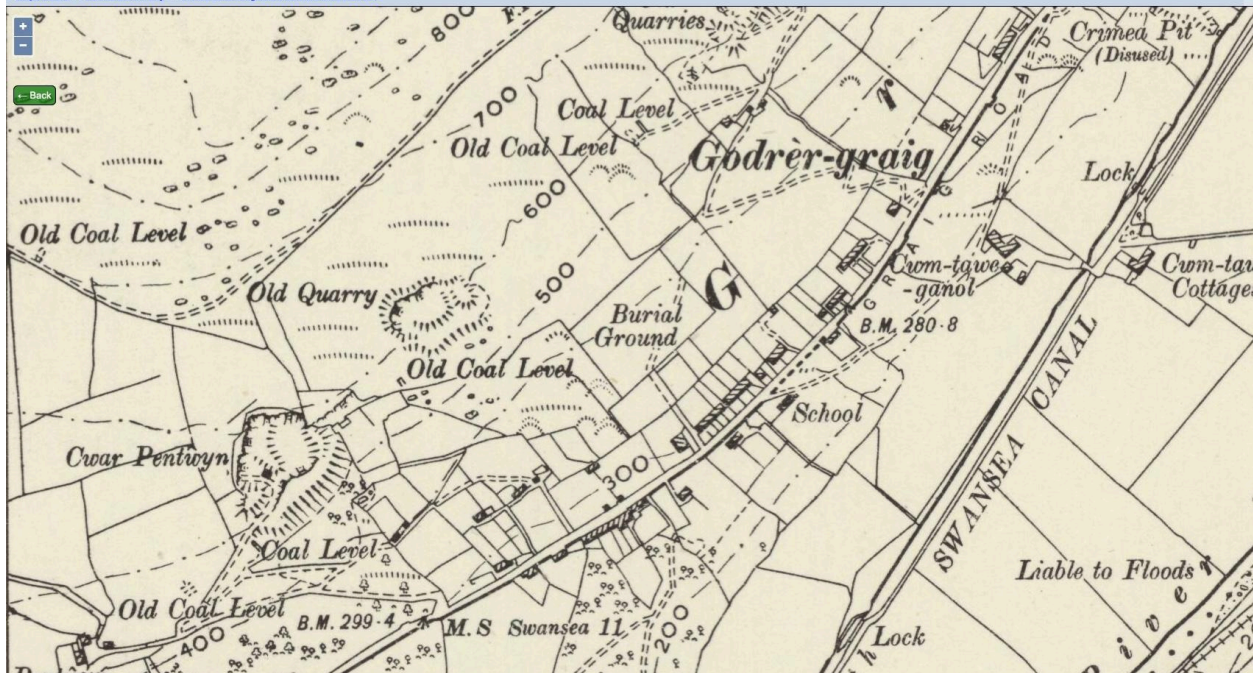
The ombudsman found the decision not to record any meeting where the decision to provide advice to the governing body to close the school building immediately was a flaw in the process and you also gave undertakings that the final decision would not be taken till after the consultation process was complete.

Subsequently made the decision to demolish the building prior. This is completely unacceptable.

The School Governors and Resident Group have provided engineering evidence and after reviewing other documentation I cannot find any plausible reason why the school remains closed.

It is a truly bizarre process that a pile of sandstone that has sat in an old quarry long before the school opened in 1908 and has no evidence of any movement at any time has caused the authority to recommend to the governors to close the school, remain closed, and to end any further assessment.





In recent months the authority has made statements that your approach which has been discussed with peers aligns with recent Welsh Government consultation guidance. I have in recent months had correspondence with the Law Commission, Members of the expert panel and the Minister for Climate change. Following those I have had a number of meetings and correspondence with the Spoil Tip Safety team at the Welsh Government. Whilst it is acknowledged that NPTCBC have called for the inclusion of Sandstone quarries into the regime, this was in isolation to all other respondents. Members of the expert panel highlighted that that may be inappropriate, and the law commission accepted that advice in Section 7.14 and 7.33 of the review of the consultation responses. I also note that the consultation responses provided by NPTCBC are largely copied from those provided by WGLA, which is puzzling. The inclusion of other spoil types may be included in the proposed legislation for other legal reasons, but work on how to assess them has yet to be commissioned and the legislation does not yet exist. The authority should be using the powers granted under the 1969 act, and any statements about this site aligning with the consultation guidance are bogus.

I would highlight that the new regime is focused on ensuring that all sites where a risk is proven are made safe and free of any danger to the public. The new body will take over that function from the authority in due course.

Myself, the governing body, the residents group and their engineering advisors have offered on numerous occasions to meet with the authority and discuss our concerns. The response is a continuation of misleading, evasive and deceptive correspondence. Should no acceptable reply be received in the coming days I intend to discuss my findings with the other interested parties

and recommend that we write to the information commissioner, the auditor general, and the public services ombudsman.

Yours sincerely

Peter Boden-Ryan