

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Lleoliad:
Ystafell Bwyllgora 2 – y Senedd

Dyddiad:
Dydd Iau, 11 Gorffennaf 2013

Amser:
09:00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

Polisi: Marc Wyn Jones
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Agenda

Cyfarfod preifat cyn y prif gyfarfod – 09.00 – 09.15

1 Cyflwyniad, ymddiheuriadau a dirprwyon

2 Memorandwm Cydsyniad Deddfwriaethol ar gyfer darpariaethau sy'n ymwneud â gwaharddebau i atal niwsans ac atal tarfu ar bersonau, Gorchmynion Ymddygiad Troseddol a'r Trothwy Cymunedol (09.15 – 10.05) (Tudalennau 1 – 31)

Llywodraeth Cymru
CELG(4)-22-13 – Papur 1

Lesley Griffiths AC, y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Karin Phillips, Dirprwy Gyfarwyddwr, Yr Is-adran Diogelwch Cymunedol
Claire Rooks, Rheolwr Polisi, Y Tîm Troseddu a Chyfiawnder

3 Ymchwiliad i'r rhwystrau i adeiladu cartrefi yng Nghymru – sesiwn dystiolaeth 1 (10.05 – 10.55)

 (Tudalennau 32 – 64)

Ffederasiwn Cenedlaethol yr Adeiladwyr, Cymru, Cyf – CELG(4)-22-13 – Papur 2
Ffederasiwn y Meistr Adeiladwyr, Cymru – CELG(4)-22-13 – Papur 3
Ffederasiwn yr Adeiladwyr Cartrefi – CELG(4)-22-13 – Papur 4

Paul Bogle, Rheolwr Polisi – Ffederasiwn Cenedlaethol yr Adeiladwyr, Cymru, Cyf
Richard Jenkins, Cyfarwyddwr – Ffederasiwn y Meistr Adeiladwyr, Cymru
Richard Price, Cynghorydd Cynllunio a Pholisi – Cymru – Ffederasiwn yr Adeiladwyr
Cartrefi

Egwyl – 10.55 – 11.05

4 Ymchwiliad i'r rhwystrau i adeiladu cartrefi yng Nghymru – sesiwn dystiolaeth 2 (11.05 – 11.45) (Tudalennau 65 – 69)

Sefydliad Tai Siartredig Cymru
CELG(4)-22-13 – Papur 5

Keith Edwards, Cyfarwyddwr
Julie Nicholas, Rheolwr Polisi a Chysylltiadau Cyhoeddus

5 Ymchwiliad i'r rhwystrau i adeiladu cartrefi yng Nghymru – sesiwn dystiolaeth 3 (11.45 – 12.25) (Tudalennau 70 – 72)

CELG(4)-22-13 – Papur 6

Ian Davies, Rheolwr Gyfarwyddwr, Fforest Timber Engineering Ltd
Wyn Price, Cyfarwyddwr, INTEGRA

6 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y canlynol: (12.25)

Eitemau 7 a 8.

7 Ymchwiliad i Addasiadau yn y Cartref – trafod yr adroddiad drafft (12.25 – 12.35) (Tudalennau 73 – 139)

CELG(4)-22-13 – Papur preifat 7

8 Blaenraglen waith y Pwyllgor – Cylch gorchwyl drafft (12.35 – 12.45) (Tudalennau 140 – 142)

CELG(4)-22-13 – Papur preifat 9

9 Papurau i'w nodi

Tystiolaeth ychwanegol gan Chwaraeon Cymru – Data am nofio mewn ysgolion 2012 – yn dilyn y cyfarfod ar 19 Mehefin 2013 (Tudalennau 143 – 144)

CELG(4)-22-13 – Papur 10

Gohebiaeth oddi wrth Gadeirydd y Pwyllgor Deisebau mewn perthynas â deisebau sy'n ymwneud â threftadaeth (Tudalennau 145 – 146)
CELG(4)-22-13 – Papur i'w nodi – Papur 11

Gwybodaeth ychwanegol oddi wrth Stuart Williams, Undeb Cenedlaethol yr Athrawon – yn dilyn cyfarfod 27 Mehefin 2013 (Tudalennau 147 – 153)
CELG(4)-22-13 – Papur i'w nodi – Papur 12

Rhagor o wybodaeth oddi wrth Simon Jones, Chwaraeon Cymru – yn dilyn y cyfarfod ar 19 Mehefin 2013 (Tudalennau 154 – 155)
CELG(4)-22-13 – Papur i'w nodi – Papur 13

Eitem 2

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Paper 1

LEGISLATIVE CONSENT MEMORANDUM ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL PROVISIONS RELATING TO INJUNCTIONS TO PREVENT NUISANCE AND ANNOYANCE, CRIMINAL BEHAVIOUR ORDERS AND THE COMMUNITY TRIGGER

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for a purpose that falls within, or modifies the legislative competence of the National Assembly.

2. The Anti-Social Behaviour, Crime and Policing Bill (the “Bill”) was introduced in the House of Commons on 9 May 2013. The Bill can be found at: Bill Documents - Anti-social Behaviour, Crime and Policing Bill 2013-14 – UK Parliament Website

Summary of the Bill and its Policy Objectives

3. The Bill is sponsored by the Home Office. The UK Government’s policy objectives for the Bill are to create new and simpler powers to tackle anti-social behaviour, encourage responsible dog ownership, tackle the use of illegal firearms by gangs and organised crime groups, make forced marriage illegal and improve professional standards of the police

4. The Bill makes provision for condensing the current 19 orders to 6 new orders to deal with anti-social behaviour; provides victims of anti-social behaviour with the ability to ensure action is taken; allows for the mandatory repossession of secure tenancies where the tenant is in breach of one of the new orders; amends the Dangerous Dogs Act 1991 to extend its provisions to private property; increases the maximum penalty for the importation and exportation of firearms; creates a new offence of possession for sale or transfer of firearms; makes forced marriage illegal; creates a new College of Policing, and also makes provisions relating to the financial controls on chief constables and extending the powers and remit of the Independent Police Complaints Commission.

Provisions in the Bill for which consent is sought

Part 1 - Injunctions

5. The injunction to prevent nuisance and annoyance is a civil injunction available in the county court for adults and in the youth court for those under the age of 18. The injunction replaces a range of current tools including the anti-social behaviour order (“ASBO”) on application, the anti-

social behaviour injunction (“ASBI”), the drinking banning order on application, intervention orders and individual support orders.

6. An injunction can be made against a person aged 10 or over if the court is satisfied, on the balance of probabilities (the civil standard of proof), that the person has engaged in, or is threatening to engage in, anti-social behaviour and that it is just and convenient to grant the injunction. This is in line with the current ASBI, which is used by private registered providers of social housing and local authorities (in relation to their housing management functions) to stop anti-social behaviour.

7. An injunction will be available to a number of public bodies including local authorities, housing providers, the Environment Agency, Welsh Ministers (exercising corresponding functions to the security management functions exercised by the Secretary of State under section 195(3) of the National Health Service Act 2006) or a Special Health Authority (acting on the direction of the Welsh Ministers) to prevent and address conduct causing nuisance or annoyance to any person.

8. The injunction can be used to tackle a range of anti-social behaviour problems. For example, an individual regularly hangs around inside local hospital waiting areas. He is always drunk and aggressive to hospital staff, often allowing his dog to jump at staff and others in an uncontrolled manner. Under the new system, in Wales, the Welsh Ministers, or a Special Health Authority (such as the NHS Business Services Authority) acting on the direction of the Welsh Ministers, could apply for an injunction to prevent the individual’s conduct.

9. The injunction could include prohibitions that assist in the prevention of future nuisance or annoyance. Such prohibitions may include, for example, not being in possession of a can of spray paint in a public place, not entering a particular area, or not being drunk in a public place. The injunction could also include positive requirements to get the individual to deal with the underlying cause of any conduct. This could include attendance a requirement to attend dog training classes to address issues of dog-control and better understand a dog’s welfare needs.

10. It is the view of the Welsh Government that these provisions fall within the legislative competence of the National Assembly for Wales under Part 1 of Schedule 7 to the Government of Wales Act 2006 in relation to paragraph 1 (animal health and welfare), paragraph 6 (environmental protection, including pollution, nuisances; prevention, reduction, collection, management, treatment and disposal of waste), paragraph 9 (promotion of health, prevention of injury and provision of health services), paragraph 11 (housing), paragraph 12 (powers and duties of local authorities) and paragraph 15 (social welfare and the protection and well-being of children and of young adults).

Part 2 - Criminal Behaviour Orders (CBO)

11. The criminal behaviour order (“CBO”) will be an order on conviction, available following a conviction for any criminal offence in the Crown Court, a magistrates’ court or a youth court. This would replace the ASBO on conviction and the drinking banning order on conviction. A court will be able to make a criminal behaviour order against an offender only if the prosecutor applies for it. This would normally be at the instigation of the police or local authority. Unlike the current process, local authorities would be able to apply directly to the prosecution without requesting the permission of the police.

12. An order may be made against a person over the age of 10 if the court is satisfied that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the offender and that the court considers that making the order will assist in preventing the offender from engaging in such behaviour. As the order would be made on conviction, the standard of proof would be “beyond reasonable doubt”.

13. Similarly to the Injunction under Part 1 of the Bill, the order could include prohibitions and/or positive requirements that assist in preventing the offender from engaging in behaviour that could cause harassment, alarm and distress in the future. Such prohibitions could include not being in possession of a can of spray paint in a public place, not entering a particular area, or not being drunk in a public place.

14. A possible example of a positive requirement that could be contained in a CBO includes the attendance at a course to address the underlying causes of the behaviour leading to the CBO. Where a CBO includes a positive requirement, the court must also specify a person to be responsible for supervising compliance with the requirement. Possible examples include a local authority, recognised providers of substance misuse recovery or dog training providers for irresponsible dog owners. The court must, prior to including a requirement in the order, receive evidence about its suitability and enforcement from the person or body specified to supervise compliance.

15. It is the view of the Welsh Government that these provisions fall within the legislative competence of the National Assembly for Wales under Part 1 of Schedule 7 to the Government of Wales Act 2006 in relation to paragraph 1 (animal health and welfare), paragraph 9 (promotion of health and prevention of injury), paragraph 12 (powers and duties of local authorities and their members and officers) and paragraph 15 (social welfare and the protection and well-being of children and young adults).

Part 6 - the Community Trigger

16. The community trigger is a mechanism for victims of persistent behaviour that causes harassment, alarm or distress to request that relevant bodies

undertake a case review. A case review would entail the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken. Relevant bodies include local authorities, the police, health providers and providers of social housing. Any individual, community or business can make an application for a case review, and the relevant bodies must carry out a case review if the threshold is met.

17. The threshold will be set by the relevant bodies and could, for example, be three reports of separate incidents of such behaviour in a six month period, where there has not been an adequate response to that behaviour. The threshold may also be set with reference to the persistence of the behaviour, the potential for harm to the victim, and the adequacy of response from agencies. The threshold should be set no higher than three complaints, but agencies may choose to set a lower threshold. The community trigger is intended as a backstop safety net for victims of who consider that there has not been an appropriate response to their complaints.

18. It is the view of the Welsh Government that these provisions fall within the legislative competence of the National Assembly for Wales under Part 1 of Schedule 7 to the Government of Wales Act 2006 in relation to paragraph 12 (powers and duties of local authorities and their members and officers)..

19. The Bill extends to Wales. Parts 1, 2 and 6 of the Bill do not include powers for Welsh Ministers to make subordinate legislation.

Advantages of utilising this Bill rather than Assembly legislation

20. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most appropriate and proportionate legislative vehicle to enable these provisions to apply in relation to Wales because the Bill will ensure that there is a consistent approach to tackling anti-social behaviour within Wales and England.

21. In addition, while the Welsh Government is of the view that the substantive proposals referred to in this memorandum, are within the legislative competence of the Assembly, it is accepted that some of the provisions that will need to be brought forward in order to give full effect to the policy underlying these proposals, may not lie within competence, and that in consequence an advantage of using the Bill, is that all provisions can be made within a single, coherent Act.

Financial implications

22. There are no financial implications for the Welsh Government arising from the proposals in the Anti-Social Behaviour, Crime and Policing Bill. There may be associated costs for local authorities but these proposals replace existing provision – therefore funding is currently available and there

should be no additional burdens. Furthermore, the Home Office anticipate there will be cost savings under the new proposals although it is not possible to quantify those savings at this stage.

Lesley Griffiths AM
Minister for Local Government and Government Business
May 2013

Eitem 3

Mae cyfyngiadau ar y ddogfen hon

Paper 2

National Assembly for Wales

Communities, Equality and Local Government Committee

Inquiry into barriers to home building in Wales

Response from : National Federation of Builders

The National Federation of Builders would like to thank the Communities, Equality and Local Government Committee for the opportunity to contribute to the enquiry into barriers to home building in Wales.

1. REGULATION

1.1 The full effect of the implementation of the Community Infrastructure Levy is currently unclear as only eight schedules out of 50 submitted had been published as of April 2013. A principle developer objection is that the levy is payable in advance. For those smaller companies struggling with cashflow, this is an added burden. Once the levy has been adopted, it is non-negotiable. If it is found to have been set too high, the necessary flexibility might be found by having to reduce requirements for social housing, producing a perverse outcome: social housing, and housing in general, generates work and jobs through refurbishment and maintenance long after the homes are built. In contrast, any levy collected may have to be kept for some time before a large enough fund has been collected to undertake any earmarked infrastructure work.

2. COST DIFFERENTIALS BETWEEN ENGLAND AND WALES

2.1 The requirement for sprinklers in new homes will add around £3,000 to the cost of a home. Without wishing to debate the merits or disadvantages of the policy itself, the point being made is that there is a cost differential that makes it less economically viable to build in Wales.

2.2 Site waste management plans are to be introduced in Wales in September 2013 as the Department for Environment, Food and Rural Affairs is consulting on removing the legislation in England because enforcement has been ineffective and because waste management is embedded in training and design and construction processes to a far greater degree than in 2008 when they were introduced. A greater incentive to managing waste has been the escalating landfill tax, rather than the requirement to have a site waste management plan.

3. FUNDING DIFFERENTIALS BETWEEN ENGLAND AND WALES

3.1 Help to Buy has boosted activity among housebuilders since its announcement in the Budget on 20 March 2013. As of 26 June, 4,700 reservations have been made through 400 participating housebuilders¹ and four high street lenders (Halifax, Lloyds, Natwest and Nationwide) have signed up to the programme. Housebuilders, such as Persimmon², have

¹ <http://www.cnplus.co.uk/news/sectors/housing/400-housebuilders-and-four-key-lenders-sign-up-to-help-to-buy/8649820.article>

² <http://otp.investis.com/clients/uk/persimmon-plc/rns/regulatory-story.aspx?cid=106&newsid=350771>

reported increases in reservations of up to 30% since the introduction of Help to Buy in April 2013.

3.2 Schemes introduced in England that have been specifically designed to help the housing and construction industry and help first-time buyers into the market are not available in Wales: Homebuy Direct, FirstBuy, NewBuy, and Help to Buy. Help to Buy, most notably, was developed to allow lower volume housebuilders access to the scheme and the attached funding. The cost of entry to the other schemes was previously too high. There have been some issues with the length of time it takes to become operational on the scheme, but the reaction has been generally positive as the scheme is seen as a means of stimulating demand.

3.3 There is a sense that devolved responsibility for housing has put Wales at a disadvantage with regard to funding. None of the above mentioned schemes is available in Wales. Wales was to introduce a NewBuy equivalent, but the introduction of Help to Buy appears to have derailed those plans.

4. CONCERNS

4.1 Access to finance

4.1.1 There has been a marked increase in housing activity in England following the introduction of Funding for Lending. This scheme, aimed at small business and individuals has helped larger volume housebuilders and existing mortgage holders to borrow while smaller companies continue to see bank lending contract.

4.1.2 Monthly figures from the British Banking Association show that lending to the construction industry fell to its lowest level in March 2013 - £7.45 billion.

4.1.3 The NFB welcomed the report by Professor Dylan Jones-Evans into financing for small and medium-sized enterprises (SMEs) in Wales and support the recommendations. However, with many banks either not lending to construction companies or seeing them as too high risk, any solution to the improving access to finance must look at alternatives to bank lending as well as at business support in order to educate companies about alternatives to high street lending.

4.1.4 Changes to the Funding For Lending scheme in April increased the amount of discounted funding that banks could access from £1 for every £1 lent, to £5 for every £1 lent. For lending to SMEs before the end of 2013, this rate would increase to £10 for every £1 lent.

4.1.5 The NFB believes that in order to ease cashflow and funding pressures on SMEs, the preferential, short-term £10 rate should have been available for lending to sound construction SMEs in order to reinvigorate lending to the sector. Perhaps this is an approach that could be investigated by Finance Wales.

4.2 Planning

4.2.1 An April 2013 study, *Objectively speaking*, by the town planner Nathaniel Lichfield found that of 55 local development plans (LDPs) submitted, only 18 were found to be sound. LDPs are the measure against which planning applications must be considered. In January 2013, there were seven LDPs in place in Wales out of a possible 25.

4.2.1 The view of NFB members is that the system is not delivering meaningful plans in a timely manner.

4.3 Stamp duty land tax (SDLT)

4.3.1 The primary concern with stamp duty is that it is a tax on a transaction. The tax needs to be paid whether a profit has been made or not. Taxes on consumption or on profits are fairer.

4.3.2 The other concern is that SDLT distorts the market for properties just above the threshold values. Selling properties at those values is more difficult because of the 'slab' approach to SDLT banding. The slab approach means that if a property is valued at just above a threshold, the tax applies to the entire transaction amount, not just the portion above the threshold.

Paper 3

National Assembly for Wales

Communities, Equality and Local Government Committee

Inquiry into barriers to home building in Wales

Response from : Federation of Master Builders Cymru

- **To establish whether development costs are impeding and constraining the delivery of new homes in Wales.**

- 1) The issue is the cumulative impact of regulation and its impact on land values. In Wales, land values are lower to start with, so that gives you less scope to support the requirements on development.
- 2) In Wales there is a Sustainable Building Standard from TAN 22, which requires all homes to be built to Code for Sustainable Homes Level 3 plus 1 energy credit. The supplementary costs of this have been estimated at around £3500 per dwelling.
- 3) Changes are being proposed to Part L of building regulations and will be introduced at the beginning of 2015. These will require a new home to achieve a 40% improvement over 2010 Part L. Costs are estimated at £4500 per dwelling.
- 4) Sprinklers – will be introduced this year with an estimated cost of £3k per dwelling.

It can therefore be argued that it will cost £11,000 per dwelling more to build a home in Wales than it costs in England. This coupled with lower land values, particularly in valleys areas, means that the development viability to the volume house builders in particular is severely affected.

- **identify specific concerns of small and medium sized construction companies based in Wales**

- 1) The needs of the volume house builder are often the first to be addressed in this situation. This may indeed be a valid approach given the huge amounts of necessary housing they can provide. However, the FMB believes that the planning system could be used in a more supportive way to ensure there is a fair supply of land is released in small enough tranches that will allow the smaller builder/developer to compete with the volume house builder. It's clear that as with the bundling of construction contracts, in procurement, letting out large tracts of land for development, can solve an administrative burden. However, the FMB believes this is at a cost to the local economy in that it fails to support sustainable local business and training opportunities they provide. There is also the cultural aspect to design and quality that should not be ignored. Is it right that all domestic building in Wales is identical to domestic buildings in the rest of the UK? Are we completely happy with this approach that fosters and homogenous envelope of building design? This is a direct fall out from encouraging large volume UK builders to develop huge estates that fail to reflect the character of the local design culture and nomenclature. This approach, whilst allowing for a cost effective approach to house building, also allows for greater profits for the volume house builder at the expense of the sme indigenous builder/developer who cannot compete on the same scale.

- 2) In Wales we do not have schemes that offer assistance specific to house purchase, particularly for the younger buyer that seems to exist in England. (New-Buy - Help 2 Buy - New Homes Bonus). The Welsh housing markets needs a scheme that will work in this area to assist the young and disenfranchised to access the housing ladder. This will help to provide a boost to the house building market by stimulating demand. The worry is that the issue will be kicked into the long grass until the UK wide New-Buy scheme comes in January 2014. Ever since the collapse of the scheme in mid-April the stock answers to question around this has been 'we are looking into it'.
- 3) Our understanding is that mortgages are difficult and costly for many. Yet in years past, Local Authorities were able to offer mortgages to people unable to access the normal channels and were often very competitive. The FMB does not understand why the Welsh Government cannot introduce a similar scheme that would underwrite mortgages on a competitive basis.
- 4) As well as new build the Welsh Government must not lose sight of the fact that there are 23,000 plus unoccupied dwellings in Wales. In April 2012 the Welsh Government introduced the Houses into Homes scheme. The Sheffield Hallam University report on the scheme says "It is too early in the lifecycle of Houses into Homes to say anything robust about the additionalities associated with the scheme. However, regional leads and local authority empty homes officers did point to a number of positive differences and unforeseen benefits that had already arisen - The scheme was also championed for its role in prompting local authorities with a limited recent history of working to bring empty homes back into use to dedicate greater resources to understanding and tackling the problem. This has included the appointment of dedicated empty homes officers." This scheme provided a £10 million pot for interest free loans. As this scheme is a success, why can't the pot be more? £10million seems a relatively small amount when compared to the costs & profits associated with new build.

- **Identify "quick-wins" that can be implemented by the Welsh Government to assist the whole homebuilding industry**

- 1) The Vat burden on repair and refurbishment is having a deadening effect on the reintroduction of these buildings into the Welsh Housing stock. We understand that, unfortunately, the Welsh Government cannot amend this iniquitous situation directly, whereby, new build houses benefit from a 0% Vat rate when refurbishment carries the full 20%! However, as Wales has the oldest housing stock in Europe, this built in inequality has a proportionately greater effect in Wales. We need to be bringing as much pressure as possible on the Westminster Government to amend this imbalance by reducing the Vat on repair and refurbishment to 5%. Failing a positive response to this, we urge the Welsh Government to consider options around this devolution conundrum including the exploring of petitioning the EU for an alteration to the rules that allows for the devolution of Vat to Wales.
- 2) Encourage or guide Local Authorities to release tranches of land in small batches to allow small developers who are more agile and able to start work immediately to add to the new build stock.

- 3) Bring forward as a matter of urgency a first time buyer scheme such as 'New Buy Cymru'.
- 4) Devolve and remove the stamp land tax duty. This iniquitous 'slab' tax offers only an obstruction to the growth and development of the housing market.
- 5) Broaden and increase the activity and budget for the 'Houses into Homes' scheme.
- 6) There is a plethora of little used but extant 'Building Control' type of existing legislations operative in many Local Authorities in Wales. It is generally understood that once a contractor [new or repair] satisfies Building Regulations and Planning controls, the contract is free to continue. However, there have been occasions where contractors have been forced to providing extra costly applications and information having fallen foul of older legislation such as the Mid Glamorgan Building Control Act of 1987. Ignorance of these laws is no defence in law. However, the penalty for not complying can be as high £5000. We would urge the Welsh Government to review, assess and where needed, repeal these laws as a matter of urgency.

July 1st 2013

Richard Jenkins MSc.Dip.M
Director/Cyfarwyddwr FMB Cymru

Paper 4

National Assembly for Wales

Communities, Equality and Local Government Committee

Inquiry into barriers to home building in Wales

Response from : The Home Builders Federation

1. National policy on house building

We believe there is a specific challenge to solve the housing problems we face in Wales that have been exacerbated as a result of the recent recession. At our last estimation, there was a shortfall of nearly 60,000 homes in Wales and we are currently building fewer homes now than at any time since the Second World War. Therefore, if we are to begin to tackle the housing problems we experience in Wales, we believe national government policy needs to tackle the chronic under provision of homes we have experienced over the last few decades, and make a fresh commitment to deliver more new homes in the decades going forward.

The requirement to increase the total number of homes in Wales needs to be enshrined within national policy, which can then be enforced at a local authority level. National guidance needs to recognise the acute problems we face with housing provision in Wales and needs to make a firm commitment to increase the numbers of all types and tenures of homes. This, we believe, is the only way we will begin to tackle the housing shortage properly and start to deliver on the commitment to provide more homes, of the right type for everyone in Wales. Through the LDP system in Wales, we are already witnessing local authorities trying to allocate lower housing numbers than those predicted within the population and household projections and therefore at present, it seems the problem will only get worse. National Guidance therefore needs to take a strong leadership role and provide local authorities with robust guidance to state that increasing the number of homes we build in Wales is a national priority and should be reflected within each LDP strategy.

We believe this issue requires strong and positive intervention from the Welsh Government, in order to ensure the delivery of homes gets a priority place on the policy agenda.

2. Products to assist with mortgage availability

There is a pent up demand for homes in Wales, which is being exacerbated by the lack of access to mortgages, particularly for first time buyers. Over the course of the recent recession, we have seen mortgage levels drop, as well as a drop in house building levels, however, the demand for homes remains as high as it was in pre recession times. In fact, given the lack of house building in Wales, it is highly likely that the demand for homes in all categories (starter homes, family homes etc) has increased in all areas of Wales.

In light of the above, we believe it is imperative that demand-side products to assist in mortgage availability are adopted by the Welsh Government as a matter of urgency. In this respect, we have met with the Housing Minister to discuss these issues and he shares our concerns, and is taking decisive action in this regard by considering the introduction of the Help to Buy Equity Loan Scheme in Wales. We remain fully committed to working with the Housing Minister and his colleagues to ensure we adopt this scheme at the earliest possible opportunity and we remain confident that with our joint efforts, we can tackle the lack of mortgage availability in Wales head-on.

3. Cumulative impact of regulation

The lack of consideration for development viability when new planning and regulatory changes are proposed, often results in land values not being able to support the full range of requirements being sought. Even though it might not be the case that one single policy has a negative effect on viability, the accumulative requirements of planning and other regulations is often enough to render a development unviable unless a proper analysis of the impact of each policy is undertaken. It is this to which we refer, when we discuss the **cumulative impact of regulation**.

3.1 Proposed national policy and regulation changes

In terms of the changes to regulation proposed to National Policy, the sustainability agenda and regulations to require the introduction of fire sprinklers in all new homes are two major proposals that will impact on home building in Wales.

There are numerous issues with these two regulatory proposals that we believe require further work and analysis to ensure they are appropriate and fit for propose. However, the totality of these issues has been covered in depth by our written and oral responses to each agenda and therefore, for this consultation we will focus solely on reasons why these two regulatory changes will have a detrimental impact on the delivery of homes in Wales, i.e. their cumulative cost impact on development viability.

We have consistently voiced concerns with respect to the cost impact of these proposals at a national and local level. In short, there is a significant amount of evidence (collected by the Welsh Government) that these proposals, along with the cumulative impact of separate national and local legislation, will severely compromise development viability in Wales. This will in turn compromise the delivery of homes, including affordable homes, and stifle growth and investment in many areas throughout Wales.

In terms of the changes proposed to Part L of Building Regulations, the Welsh Government is proposing to introduce these changes in 2015. The regulations will require every home built to include a substantial amount of renewable energy technologies (solar panels etc) and will add £4200 to the build cost of each dwelling. In terms of fire sprinklers, the proposed change to regulations is planned for spring 2014 and (again according to the Welsh Government's evidence) will add £3075 to the build cost of dwelling. Cumulatively, this is a total cost of over £7200 to the build cost of each home in Wales, which will have a considerable impact on land values and development viability in all areas of Wales.

To demonstrate this impact, Appendix 1 below shows what happens to land values in various local authorities in Wales, when the cumulative impact of proposed and current regulation is taken into account. In terms of the graphs provided, it is clear to see that when every requirement is taken into account, the vast majority of land values fall into negative territory. This would effectively mean that not only has the land lost its value, but a land owner would have to **pay** a developer to develop the land to cover the cost of the development and also to cover the cost of the required legislation. In short, this means that land will not be brought forward for development in these areas, as land values are cannot support the requirements levied from national and local policy and regulation.

In terms of our work on development viability, this has been fully supported by the Welsh Government. In this respect, the issue of development viability with respect to proposed regulation changes was discussed at length at the recent meeting with the Welsh Government's consultant's AECOM on the 1st May 2013. At this meeting, the stakeholders were presented with a set of residual land values that were achieved as part of the viability testing undertaken by the consultancy on behalf of the WG to inform the WG's proposed regulation changes. In terms of this viability work, within the three areas tested (Cardiff, RCT and Conwy), the vast majority of the residual land values achieved were negative, proving again that the cumulative impact of current and proposed legislation would indeed have a significant detrimental impact on development viability in Wales. Further to this, one important issue to note about this test of viability is that the assumption was made to reduce affordable housing requirements to zero. As such, even without any affordable housing being proposed, the viability of development was significantly affected in all areas tested.

In terms of the above, it is telling that even with affordable housing is removed from the equation, the impact on development viability is still devastating, even in higher land value areas such as Cardiff. However, at the meeting AECOM also commented on our viability appraisals (as in Appendix 1) and confirmed that they corroborated their own findings on development viability. In this respect, in one sense we were satisfied by the fact that our research was considered to be sound, yet on the other hand we were extremely concerned by what this (and the Welsh Government's) research was telling us with respect to the future of development viability in Wales.

Further to the above, the fact that these proposals are being brought in through building regulations is an additional point of concern. This effectively means that they will be required by law and will therefore not be 'negotiable', as is the case with many other pieces of regulation (particularly planning regulation). Therefore, the cost of these proposed regulations will be required irrespective of the separate priorities of the Welsh Government or local authorities. The cost of the regulations will also be indiscriminate, meaning that will affect development in all areas of Wales, whether land values are low or high.

In addition to the above, we must also consider the fact that the new proposed regulations on fire sprinklers and part L of building regulations are not being proposed in England. In this respect, we already have higher build costs than England as a result of our Sustainable Buildings Policy (Tan 22), resulting in an additional build cost of roughly £3500 per dwelling. However, when the proposed changes to building regulations and fire sprinklers are introduced (adding a further £7,200), the potential cost difference between building a home in England and Wales could be as much as £10,700 per dwelling. As you might imagine, this could act as an incentive to divert development out of Wales, particular for home building companies who operate across the UK. Indeed, these concerns have been echoed by individual companies in recent months, including Welsh home-builder Redrow.

In light of the above, we extremely concerned with the potential impact of proposed and current legislation on land values in Wales. Given our high level testing of development viability also accords with the results of the Welsh Government's viability tests, it would seem that this will be a significant barrier to building homes in Wales in the future.

4. Planning issues

4.1 Community Infrastructure Levy

We are currently witnessing a number of local authorities in Wales starting to develop their proposals for the Community Infrastructure Levy. In this respect, Rhondda Cynon Taff and Caerphilly have progressed furthest with the process, having virtually completed their Draft Charging Schedules.

In terms of CIL, we are again extremely concerned with its potential impact on development viability. RCT and Caerphilly have essentially refused to accept many of the issues we raise above with the cumulative impact of regulation and are proposing to introduce CIL tariffs that our evidence suggests will impact negatively on development viability. Clearly with CIL it is extremely important to ensure the viability testing process is correct from the outset, as when the tariff is finally adopted, there is **no opportunity for negotiation**. In this respect, when the tariff is set, if land values cannot support the tariff, it cannot be reduced in order to ensure a development remains viable. This means that development will not go ahead and there is no opportunity to ensure it can do so. This we believe is another example of how the lack of understanding of development viability can compromise the delivery of homes in Wales.

4.2 The need for more housing land

There is a significant shortage of land available for development in Wales, particularly in the areas that need it most. For instance, the land supply situation in Cardiff is a clear example of this, where there is a huge shortage of land for family homes and the council has less than half the land supply required in order to comply with national guidance. Clearly a shortage of land such as this in an area as critical as Cardiff is extremely problematic, however, such shortages exist in all areas

of Wales. This is compounded by the fact that the LDP system is failing to deliver plans in a timely manner, but is also exacerbated by the fact that incentives to ensure land supplies are increased have been compromised by recent changes to national guidance i.e. the Joint Housing Land Availability process under TAN 1 (more on this below).

In terms of the land supply within new development plans, where LDP's are being adopted, there is a growing tendency for local authorities to adopt sites that are laden with constraints or are situated in areas that have difficulty in attracting development. In this respect, whilst we agree that such a strategy can be useful in promoting regeneration, it needs to be balanced and supported by an overall strategy to direct growth and investment to areas that are capable of sustaining it. We believe it is important to remember that you cannot 'force' growth and development into areas that do not have the capacity to support it. Similarly, an LDP cannot 'require' the redevelopment of constrained sites, where it is simply not viable to do so. As such, we believe it is important for local authorities to have a development strategy that concentrates on the successful areas of their authority, whilst providing opportunities to help growth and investment radiate out into the less successful areas and begin to take hold. This means allocating land for housing (and other forms of development) that is not constrained and is situated in the 'right' areas, to ensure growth and investment continues to flourish in all areas of Wales, whilst allowing sufficient time for regeneration and investment to take hold in the more challenging areas of the country.

In light of the above, we believe there should be a public land release programme, on a national and local level in Wales, in order to ensure we can continue to deliver more homes in the right areas. We believe such a programme would (for example) help to deliver more challenging sites, help to bring forward sites in less investment-attractive areas, or perhaps deliver more affordable housing in the face of viability issues, as there would be more scope to convert 'best value' into tangible community benefits, rather than monetary receipts. However, it is essential such programmes are targeted at the whole of the market and not just at the delivery of 'affordable housing', which has largely been the case in the past. We understand that there is a specific need for more subsidised housing, however, this is very much a short-term solution to a more significant long-term problem. In its basic sense, we need to increase housing supply in general in Wales, in order to ensure everyone in the market has the chance to live in a suitable home. This is the only way we will tackle the housing crisis from its roots, and to hopefully reduce our reliance on subsidised housing in the years ahead.

Delivering more homes in general is a key priority for the Housing Minister and we will continue to support his efforts to ensure this priority is achieved.

4.3 Land availability issues – the Joint Housing Land Availability Process

In Wales national policy (under the auspices of TAN 1) aims to ensure local authorities have a 5-year supply of land at all times in Wales. This system is extremely important, particularly when a local authority does not have a development plan in place, as it monitors the land they have currently available to ensure it is ready and fit for development. The system serves as an important back-stop to ensure local authorities continue to play their part in providing people with access to housing. Where a local authority does not have a 5 year supply, they must take steps to tackle the issue, by either progressing more quickly with their development plans, or by granting planning permission for housing development, when speculative applications are received.

However, the system in Wales has recently undergone some major changes, which have essentially watered down the process and severely compromised its effectiveness and integrity. In this respect, now that many UDP's are becoming time-expired and LDPs have not taken up the void, local authorities are being allowed to calculate their land supplies based on past build rates. That is, instead of relying on their own evidence on future housing need and demand, or national household projections, to inform future housing requirements, the local authority can simply rely on what they have built in the past, to inform what needs to be built in the future. This creates a significant problem. As that build rates have reduced in recent years in all parts of Wales, relying on previous build rates to inform what you need to build in the future, artificially suppresses the level of future house building that is actually required (when evidence on housing need and demand is considered). As a result of this, because it now seems local authorities have fewer

homes to build, they suddenly experience a theoretical increase in land supply, without actually releasing more land for development. This consequently causes an every decreasing spiral, with fewer and fewer sites being granted permission and house building rates continuing to decline in the years ahead.

A key example of this can be seen with the Vale of Glamorgan, where in the period up to 2011 (the expiry date of the UDP) their land supply was slowly decreasing below 4 years, however, in 2012 when they were allowed to calculate the land supply based on past build rates rather than the UDP requirement, their land supply suddenly shot up to 7 years, without any **actual** increase in land supply on the ground. These anomalies in the land supply calculation process needs to be addressed as a matter of urgency, as they are already acting as a significant barrier to housing development in Wales.

We are working closely with Welsh Government officials to resolve these issues, however, we must ensure that such important sections of our national planning guidance are prevented from being diluted in this way in the future.

5. General Planning Issues

5.1 The LDP system

The LDP system in Wales is a major source of concern for us. The process of front-loading evidence to arrive at a Deposit Plan that is meant to be 'sound', offers little scope for significant changes to the plan when it comes to the Examination. In our view, the system needs to be changed in order to provide more opportunities to independently scrutinise the plan, before the final decisions need to be made e.g. a mock examination.

Indeed, despite the LDP the process having a binding Inspector's report, the Inspector has very little leeway to make significant changes to a development plan. Therefore, if significant changes are required to the strategy or policies following the examination, these changes will need to be made by the Council and sanctioned by Council Members. However, if the changes required are a significant departure from the wishes of Council Members, it is highly unlikely they will agree to them, which means the LDP will left in a stalemate position without any course of action available to redress the situation. This is clearly causing major delays to the process and there no penalties for local authorities or Council Members delaying the production of LDPs, or creating strategies and policies based on their political viewpoint rather than evidence

Furthermore, the Examination process is far from transparent. It would seem that an Inspector has carte-blanc to decide on a course of action or make a decision, irrespective of the evidence before them, even when they openly agree with evidence that warrants a different decision. There is very little understanding from an Inspector's report as to why certain decisions have (or have not) been taken, and stakeholders are, in the main, expected to merely 'accept' the decision the Inspector makes, despite the existence of evidence to demonstrate the contrary. It would seem that when significant changes are required to a plan, Inspectors' favour the 'easy option' of making minimal changes and relying on the review process to assess the situation further down the line. This, we believe, partly stems from the Welsh Government's overwhelming desire to 'get the plan adopted at all costs', as it is believe by some that having an 'unsound' plan adopted is better than have no plan adopted at all. We do not believe this is appropriate and will only cause further delays to the planning system when decisions need to be taken in line with the adopted development plan.

5.2 Pace of the planning system

Our members have become increasingly concerned with the pace of the planning process in Wales. Constant battles over Section 106 and viability are causing a break in the system, essentially due to the fact that policies (both national and local) are being created and adopted without due consideration to their impact on development viability.

Through various consultations in the past, we canvassed our members for 'quick wins' to speed up the process. Aside from the key issues mentioned above, one clear response was to allow a

situation whereby a re-plan of a development site, particularly for something as simple as a house type change, does not require the resubmission of the whole application. Where a new application is required to be submitted, it can cause significant delays to the planning process and can also cause major issues with development viability, particularly where there has been a considerable change in local planning policy. Therefore, we believe guidance should be released to instruct local authorities not to require new planning applications for simple application re-plans. This could be done without any changes to legislation or organisational structures.

In addition to the above, we believe the reintroduction of a simple outline permission could also help to speed up the process. We believe the amount of information required with the submission of an outline application renders it virtually obsolete in terms of being a useful tool to secure the principle of residential development. As such, we believe the requirements on outline applications should be slimmed down, in order for permission to be granted on land where the principle of residential development would be acceptable to the local authority. This would not only help to speed up the delivery of the planning application process, but would also help to facilitate the timely identification of land for development in areas where the local authority does not have a development plan in place or has a land supply below 5 years.

We have raised issues with the planning process through our various responses to the Planning Bill. In this respect, we are extremely encouraged by the fact that the Welsh Government is creating a new Planning Bill for Wales. We believe this represents a significant opportunity to address many of the issues we (and others) have with the current process and we very much look forward to working with the WG on the formulation of the Planning Bill to tackle these problems.

Richard Price

Planning and Policy Advisor - Wales

The Home Builders Federation

APPENDIX 1

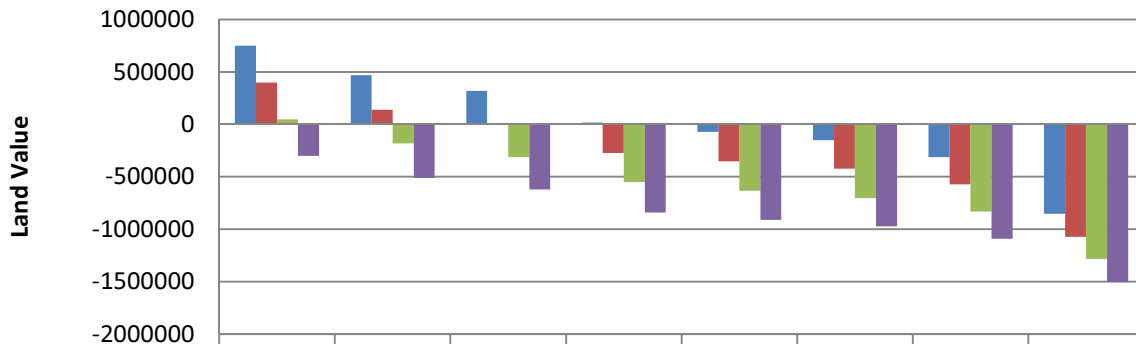
Residual land values in various local authorities following the introduction of changes proposed to Building Regulations and Fire Sprinklers

Newport residual values with Part L plus sprinklers



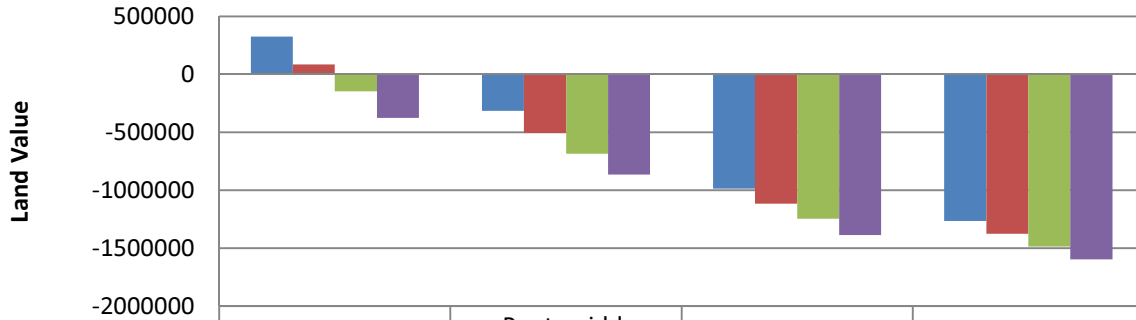
	Caerleon	Rural Newport	Rogerstone	Newport West	Newport East	Malpas and Bettws
■ 0% Affordable	838180	548180	28180	-121820	-871820	-1271820
■ 10% Affordable	628180	378180	-101820	-221820	-911820	-1271820
■ 20% Affordable	418180	198180	-221820	-341820	-941820	-1261820
■ 30% Affordable	218180	18180	-351820	-461820	-981820	-1261820

Conwy residual values with Part L plus sprinklers



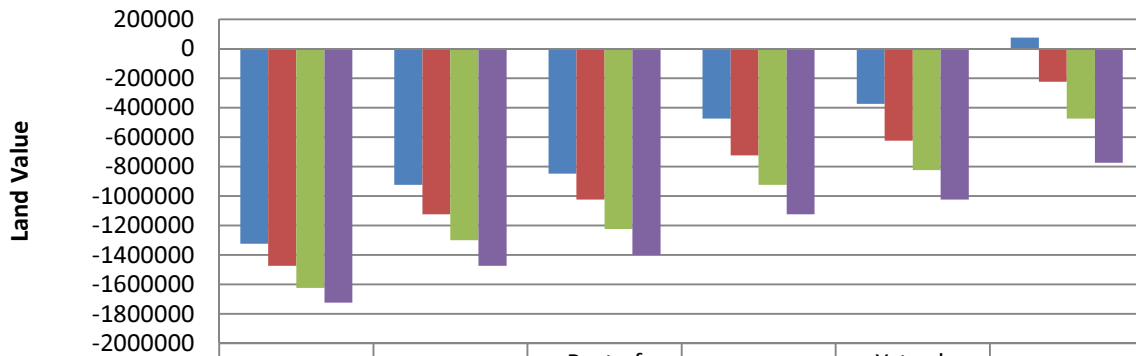
	Llandudno and Penrhyn Bay	Conwy and Hinterland	Vale of Conwy	Colwyn Bay	Western Coast	Betws-y-Coed and Rural S	North East Rural	Eastern Coast
■ 10% Affordable	748180	468180	318180	18180	-71820	-151820	-311820	-851820
■ 20% Affordable	398180	138180	8180	-271820	-351820	-421820	-571820	-1071820
■ 30% Affordable	48180	-181820	-311820	-551820	-631820	-701820	-831820	-1281820
■ 40% Affordable	-301820	-511820	-621820	-841820	-911820	-971820	-1091820	-1501820

RCT residual values with Part L plus sprinklers



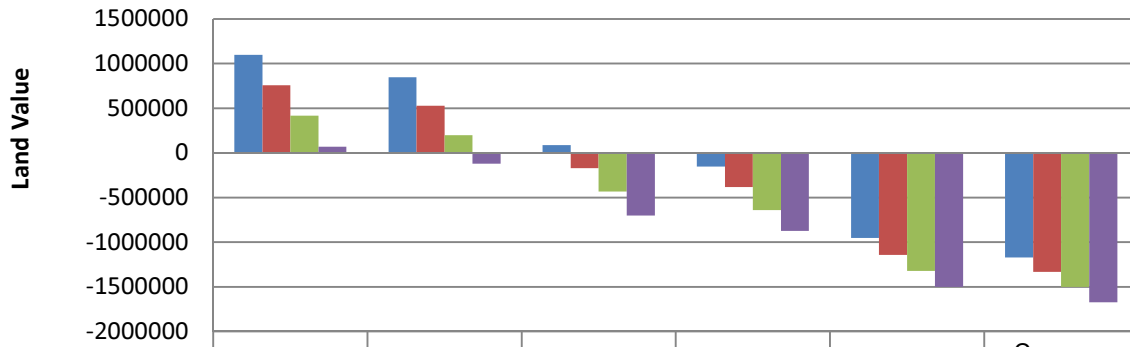
	RCT South	Pontypridd, Porth and Taff Valley	RCT North East	Rhondda Valley
0% Affordable	324260	-315740	-985740	-1265740
10% Affordable	84260	-505740	-1115740	-1375740
20% Affordable	-145740	-685740	-1245740	-1485740
30% Affordable	-375740	-865740	-1385740	-1595740

Caerphilly residual values with Part L plus sprinklers



	Rymney	Newbridge	Rest of Caerphilly	Blackwood	Ystrad Mynach	Caerphilly
10% Affordable	-1323780	-923780	-848780	-473780	-373780	76220
20% Affordable	-1473780	-1123780	-1023780	-723780	-623780	-223780
30% Affordable	-1623780	-1298780	-1223780	-923780	-823780	-473780
40% Affordable	-1723780	-1473780	-1398780	-1123780	-1023780	-773780

Bridgend residual values with Part L plus sprinklers



	Porthcawl	Rural	Pencoed and Hinterland	Bridgend	Western Valleys	Ogmore, Garw & U Llynfi Valley
■ 0% Affordable	1098180	848180	88180	-151820	-951820	-1171820
■ 10% Affordable	758180	528180	-171820	-381820	-1141820	-1331820
■ 20% Affordable	418180	198180	-431820	-641820	-1321820	-1501820
■ 30% Affordable	68180	-121820	-701820	-871820	-1501820	-1671820

Eitem 4

Paper 5

National Assembly for Wales

Communities, Equality and Local Government Committee

Inquiry into barriers to home building in Wales

Response from : Chartered Institute of Housing Cymru

The Chartered Institute of Housing is the only professional organisation representing all those working in housing. Its purpose is to maximise the contribution that housing professionals make to the well being of communities.

In Wales, we aim to provide a professional and impartial voice for housing across all sectors to emphasise the particular context of housing in Wales and to work with organisations to identify housing solutions.

Introduction

CIH welcomes the opportunity to present evidence to the Communities, Equality and Local Government Committee. CIH is the professional body for people working in housing and communities, with over 22,000 members across the UK and Asian Pacific. Our mission is to maximise the contribution that our members make to the well being of communities.

Our response is informed by feedback from our members, our knowledge of the sector and expertise from our policy and practice teams. ..

In general CIH Cymru:

- promotes the concept of *housing led regeneration* to capture the added value that housing brings in terms of economic, social and environmental outcomes.
- recognises the central role of the Welsh Government as the housing *system steward*.
- advocates placing the delivery *affordable housing* at the top of national, regional and local strategies
- supports the role of local authorities as *strategic housing enablers*
- promotes a *joined up approach* to delivery that encompasses all sectors and tenure options
- advocates an approach that includes utilising the *existing stock* as well as building new homes
- encourages an *innovative approach* to delivering quality homes
- builds in the high *quality and sustainability* standard

- The development of innovative funding models to increase delivery of affordable housing

We have given our response to each of the three questions posed by the inquiry below.

1. To establish whether development costs are impeding and constraining the delivery of new homes in Wales;

Wales is not currently delivering the level of housing to meet the ambitious targets of the White Paper. New dwelling starts across all tenures in 2011 totalled 5,140 dwellings¹, a decrease of 13.6% on the previous year, and a shortfall of more than nine thousand dwellings when compared to the 14,200 target.

In England housing policy is heading in a different direction to Wales; less regulation and an emerging taste for private sector-led economic regeneration. In Wales responsibilities for safeguarding and sustainability are being prioritised by Welsh Government; the new Park Homes Bill, Private Rented Sector registration proposals, revised Part L building standards and the homelessness 'solutions' approach are all part of a cross-sectoral strategy aiming to raise standards, protect the vulnerable and future proof our stock by building environmentally-friendly housing, with higher energy performance ratings.

CIH Cymru believes that it is important to ensure that legislation and regulation encourages, rather than discourages housing investment in Wales. We are aware that there is a view from parts of the housing sector that some of the proposed measures – sprinklers and part L - will have a detrimental impact on the numbers of affordable homes delivered. However Welsh Government has a strong track record of requiring higher standards that improve sustainability and the quality of life of occupiers. In a number of instances these have been of a significantly higher standard than those required in other parts of the UK including requiring:

- all new social housing to be built to the through the Lifetime Homes on accessibility and adaptability.
- all existing and new social housing to reach the Welsh Housing Quality Standard

There is no firm evidence that we are aware of that either of these requirements has proved to be a deterrent to development and investment. The assertion that a better regulated housing system, with higher standards across the board, will decrease development is also unproven. For example institutional investors might be more likely to invest in high quality homes, properly managed and regulated, with consistently high consumer demand. Residential properties have given returns that are 30% higher² than for commercial properties over the last 20 years in the UK. RCT Homes' recent announcement³ of the £1billion finance deal with Bellerathon to deliver more intermediate level rental homes is an example of the institutional investment opportunities that are currently being developed by housing providers.

¹ Edwards, Hiscocks & Nicholas, *Welsh Housing Review 2012* CIH Cymru http://www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Wales/Welsh_Housing_Review_2012

² Cook, L *Spotlight: Rental Britain as an Asset Class* Savills: 2012 http://www.savills.co.uk/research_articles/141564/142076-0

³ <http://www.rcthomes.co.uk/main.cfm?type=NI&objectid=2744>

We endorse the view that if done properly, 'good standards and growth are not mutually exclusive; they go hand in hand'⁴.

Raised housing standards ensure that the housing that is delivered today not only meets the needs of current populations, but that it is future-proofed for future generations. We know that Wales has a higher proportion of people aged over 65 than the other UK nations, as such future-proofing our properties is even more important. As housing straddles so many different agendas, we believe that raised standards also help to meet the aims and objectives of other strategies regarding the environment, sustainability, health, social care, social inclusion and anti-poverty.

Improved standards can be evidenced to have had wider beneficial outcomes. For example the Carmarthenshire 2011 Health Impact report⁵, evidenced a range of health and well-being benefits following implementation of the Carmarthenshire Housing Standard. The Lifetime Homes standard has recently been evaluated and found to provide significant⁶ health benefits and societal savings.

CIH Cymru also supports the Welsh Governments' current proposals to raise standards across the industry in Wales; including the Private Rented Sector, (PRS) which has been described as a 'sector of extremes'⁷ and to complete the WHQS programme across all social housing providers in Wales, as well as initiatives to address the wasted resource of empty properties.

Sue Essex 2012 report⁸ to identify the reasons for the overall fall in new house completions in Wales identified four main areas of concern which emerged from discussions with a range of interviewees, these were Finance, Land, Planning, and Opposition & 'Nimbyism'.

2. To identify specific concerns of small and medium sized construction companies based in Wales;

Construction is a major contributor to the national economy, in terms of the employment that it generates, the training opportunities it provides, particularly for young people and generating economic stimulus. It is widely recognised that a significant proportion of future economic growth is likely to come from micro businesses and SMEs, especially in terms of new jobs.

The housing sector has been particularly adept at capturing wider economic gains including it is estimated⁹ that for every £1m of new housing output 12 additional jobs are supported per year and for every £1 invested £2.60 is generated somewhere else in the supply chain.

The i2i project funded by Welsh Government and delivered by CIH Cymru has supported the sector to deliver 3,765 jobs and traineeships over the past four years.

⁴Huw Lewis, Minister for Housing, Regeneration and Heritage, NAW Record of Proceeding 20.06.2012 <http://www.assemblywales.org/bus-home/bus-chamber-fourth-assembly-rop.htm?act=dis&id=235496&ds=7%2F2012#q1> [accessed 10.08.2012]

⁵Wouter Poortinga & Ronan Lyons, *Feeling Fine Healthier Homes Health Impact Study*. Cardiff University & Swansea University:2011 <http://www.carmarthenshire.gov.uk/English/housing/Documents/Health%20Impact%20Report%20English.pdf> [accessed 10/09/2012]

⁶Mike Roys, *Assessing the health benefits of Lifetime Homes*, Building Research Establishment Ltd, DCLG: July 2012 http://www.housinglin.org.uk/_library/Resources/Housing/OtherOrganisation/Health_benefits_of_Lifetime_Home_Standards.PDF

⁷*Homes for Wales: A White Paper for Better Lives and Communities*, Welsh Government: 2012

⁸Sue Essex, *Housing & Planning Scoping Study Report*: December 2012

⁹Sir Adrian Montague, *Review of the barriers to institutional investment in private rented homes August*, Department for Communities and Local Government: 2012

This approach now has widespread support across Welsh Government as underlined by the Finance Ministers' procurement statement¹⁰, that stated its intention to "build upon 'Opening Doors, the Charter for SME Friendly Procurement'," and ensure that public procurement helps to make Wales a good place for doing business, developing a strong supply base, and contributing to a healthy economic infrastructure.

i2i has developed a number of complimentary good practice resources that are available on our website to support delivery including 'Can Do' Toolkits

- Targeted Recruitment and Training (Toolkit 1)
- SME Friendly Procurement (Toolkit 2).

This has in many senses has become the 'industry standard' for housing and the opportunity exists to build capacity and develop further SME focussed procurement practice.

¹⁰ <http://wales.gov.uk/about/cabinet/cabinetstatements/2013/housingrevenue/?lang=en>

3. To identify “quick-wins” that can be implemented by the Welsh Government to assist the whole homebuilding industry.

Whilst we recognise the need to focus on delivery we would stress that the problem of undersupply is a chronic one and that Government and partners will need to keep their focus on a strategy that is long term and cross-sectoral

Nevertheless we would offer the following suggestions:

- CIH Cymru has long advocated a one housing system approach and we support the early implementation of the Welsh Government ‘system stewardship’ role proposed in the Homes for Wales White Paper¹¹.
- The forthcoming Planning and Housing bills and the systems they inform need to be complementary to each other. It is important that new legislation is aligned and crafted to deal with immediate and longer term delivery of affordable housing.
- Focussing on public land release is another way forward to deliver more affordable housing; particularly in the context of the opportunities afforded by the recent HRAS reform announcement¹². This will generate a total of £33 million in savings to the 11 stock retention local authorities each year, which could see local councils developing on a much larger scale once again, although details on the borrowing cap have not been published to date.
- Recent research, commissioned by Welsh Government and the Wales Cooperative Centre and undertaken by CIH Cymru, on cooperative housing in Wales¹³ suggests that there is an appetite to develop this housing option by consumers, particularly those who are ‘reluctant renters’, however resources are required to capacity-build and support such developments. There are also calls for whether there is scope to introduce bridging loans for those equity-rich but cash-poor owner-occupiers who wish to develop co-housing projects to move to properties and communities that better meet their needs as they age. Cooperative housing that is affordable can also be supported by development links to community land trusts, which will ensure the land is retained for housing need.
- There has been success in housing delivery through the use of rural housing enablers¹⁴ in Wales who provide a brokering service between communities and other parties involved in the development of rural housing. The RHE ensures that the community and those in housing need are the focus of any project. There could be gains to be made in developing this function both in urban areas and for the delivery of accommodation based supported housing and other ‘unpopular’ developments that will meet a local or regional need, particularly where local opposition (NIMBYs) can place a development at risk.
- Recent discussion on addressing claims of land-banking in England could provide ideas for Wales, (e.g. the ‘use it or lose it’ proposed Labour Party policy) to try to bring forward development.

¹¹ <http://wales.gov.uk/consultations/housingcommunity/housewhitepaper/?lang=en>

¹² <http://wales.gov.uk/about/cabinet/cabinetstatements/2012/welshprocurement/?lang=en>

¹³ <http://www.walescooperative.org/co-operative-housing-a-viable-option>

¹⁴ <http://www.rhewales.co.uk/>

Communities, Equality and Local Government Committee

Inquiry into barriers to home building in Wales

Response from : West Wales Business Initiative

Background

For many years analysts have forecast that Wales needs to build about 10,000 new houses per annum purely to maintain its housing stock. For the past 5 years we have completed less than 5000 per annum. See **Table A** attached. The reasons for this are varied – the recession, the withdrawal of affordable mortgage finance, market confidence, rising unemployment. These in turn have caused problems for the Housebuilding & Construction Industry.

Put into context, the problems facing the industry have been compounded by **inconsistency** in :

The bureaucratic and misguided **Planning Regimes** of County Councils in Wales.

Development Finance has ceased to exist for the past 5 years as Banks have avoided the property market. Banks will not market or use government guaranteed **loan schemes**.

Land prices. The holder of the largest amount of possible building land in Wales is the **Public Sector**, which is in a position to hold onto land, regardless of need or the market, thereby creating an artificial price structure.

The stringent and expensive **Building Regulations** that are imposed with lack of proper thought, and **high indirect costs** imposed by the **Utility Monopolies** – gas, water and electric, whose charges are totally unrelated to what it costs them. Frequently a £2,000 job becomes a £10,000 cost to builders. This is an area where Government should look more closely, especially as they enjoy a monopolistic position and can impose whatever they like on builder/developers (who, after all, are the ones who actually provide the country's infrastructure).

The **Professional cartels** – Solicitors who operate small town cartels, escalating fees and again the **Banks** who at a time of low interest rates make up for this by charging high arrangement fees.

All the above has contributed to social decline as buyers (particularly young first time buyers) are faced with

Having to raise unrealistic deposits
Lack of mortgage finance offers and.
High legal and Conveyance Fees. (solicitors)

Whilst those with well paid jobs who are able to save (or obtain from family) the 20% + deposit, are able to take advantage of historically low mortgage interest rates. Wales, being the lowest paid regions of the UK, has consequently suffered disproportionately as a result.

All the above are **Constraints** on welsh business and the general economy, that can be removed through action by the Assembly Government.

Examples : How both local and central Government action has damaged the Wales economy :

No thought given to knock on impact of the delays in implementation of **Mortgage Support Scheme**, announced in Autumn 2012 for implementation in Spring 2013. People held off buying to await this scheme, only to find it cancelled. This 6 month standstill had a significant cash flow impact on Welsh housebuilders. Production in many cases was put on hold.

Stamp Duty, which in many areas of Wales started at 1% on houses above £150k, was reduced in April 2013 to starting at £125k. This resulted in a downturn of building, as builders could not achieve profitability due to buyers demanding sales at no more than £125k.

The above **double whammy** meant that government action reduced sales and therefore tax intake !

The problems of the **Banks** has meant they have put pressure on Property Valuer's to reduce valuation of new build homes in order to enhance security. This in turn has affected profitability as houses costing X are often valued at less than cost.

County Councils, who are responsible for planning and associated costs such as **Section 106** which is unreasonably imposed on new developments. Section 106 Agreements are punitive, and seem to be premised on the assumption that because there are new houses in the area, the council will incur additional costs. We cannot follow this logic; building new houses does not cause population increase, it follows the need created by population increase. Also these houses pay domestic rates.

Interdepartmental co-ordination is lacking e.g. between **Planning & Highways** who frequently cause problems by acting in a contradictory way.

Government departments – who will not help private developers if their plans are in competition with WAG supported schemes. e.g. WAG/Wales Industrial Partnership

County Councils dream up schemes (with high fees) that they claim they are given under the powers of the Local Government Act. These are effectively taxes. e.g. If you erect scaffolding to paint your house you can be charged £150 under Building Regs/Planning fees. Building Regulation inspectors frequently drive around looking for people who are refurbishing their property.

The **Welsh Government** has imposed additional specifications for new build houses in Wales which are higher than England. This adds to the cost of construction, but does not add to the value. The net result is that margins are reduced and development is less attractive. WG introduced these changes without any apparent understanding of the effects.

There is a complete lack of commercial awareness in both **Local and Central government**. As well as business issues they do not understand that quality employment is long-term and on a proper PAYE basis, which used to be called a career. This should be available to as many people as possible, including blue-collar workers, whereas civil servants think that careers are privileged to the public sector.

Table A New dwellings started and completed by tenure (a) (b)

Number

	Private sector		Registered social landlords		Local authorities		All tenures	
	Starts	Completions	Starts	Completions	Starts	Completions	Starts	Completions
2002-03	9,014	7,522	497	782	11	6	9,522	8,310
2003-04	9,480	7,863	566	417	14	16	10,060	8,296
2004-05	9,095	7,986	381	475	34	31	9,510	8,492
2005-06	8,613	7,883	356	347	0	19	8,969	8,249
2006-07	8,732	8,988	391	346	12	0	9,135	9,334
2007-08	9,732	8,316	467	343	0	5	10,199	8,664
2008-09	4,459	6,429	443	692	8	0	4,910	7,121
2009-10	4,393	5,291	914	880	0	3	5,307	6,174
2010-11	5,001	4,513	776	992	21	0	5,798	5,505
2011-12	-	4,746	-	829	-	0	4,971	5,575
2012-13	-	4,720	-	744	-	0	5,291	5,464
2008-09:								
Apr-Jun	1,838	1,990	80	169	8	0	1,926	2,159
Jul-Sept	1,196	1,648	101	146	0	0	1,297	1,794
Oct-Dec	623	1,532	59	162	0	0	682	1,694
Jan-Mar	802	1,259	203	215	0	0	1,005	1,474
2009-10:								
Apr-Jun	1,007	1,505	289	246	0	0	1,296	1,751
Jul-Sept	1,104	1,115	274	174	0	0	1,378	1,289
Oct-Dec	1,002	1,563	94	271	0	0	1,096	1,834
Jan-Mar	1,280	1,108	257	189	0	3	1,537	1,300
2010-11:								
Apr-Jun	1,377	1,298	368	182	0	0	1,745	1,480
Jul-Sept	1,217	1,128	265	167	21	0	1,503	1,295
Oct-Dec	1,079	1,208	73	328	0	0	1,152	1,536
Jan-Mar	1,328	879	70	315	0	0	1,398	1,194
2011-12:								
Apr-Jun	-	1,460	-	160	-	0	1,205	1,620
Jul-Sept	-	908	-	224	-	0	1,427	1,132
Oct-Dec	-	1,405	-	313	-	0	1,014	1,718
Jan-Mar	-	973	-	132	-	0	1,325	1,105
2012-13:								
Apr-Jun	-	1,406	-	223	-	0	1,236	1,629
Jul-Sept	-	1,118	-	113	-	0	1,493	1,231
Oct-Dec	-	1,276	-	190	-	0	1,234	1,466
Jan-Mar	-	920	-	218	-	0	1,328	1,138

Source: New house building collection from local authorities & NHBC

(a) Figures include all dwellings inspected by the National House Building Council. Excludes acquisitions and hostel bedspaces

(b) From 1 April 2012 onwards information is only collected on total starts without a breakdown by tenure. Further information is available in the key quality information section.

Eitem 7

Mae cyfyngiadau ar y ddogfen hon

Eitem 8

Mae cyfyngiadau ar y ddogfen hon

Paper 9 – Paper to Note

School Swimming Data 2012

Please Note- School Swimming refers to Testing that takes place in Curriculum PE lessons. Learn To Swim will now be used to refer to Swimming Lessons that take place out of school time

	North	Mid and West	Central South	South East	Wales
Overall % (Years 3-6) meeting standard	58	56	35	54	52%
Percentage of Year 3-6 tested	30%*	99%*	32%	36%	47%
% Year 6 meeting standard	78	81	65	68	75%
Percentage of Year 6 tested	50%	83%	42%	40%	55%

Notes: When using data, caution should be used in reporting and making comparisons for the following reasons:

Conwy: Tested Yr 6, but not Years 3-5.

Denbighshire: Tested Yr 6, but not Years 3-5.

Gwynedd: Tested Year 3 and 6

Vale of Glamorgan: No Year group breakdown provided

Torfaen: No Year 3 tested

Flintshire: Data not reflective of the LA for 2011-12

Some LAs have returned data that shows more pupils have been tested than are in that population or that almost every pupil has been tested – data collection methods need to be checked

Some LAs have tested small proportions of pupils

The population data is taken from the Pupil Level Annual School Census January 2012

<http://www.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=9965>

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Eitem 9a

Period	Current baseline/Targets	Ynys Mon	Conwy	Denbigh	Gwynedd	Flint	Wrexham	Swansea	Pembroke	Powys	NPT	Carmarthen	Ceredigion	Newport	Monmouth	Torfaen	Blaenau Gwent	Caerphilly	Cardiff	Merthyr Tydfil	Bridgend	RCT	Vale
Sep 09-Jul 10	67%	75%	62%	79%	51%	51%	75%	71%	88%	94%	66%	49%	87%	49%	73%	86%	55%	53%	45%	37%	54%	43%	78%
Sep 10-Jul 11	69%	61%	62%	90%	88%	71%	76%	83%	84%	90%	61%	41%	88%	63%	63%	90%	80%	27%	50%	72%	55%	57%	85%
Sep 11- Jul 12	75%	89%	68%	90%	89%	59%	76%	87%	87%	93%	64%	69%	81%	66%	75%	80%	70%	61%	56%	72%	57%	59%	85%
Percentage of Year 6 tested	55%	21%	59%	81%	18%	14%	102	62%	99%	107	70%	90%	95%	19%	80%	12%	73%	43%	25%	92%	41%	42%	64%
Overall % (Year 3-6) meeting standard	52%	67%	68%	90%	80%	40%	49%	71%	59%	76%	47%	52%	63%	40%	57%	72%	54%	50%	44%	52%	47%	47%	85%

Percentage of Year 3-6 tested	47%		20%	15%	21%	18%	14%	83%		66%	101	104	69%	94%	74%		22%	66%	27%	68%	28%		23%	82%	35%	38%	16%
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Main comments

- If Assessment methods are accurate and consistent then National trend in school swimming is positively improving
- Still very large variances in the data which suggests large variances in level of importance given to subject by Local Authorities
- Huge variance in quality and level of testing which in some cases questions the robustness of local LA data generated
- Questions remain regarding the importance and buy in to the swimming/aquatics pathway in some LA's- more consistent total buy in needed
- Large improvements in some LA's, but room for improvement in all-
- Large portions of data still missing from Commercial/trust pools that teach swimming to school children

Key Questions:

- What needs to be done within the Local Authority to get every child swimming?
- How can relationships with Educational partners be improved to assist development of school swimming (Including PESS leads) and its importance within the Aquatics Pathway?
- What needs to be done to ensure that there is clear progression from school/LTS into clubs/other opportunities including recreational splash?
- With the national trend improving, how do we sustain rates and translate that into **regular aquatic activity** and the other areas of the Aquatics pathway?

Y Pwyllgor Deisebau
Petitions Committee

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Christine Chapman AM
Chair
Communities, Equality and Local
Government Committee

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Our ref: CELGPET1

26 June 2013

Dear *Chris*

I am writing to highlight a number of heritage related petitions, in advance of your expected consideration of the Heritage (Wales) Bill. These include:

- Save Ponty Paddling Pool;
- Protect Buildings of note – Mid Wales;
- Call to revise Cadw's hold on churches;
- List Stradey Park;
- Restoration for North Wales Hospital;
- Save Roath Steam House;
- Saving Plas Cwrt yn Dre / Old Parliament House for the Nation; and
- Save the Vulcan.

There have been a number of reoccurring issues which have cut across our consideration of these different petitions, which we feel may be of interest to you in advance of the Heritage (Wales) Bill.

Local Listing

The previous Petitions Committee, in relation to the Save the Vulcan petition, recommended '*strengthening the powers available to local authorities to prevent the demolition of buildings that meet the criteria for local listing*'. In responding, the previous Welsh Government stated that there was a commitment to introduce a joint bill with the Department of Culture, Media and Sport to better control the demolition of locally important buildings. A later update from the then Minister for Heritage stated that such a Bill had not been included in the UK Government's legislative programme, but that further work on local listing was expected to be

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh

taken forward by the next Welsh Government following the Assembly elections in 2011.

During the current Assembly, we have continued to hear concerns about the strength of protection local listing provides, the inconsistencies across Wales in the use of local listing and the interaction between local and national listing.

Buildings with social and cultural significance

The previous Committee in their report into the Vulcan pub also called for the introduction of guidance or legislation to enable the protection of buildings that have social or cultural importance (this was accepted by the previous Government). However, it is not clear if this has been implemented.

Protecting sporting heritage

One of our longest standing petitions which started in the previous Assembly, calls for Stradey Park to be listed. We are aware that Cadw recently published a scoping report into the protection of sporting heritage. Additionally, we know that the Government is committed to developing selection guidance for the designation of historic building types and parks and gardens and that sporting heritage will feature in this. However, the petitioner remains concerned that the register primarily consists of historic parks and gardens, as opposed to sporting grounds, and that as the register has no statutory basis, it has no weight in the planning process.

Bringing listed buildings into new use

During the consideration of two petitions (Restoration for North Wales Hospital and Call to revise Cadw's hold on churches) we have heard about the difficulties of bringing old, listed buildings into contemporary use. We have been told that there needs to be better co-ordination between central and local government, and that there is difficulty in accessing funding for such projects.

We have also heard of the particular challenges facing independent churches when they try to diversify the use of their buildings. We were told this is because of the strictness of the current rules. In correspondence on this petition, the then responsible Minister, the Minister for Housing, Regeneration and Heritage stated that there would be 'a wide ranging debate' in advance of bringing forward legislation which would include 'church and chapel representatives' and that 'clearly will want to keep in view the points made by the petitioners'.

I trust that you find this information useful in advance of your consideration of the Heritage (Wales) Bill. If you need any further information on any of these petitions, please contact me.

Yours sincerely



William Powell AC / AM
Cadeirydd / Chair

Inquiry into participation levels in sport in Wales – Additional Questions

1. To what extent would the NUT agree with criticism from the FAW that the School Sport Survey is dependent on the buy-in of schools and as such can lead to wide variances and gaps in area responses?

We agree that if all local authorities and schools don't buy into the School Sport Survey then the results will not be a true reflection of what is happening across Wales. I mentioned in my evidence session that I feel that the 50,000 completed surveys mentioned by Sport Wales is nowhere near enough in order to get the true picture. In January 2012 there were 465,943 school children in Wales so only 10.7% of children took part in the survey in 2011. And if the majority of the participants are from one area then the FAW are correct in their view that it can lead to a wide variance in responses.

We also fully understand the pressures that head teachers and teachers are under and that allowing time during the day to allow all children to participate in the survey would mean that other things would need to be postponed. If the survey is to be a valuable one then its importance must be stressed to all head teachers so that they are then willing to allow time for it to be properly completed by the whole school and not just one class or one year group.

2. In the NUT's written submission, you said that there is a need 'to research the participation rates of those included in the different equality strands and more so those children who live in the deprived areas in Wales'. Can you expand on your specific concerns?

The concern here is that in the last survey conducted by Sport Wales in 2011 they only compare boys and girls participation rates and have no comparison between children who are included in different equality strands (disabled, BME, etc). They also have no comparison on certain areas within the local authorities that took part. They have looked at the local authority in which the children live and made comparisons with other local authorities but we feel they should be more specific and focus on the areas within each local authority as this will give them a clearer picture of who is participating.

What we are looking for is to see if there is a difference in participation based on the area that you live in so that we can see if a significant difference exists between those children from low income families who live in deprived areas and those children who live in more affluent areas. Our belief is that children from low income families will tend to participate less due to budgetary constraints (affordability) and lack of good local sports facilities.

There is also no information on how many responses were received from pupils which are included in the different equality strands (such as disabled children, BME children) to see what their responses were to the questions asked. If this information was known then Sport Wales could look at tackling any problems which lead to a lack of participation by these children.

3. How confident is the NUT that Sport Wales's Community Sport and Child Poverty Strategies will start to address the barriers those from lower socio-economic background face in participating in sport?

We have no doubt whatsoever that if Sport Wales meet all the objectives laid out in their Community Sport Strategy 2012-2020, which includes Community Sport and Child Poverty, that the barriers they have identified can be broken and that considerably more children from a lower socio economic background will be able to have the opportunity to participate in sport.

4. Show Racism the Red card told the Committee that there is only one BME PE teacher in Wales. Can you confirm if this is correct and do you have any concerns about the number of BME PE teachers in Welsh schools and how should this be addressed? Do you have any suggestions for ways to increase the visibility of BME role models in schools?

I'm unable to confirm if this is correct as our membership system does not specify what subject each member specialises in, plus there are other unions apart from the NUT that have members in schools. Over 50% of the teachers in Wales are NUT members, with the other 5 unions/associations having a share of the remaining 50%. However, if Show Racism the Red Card have researched this issue then I'm willing to accept their findings as I know them to be an excellent organisation who do fantastic work with pupils in Welsh schools about the problems of racism and how to tackle those issues.

We do have a concern about the low number of BME PE teachers and I think that to address this problem we need to look at the amount of BME graduates who have undertaken a course, be it a Post Graduate Certificate of Education in Primary or Secondary Physical Education, and see how many from a BME background have actually undertaken the training compared to how many have been appointed to a full or part time post here in Wales. But we must also remember that students from England, Ireland, Scotland and other countries also come to Wales to do their teacher training qualification and then return to their country of origin to pursue their career.

If we have only one BME PE teacher in Wales then it is probably very difficult to increase the visibility of BME role models in schools, unless a BME teacher who teaches a different subject, who is also a keen sportsperson, assists the PE department with extra-curricular activities. If this isn't possible then the school would need to look into bringing someone who is a valued and respected sportsperson in the local community to the school to either assist with extra-curricular activities or just to talk to the BME children about their experiences and how they broke any barriers they faced in order to succeed.

On a positive note, there is no shortage of professional BME sportsmen and women who children could look to as being a role model. Mo Farah, Christine Ohurugu (athletics) and Ashley Young (football) are all professionals who are very much in the public eye and set great examples for our children.

5. Sport Wales has identified the provision of sport in school as one of three fundamental factors that needs addressing in order to raise participation levels. How would the NUT respond specifically to Sport Wales comments that:
- i) There is a need for teachers to focus more on providing children with the right skills to participate, rather than just focusing on providing the activity itself;
 - ii) That delivery of school sport needs to be more inclusive, with teachers needing confidence and appropriate training to deliver the provision, and head teachers needing to set the right ethos in this respect?
- i) A balance needs to be established here. If we want children to participate regularly in sport then we must make it enjoyable for them to do so, therefore providing an activity which they are going to enjoy will ultimately mean that they are going to participate. If they have an interest in that sport then they will participate anyway and they will want to know how to perform to the best of their ability and therefore they will need to be taught the skills needed to be a better performer. All PE teachers differentiate during lessons, making it easier for those less able to learn a skill and challenging the more talented with more complex skills. If they are better than average and that they'd like to improve their performance further then they must be provided with the right skills and guidance in order to allow them to move on to the next level. Back in the 1970's and 1980's PE lessons were all about taking part and playing games and not about skill acquisition and assessing each pupil (in Key Stage 2 and 3) on his/her ability and then labelling them with a level of competence. This does not happen in Key Stage 4 as year 10 and 11 pupils, in the majority of school in Wales, only receive 1 hour of PE instead of the minimum of 2 (unless they choose PE at GCSE) which is stipulated in the National Curriculum. The structure of the PE lesson then changed to skill acquisition in the late 1990's therefore what Sport Wales are asking for is what actually happens in schools at the moment and has done for a number of years. This is true for the traditional sports and any sport in which the individual PE teacher is skilled and has experience in performing. In order to increase participation it's possible that we need to move away from assessing pupil competence or incompetence and making PE lessons more enjoyable, as it's those pupils who feel inferior are the ones who stop participating.
- ii) As children are now interested in many different sports and physical activities and not just the traditional sports, and in order to deliver high quality lessons in these activities, PE teachers must be given the appropriate training in those activities in order to successfully deliver them. This will ensure that the provision within schools will be fully inclusive. This cannot be done without the full support of the head teacher as the PE teachers will need to be released from their lessons in order to access the training, and this can be expensive for the school in relation to paying for supply teachers. In order to teach these new and different activities the PE departments must have access to facilities and be able to purchase resources in order deliver them successfully. Initially, this could prove expensive. Therefore, once again, the full support of the head teacher is essential in order to spend what's required in order to be able to provide the correct resources.

In reality, with school budgets being cut, head teachers won't be able to afford to spend the money required in order to make this possible. Therefore, funding from other sources, such as Sport Wales and the Welsh Government, should be made available to ensure that all schools can provide what their pupils want.

6. To what extent would the NUT say that schools are currently responding effectively to other barriers to sport that have been identified in evidence, such as:
- i) The need to provide the same opportunities for disabled and non-disabled pupils;
 - ii) The need to tackle issues facing LGBT pupils and those from BME communities.

As a union we haven't looked into these issues but we will comment on the points made with some suggestions on how they can be tackled.

- i) With school budgets being cut, it's very difficult for schools to be able to spend what is required in order to ensure that they can provide the same for disabled and non-disabled pupils as the disabled pupils will need specialised equipment in order to participate safely and this equipment could be very expensive. All PE teachers differentiate during lessons and this happens more so when a disabled pupil is included in the group. With the assistance of teaching assistants, PE teachers can and do ensure that disabled pupils receive the physical education they deserve within the constraints of the resources and facilities they have to hand. With more funding, more can be achieved but we believe that schools are doing all they can in order to break down this barrier.
- ii) All schools are aware of their responsibilities towards their pupils in ensuring that they all receive positive experiences during their time at school. PE teachers should also be aware of their responsibilities in ensuring that they tackle issues where non-participation in sport by LGBT and BME pupils are encountered. PE teachers may need some training on how to deal with these issues effectively and in order to do so the school needs to invite outside bodies, such as Stonewall and Show Racism the Red Card, to deliver some training and give guidance on how to deal with them. By educating the educators these barriers and issues can be overcome.

Mae cyfyngiadau ar y ddogfen hon