



# Starting a Horticultural Attraction

Compiled for Tyfu Cymru

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## Starting Out

The start of a new venture always begins with a fresh business idea. It is easy at this stage to get excited about the future, and often validating the idea, is overlooked. Validation simply means researching your proposition. Are there any competitors nearby doing similar or the same thing? How will your idea compete? Who is your target audience? Are they easy to persuade to buy your products, services or visit your attraction? Do they find your idea compelling? Find a critical friend, whose opinions you trust. What do they think about your idea? Start to build a network of helpful relevant third parties (tourism groups, industry groups, local council etc) and seek their opinions. Is there anyone doing the same thing in other parts of the UK? Make contact and learn from their advice. Will you need additional funding? Are there lenders (grant providers, banks, stakeholders) that you can speak to in advance?

The more you can learn about your industry before you commit and take hard actions, like identifying prospective customers, the competition, the finance required, the greater the likelihood that your business will succeed

Once you are confident that your idea has been validated, then you can begin to consider the following areas that are covered in this factsheet. If this is new to you, there may seem to be much to understand but there are many expert professionals able to support you along the way.

## Business Planning

A Business Plan is an essential document if you are starting a new business or developing a new activity that runs alongside current trading. It provides a written scope, blueprint, and action plan for your business to follow. As such, a Business Plan is an organic document that should be updated as your business grows and as your objectives and vision for the future change.

Writing your business plan will test the feasibility of your idea. In this way, it could be argued that a Business Plan is a safety net. Often a business idea is discarded during financial considerations, marketing analysis or competitor analysis. Having discovered that an idea is unsustainable or needs tweaking at this planning stage, will save time, energy and money. On the flip side, writing a business plan will also give you the best opportunity for success, as the process enables you to identify, think through and therefore overcome hurdles that may arise as you launch your new venture.

Well-developed Business Plans also contain Financial Forecasts, which not only help to foresee when the business will likely be profitable, but which are also often necessary to secure funding from grant providers, banks and investors. As these funding bodies are concerned with financial risk, a business plan provides them with the facts, figures and road map to counter or reduce any element of perceived risk and to encourage them to back you.

Ultimately, a well written Business Plan seeks to both clarify your new idea and turn it into a well-developed and financially sustainable plan for the future.

## Choosing your Business Entity

There are different types of legal business entity, and it is essential to consider each. The entity you choose will have implications on the tax you pay, the amount of your personal liability, the amount of administrative work required and even your ability to raise finance. It is not easy to change business entity once you have started trading, hence, it is important to get this right as you start.

### **What is a sole trader or a Partnership?**

A sole trader is a self-employed person who is the only owner of their business. A partnership is two or more people who are self-employed who own the business. This means that there's no legal separation between you as the business owner and the business itself. Given that you and your business are one and the same, you can keep the profits you've made after tax and are personally responsible for any losses your business makes. Being a sole trader does mean however, that you personally, as opposed to the business, are "liable" for any things that go wrong.

### **What is a limited company?**

A limited company is a distinct legal entity from the business owner that can be formed whether you're a one-person business or have employees. By forming a limited company, you serve your business as its director.

As director, you're responsible for the legal and financial decisions your business makes, but your business's assets and liabilities are totally separate from your own individual finances. This means that all profits and losses belong strictly to the company, meaning you must always act on behalf of the company. This also means that you personally, have limited liability, with the business entity taking the brunt of any liability issues.

### **What is a social enterprise?**

A social enterprise or social business is defined as a business that has specific social objectives that serve its primary purpose. Like traditional businesses they aim to make a profit but what is different, is that they must reinvest or donate their net profits, to support good societal causes.

There are lots of different structures that a social enterprise can take and there is no legal definition for what constitutes a social enterprise. There are also complex and specific rules for each different structure.

Examples of social enterprise legal structures include:

- Unincorporated association
- Trust
- Partnership
- Company Ltd by Shares (CLS)
- Company Ltd by Guarantee (CLG)
- Charitable Incorporated Organisation (CIO)
- Community Interest Company, limited by shares (CIC – CLS)

- Community Interest Company, limited by guarantee (CIC – CLG)
- Limited Liability Partnership
- Co-operative Society (previously IPS)
- Community Benefit Society (CBS).

Selecting a social enterprise legal business structure is not something to be rushed into, and we recommend that you seek professional advice before making any decision.

## Financial Considerations

If a business's finances are not managed properly, it may cause a number of unwanted issues.

To successfully prepare and manage your accounts as a small business, all you need is a basic understanding of bookkeeping and finance.

### Bookkeeping

Various tasks like dealing with invoices, recording expenses, monitoring outgoings, and paying employees can be very time consuming.

It takes time to get this right, but if done correctly your business will be in a great position.

There is always a choice, so bookkeeping can be done manually or using cloud accounting software using commonly available software like Sage, Xero or QuickBooks.

If you haven't got the time to do it all yourself, you can hire someone to do it for you.

### Annual Accounts

The yearly financial performance of your business must be presented to HMRC, and if you are a limited company registered at Companies House, formal recording and submission of prescribed information is needed – this includes sales, costs, assets (things like stock or machinery or equipment) and amounts owed.

The due date for submitting accounts depends on whether you operate as a sole trader or a limited company.

You can choose when your accounting year is to end, but since taxable income for sole traders is calculated on a 6 April to 5 April basis – and accounts are needed to back up the tax return – it makes sense for sole traders (and partnerships) to have an accounting year that runs from 1 April to 31 March.

The relevant accounts need to be completed before the following 31 January, to be used when completing your self-assessment tax return due on that date.

For limited companies you can choose your accounting year to suit yourself and your business, but you still need to complete and file accounts every year with Companies House.

### Self-Assessment Income Tax

To calculate your personal income tax on all your income for the year (6 April to 5 April) you must unfortunately fill out another form called a self-assessment tax return.

This form must be completed, filed and any tax paid no later than the 31 January following the previous 5 April tax-year. The form can be completed online through your HMRC personal tax account.

### Corporation Tax

All UK limited companies pay this, and the main rate is currently charged at 19% on any profit generated that isn't ring-fenced. A corporation tax return must be completed, with tax due for payment to HMRC within nine months and one day of the accounting period.

### Income Tax Rates

A tax-free personal allowance of £12,500 (2020-21) is available to everyone, and approximately the next £37,449 of "basic rate" income above this personal allowance is taxed at 20 percent.

Any income above this falls into the "higher rate" (£50,001 to £150,000) band, and is currently taxed at 40 percent, which then goes up to 45 percent for earnings above £150,000.

Anyone earning over £100,000 also starts to lose their personal allowance: effectively, if you earn between £100,000 and £125,000, you will be taxed at 60 percent (tax at 40 percent on income over £100,000 up to £125,000 plus tax at 40 percent on the loss of personal allowance up to £12,500). And if you earn over £125,000 the personal allowance goes completely.

Additionally, out of employment (salary and wages) income comes national insurance, which is payable at various rates and thresholds.

In the case of a limited company, dividend income is taxed at lower rates but there is no national insurance to be paid.

The tax-free dividend allowance is £2,000

Basic-rate taxpayers pay 7.5 percent on dividends

Higher-rate taxpayers pay 32.5 percent on dividends

Additional-rate taxpayers pay 38.1 percent on dividends.

### VAT

Irrespective of your business structure, you must register for VAT if your annual turnover (sales) is £85,000 or more – registration is optional if turnover is below that.

You will charge your customers at the standard 20 percent rate of VAT, which means that you must add 20 percent to your sales invoice values and then keep this amount aside from what your customers pay you.

You will then be able to reclaim any VAT you have paid on business-related purchases and expenses, and you must pay the net amount of the two over to HMRC. VAT returns and payments are due on a quarterly basis.

### Making Tax Digital

Making Tax Digital (MTD) for VAT is new HMRC legislation that forms part of a wider plan to eventually digitise all tax for UK businesses. All VAT-registered businesses with VAT-able sales above the annual VAT threshold (currently £85,000) are now required by law to keep digital records and file digital VAT returns through MTD-compatible software.

The majority of businesses need to do this for VAT periods that started on or after 1st April 2019 and around a million UK businesses are required to submit their VAT returns under the new system.

## PAYE

Income tax and national insurance need to be calculated, deducted from the gross wages and salaries of your staff, and paid over to HMRC on their behalf.

This is a monthly payment that is deducted from your employee's gross salaries, meaning that there's no cost to your business.

National insurance (NI) is deducted at a rate of 12 percent for employees, although both income tax and NI only kick in once a certain earnings limit is reached.

### Employee National Insurance Contributions

	2021/22	2021/22
	Weekly earnings threshold	Annual equivalent
Secondary Threshold – earnings below this limit incur no NICs	£170	£8,840
Primary Threshold	£184	£9,568
Upper Earnings Limit – earnings above the Primary Threshold and below the Upper Earnings Limit will be taxed at 12%.	£967	£50,270
<b>Any earnings above the Upper Earnings Limit are taxed at 2%</b>		

Employer's national insurance is charged at a rate of 13.8 percent on the gross salary, again within certain thresholds – this is not deducted from their salaries and so it represents a real, additional tax cost to your business.

Different rates of national insurance contributions apply for self-employed sole traders:

### Self-employed National Insurance contributions 2021-22

	Annual profits threshold	Class 2 NICs rate	Class 4 NICs rate
Small profits threshold – Earnings below this threshold incur no NICs	£6,515	£3.05	0%
Lower Profits Limit	£9,568	£3.05	9%
Upper Profits Limit	£50,270	£3.05	2%

## Specialist Financial Support

Before starting your new venture, it is recommended that you consider seeking bespoke advice to ensure you are aware of the financial implications of your project and to set processes in place. Qualified specialists will also be able to explain when you will likely to be profitable and should also be able to advise on third party funding, if required.

## Planning Considerations

### Scale: Size, Acreage and Location

#### Size:

When establishing a new horticultural attraction especially on land which has not been developed previously (Greenfield Land), it is important to be vigilant about the size of activity you are pursuing- this is often called scaling. The initial scale of the development must be mindful of its surrounding environment and avoid causing any form of adverse impact upon the local area or the existing site characteristics. Special considerations should also be given to the site's current biodiversity (for further information see "Structures" below).

#### Acreage:

A new horticultural attraction on an existing farm /small holding may, in some circumstances, benefit from Agricultural Permitted Development Rights (PDRs). PDRs detail the developments which are allowed without having to apply for planning permission. Farms are covered by the same planning regulations as other property types, however, there are special additional considerations in place to support the development of agricultural buildings on existing farm land.

If the existing farm is larger than 5 hectares (12.35 acres) it may be eligible for PDRs. Be aware that PDRs in Wales differ a lot from those in England. Please also note that even with PDRs, a Prior Notification planning submission is still required. Further information is available in Technical Advice Note 6 (TAN6) for Wales here: [gov.wales/technical-advice-notes](http://gov.wales/technical-advice-notes)

#### Location:

When deciding upon a suitable site location for your proposed horticultural attraction, there are various considerations to take into account. These considerations form the basis / deciding factors of a site location's feasibility & viability.

Proposal sites vary drastically even when situated near each other. Features such as the availability of daylight, surrounding landscape features and established ecology all play an important role in the way a site appears aesthetically and the way in which it is perceived. The overall "experience" a visitor / customer has when onsite is heavily dependent upon the correct balance of the above.

When a proposal site has valuable or historic features, it may fall within a "designated area" e.g.:

SLA – Special Landscape Area



NP – National Park

SAC – Special Area of Conservation

SSSI – Site of Special Scientific Interest

AONB – Area of Outstanding Natural Beauty

WHS – World Heritage Site

The reason why an area is designated as one or a combination of the above can be for a variety of reasons. Examples of these being, considerable physiological and geological features, valuable flora and fauna, important habitats (woodlands, grasslands, parklands), impressive landscape, ecological importance and the presence of buildings with architectural significance.

Designated areas are put in place to strictly control development with the aim of maintaining a countryside with a high visual quality. Should your proposed site be located within an area such as those listed above you may require additional planning consent from one of the various bodies that look after such sites such as, Natural Resources Wales.

## **Business Consents**

### Change of Use

Planning “use classes” are the legal framework which determines what a particular property may be used for by its lawful occupants. When establishing a new horticultural attraction, it is likely that the existing use class of the proposed site will be different to that of the existing enterprise. In this instance a “Change of Use” planning application is required to align the legal use of the land for the activity taking place upon it. Applying for Change of Use is relatively straightforward and, in most cases, is simpler than making an application for a new structure.

For the full list of Use Classes see here: [gov.wales/planning-permission-use-classes-change-use](http://gov.wales/planning-permission-use-classes-change-use)

## **Access, Signage and Car Parking**

### Access

Once a location has been selected for the proposed attraction it is common that either new site access (site entrances and exits) will be required or that significant improvement needs to be made to an existing access.

If either of these options are true, planning permission should be sought to ensure the proposed access plans meet the local authority’s highways standards, and that the operation and safety of the local highway network is not compromised.

By conforming to the local authority’s layout guidance, safe and suitable access arrangements can be achieved. Adequate visibility splays, in relation to the enforced speed limit of the road to which the site gains access from, are likely to be required.

Should the proposed site require access for Heavy Goods Vehicles (HGV’s) it is important to accommodate adequate turning space on site to allow vehicles to exit the site in a forward-facing gear (swept path analysis may be required in this instance).

During the creation of a new or improvement of an existing access point, procedures such as hedgerow translocation and the felling of trees may be required. In these instances, a Hedgerow Translocation & Mitigation Statement should be provided in addition to a Tree Survey Report with special awareness made of any existing Tree Preservation Order (TPO's).

#### Car Parking:

Providing a sufficient amount of onsite parking is important to avoid the local highway network becoming obstructed (e.g., motorists utilising roadsides for parking purposes). Intended surface finish types (i.e., permeable (e.g., gravel, aggregate) or non-permeable (tarmac, concrete)) should be detailed within a Sustainable Urban Drainage Systems (SuDS) Report setting out the method chosen for the disposing of surface water, with SuDS being a priority solution.

For more information, see the Flood and Water Management Act 2010 here:

<https://www.legislation.gov.uk/ukpga/2010/29/contents>

#### Signage:

To attract custom and provide direction, the new horticultural attraction is likely to require signage. When displaying signage for commercial purposes (including illuminated signs) planning permission must be sought. Any proposed signage must not obscure the view of motorists or cause a hazard of any sort.

## **Structures**

#### Polytunnels

Where a Polytunnel is intended for commercial use, as opposed to domestic use, planning permission should be sought. If the proposed polytunnel is taller than three meters (3m) planning permission is required for both domestic and commercial use.

As previously mentioned, (see 'Location'), some designated areas require special considerations. An example here being the intention to site a commercial polytunnel within the curtilage of a listed building or other conservation area.

#### Greenhouses / Glasshouses

Much like Polytunnels when the intended use of the proposed Greenhouse is for commercial purposes, planning permission should be sought.

For instance, when taking into consideration the size of greenhouse required to run a viable Pick Your Own, it can be assumed that the proposed structure size will be somewhat considerable and thus will require planning permission.

Both Polytunnels & Greenhouses used in commercial enterprises often require the addition of supporting facilities for the storage and packaging of goods, which also require their own set of permissions (see below).

### Facilities – storage, small scale, portable, modular, compliment surroundings

To ensure the smooth running of the proposed attraction it is likely that supporting structures will be required. Examples of these being:

- Packing Facilities
- Storage (incl. cold storage)
- Office Space
- Shop/Café
- Toilets
- Lake/Pond/Forest walks etc.

It is often favourable to convert existing onsite structures as opposed to applying for the construction of new (subject to permissions). As mentioned previously, these structures should be sympathetic to their surroundings and do their utmost to blend with their immediate or surrounding environment. A proposed landscaping scheme of the final site should be included within any planning documentation to demonstrate how everything ties together in a clear and concise manner.

Whether it be the conversion of existing buildings, the construction of new or change of use it is highly likely that the above list of structures will require planning permission, the type of permission being determined by the intended use.

## **Services**

### **(Internet, Electricity, Water/Well Testing, Renewables, Sewage)**

#### Electricity

The level of development proposed for the horticultural attraction, and the level of infrastructure required, will determine the amount of power required to run the premises reliably and efficiently.

When developing in a remote location it can often be more cost effective to utilise renewable energy sources than to fund the installation of mains power from the nearest source. All electrical works should be carried out by a trained professional/utility provider.

#### Water

Like electricity achieving a mains supply within a rural location can be costly. As a result, other popular options are available such as boreholes, wells, and the utilisation of existing natural springs.

When storing water, it is vital to ensure precautionary measures are in place to control legionella bacteria. Temperature control and flushing of the system on a weekly basis are effective methods of preventing legionella.

For a small fee Public Health Wales's Food, Water & Environmental (FWE) Services department carry out routine testing of water supplies which include standard microbial quality indicators. These tests are available at Bangor, Carmarthen, Cardiff & Swansea.

#### Renewable Energy Sources

In recent years renewable technology has advanced in leaps and bounds, with an expansive variety of technologies now available at a reasonable cost.

As mentioned previously Renewable Energy Sources (RES's) are often a cost-effective solution for providing services to rural locations however, this is not their only benefit.

RES's are an excellent way of reducing a development's carbon footprint at the same time as reducing utility bills in the long run. Another benefit to RES's, is that there can sometimes be grant funding or subsidies available to fund their installation fully or partly.

RES's applicable to a horticultural attraction may include solar, hydro, wind, geothermal and biomass. An example of which would be utilising solar or wind to power lighting within an onsite structure. Note that planning permission should be sought prior to installation of the above.

### Toilet Facilities

The legality of the toilets is that a cafe does not have to provide toilet facilities if they are selling food and drink to be consumed on the premises, if there are less than 10 seats provided. If the seating area includes 10+ seats, then facilities are required. It is worth noting that should any number of staff be employed on site, then toilets are compulsory. There is a sliding scale in relation to the number of toilets required vs the number of employees.

### Sewage

When offering customers toilet facilities, it is vital to have an efficient sewage system with adequate capacity. An often-preferred method within rural settings is a Package Treatment Plant. These small sewage treatment plants treat liquids, so they are then clean enough to discharge back to an existing water course such as a river or stream.

Another sustainable approach is a reed bed system. These systems not only protect the environment but are also low maintenance and require little to no power. Often considered a robust option with low lifetime costs.

## **Security**

### External Lighting

To aid both site security and safety, the proposed development may require a form of external lighting. In most cases the local authority will request additional lighting details in the form of an illumination report setting out the type, size, operating times & location of the proposed lighting.

In some scenarios, conditions may be applied such as any exterior lights shall be less than three meters (3m) from the ground & fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical. The lux (measure of illuminance) may also be restricted & the light splay strictly controlled along buildings, trees & watercourses.

On occasion the local authority may request that any lighting complies with relevant guidance such as The Institution of Lighting Engineers' (ILE\*) Guidance Notes for the Reduction of Light Pollution

(1995). This guidance sets out the control of exterior lighting in different environmental zones (e.g., E2: Low District Brightness Area (Rural or Small Village Location)).

\*Note ILE is now recognised as the Institution of Lighting Professionals (ILP).

### **Specialist Planning Advice**

Before you begin your small horticultural attraction, it is highly recommended that you seek independent planning advice, and also check your plans with your local council.

## Health and Safety Considerations

Every business, no matter how small, has a duty in law to understand and manage the risks that the business creates.

The main purpose of this is to ensure that any staff, customers, visitors and other businesses that you deal with are not exposed to anything that can affect their short or long-term health. It can also have unwanted implications for you as a business both personally and financially if something goes wrong and you cannot demonstrate that you understand and have tried to manage your risks.

If a business has less than 5 employees then things don't need to be in writing, but you still need to understand and manage the risks.

It doesn't mean that you need lots of paperwork, the most important thing is that you undertake a process to assess your risks and have a plan to bring them down to safer levels. This is called Risk Assessment.

All businesses must have access to 'competent' health and safety advice in order to carry out this exercise and assess what is needed. You do not have to employ a person but must seek advice from someone that has the knowledge and experience of risks associated with your business and what is expected to be in place to keep risks low.

It's impossible to cover all the potential hazards without doing an analysis of the workplace and work activities, every risk assessment must be specific to the business, however, the following are some of the things you may need to consider:

### Buildings

- **Fire** – you need a fire risk assessment that looks at things that can start a fire (ignition sources), things that can burn if a fire starts and also escape routes to ensure that they are adequate for emergency evacuation.
- **Water** – if you store water in your building you need to have measure in place to control legionella bacteria, especially if you have facilities or work tools that create a spray. This may mean taking temperatures and flushing any taps or outlets once a week.
- **Asbestos** – you need to find out if your building contains any asbestos containing materials, if so then they may need to be removed or managed.
- **Floors** – ensure that you remove or bring attention to slip/trip hazards
- **Statutory maintenance** – there are legal requirements for maintenance of pressure vessels, boilers, electrical systems, roller shutter doors etc.

### Other Risks

- **Chemicals/pesticides** – this requires an assessment to analyse how they can affect a person when used, e.g., breathing in hazardous chemical vapours, spilling substances on the skin. This may require a specific type of mask or a particular type of glove, for example. You will also need to identify how these must be stored to prevent vapours building up or possibly causing a fire if flammable. Some people may be sensitive to certain types of chemical or they may have asthma or other respiratory issues that may be made worse if they use them.

- **Fuel for mowers** – this will require an assessment to ensure that you are storing and using them safely so that they do not cause a fire, or a risk to a person by inhaling the vapours.
- **Handheld tools** - an assessment may be required to determine how noisy they are, and how much they vibrate. There may need to be hearing protection or ways to reduce the amount of time spent using them to reduce the risk of hearing loss and vibration white finger.
- **Lifting, moving and carrying** – you need to consider how heavy/awkward items are that are regularly moved, and whether any persons have existing injuries or conditions that could be made worse. You need to assess whether any equipment could be used instead of these.
- **Working at height** – do you have any jobs that regularly require the use of a ladder? There are safe ways of using a ladder and there are also condition checks that are required. Ladders may not always be the best way of carrying out certain jobs at height so other methods may be safer.
- **Hedge cutting/tree lopping etc** – need to consider how these jobs can be managed safely
- **Agricultural machinery** – lots of risks associated with their use for staff and visitors.
- **Soil/composting** – certain types of bacteria and micro-organisms can be hazardous to health. You need to consider hand washing, glove wearing, covering cuts etc – for staff and members of the public that may get involved in these activities.
- **Plants** – certain plants can be hazardous if eaten or can cause allergic reactions so you need to understand what you need to do to prevent this and what to do in an emergency should this happen.
- **Animal & Insects** – there may be risks from stings or bites, and even risks from manure that need to be managed.
- **General walkways and paths** – need to consider seasonal and weather conditions and impact on walkways.
- **First aid** – you will need to assess how many first aiders are required for staff and members of the public, and the level of first aid training that you need for the business.
- **Other risks depending on the business:**
  - If you have any kind of animal interaction, then there are standards that need to be adhered to in order to manage diseases that can be passed from animals to humans (zoonoses) as well as bites from animals.
  - If you have any kind of playground then there are standards for inspections and maintenance that need to be adhered to.

### Information that you must provide:

- **For visitors** - on the activities that they may be undertaking and the things that you require them to do to be safe.
- **For staff** – training and information in the risks you have identified and the things that they need to adhere to in order to keep them safe.

### Specialist Health and Safety Support

If uncertain of your H&S requirements, it is recommended that you consider speaking to qualified specialists who will be able to provide you with bespoke advice.

## Insurance Considerations

Every business is unique and will have different insurance needs. What is common to all is the need for Insurance. It is very important to ensure that the risks your business faces are covered.

A good business insurance policy will cover your business in case anything goes wrong including any required compensation payments and legal costs. Below is a list of insurance types that we recommend you consider.

Public Liability / Property Owners Liability	<p>Public Liability insurance is designed to cover the costs of claims that are made by members of the public (customers / suppliers etc) for incidents that occur in connection with your business activities.</p> <p>It covers your legal liability to third parties for accidental loss or damage to property, or death, disease, illness or injury as a result of the business activities.</p>
Products Liability	<p>Products Liability insurance is designed to cover the costs of compensating someone who is injured by a faulty product that your business designs, manufactures or supplies.</p> <p>It covers your legal liability to third parties for accidental loss/damage to property, or death, disease, illness or injury, as a result of the sale or supply of goods or products.</p>
Employers Liability	<p>Employers Liability is designed to cover the cost of compensating your employees who are injured at or become ill through their work. The term 'employee' includes anyone carrying out works for you irrespective of receiving payment, so this also covers temporary staff, volunteers etc.</p> <p>It covers your legal liability (to employees) for death, disease or injury arising from their employment in the business and it is a legal obligation to have cover in place.</p>
Material Damage	<p>Material Damage cover is designed to protect your physical assets, such as buildings, contents, equipment etc, against physical loss or damage occurring from sudden and unforeseen events such as fire, storm, flood, theft.</p> <p>It is effectively designed to put you back in the same position you were before the insured event happened.</p> <p>Material damage can cover all your buildings (owned or rented), business contents, computer equipment, fixtures &amp; fittings, stock etc.</p>





<p>Business Interruption</p>	<p>Business Interruption Insurance is designed to cover you for loss of income during periods where you are unable to carry out business as usual due to an unexpected event, and it aims to put your business back in the same trading position it was in before the event occurred.</p> <p>In the event of a claim occurring, you may still have ongoing costs to meet, such as rent, rates, loans, employee wages etc, and this policy will cover you for all your continued expenses until you are back in the same position as if the claim never occurred.</p>
<p>Commercial Legal Expenses</p>	<p>Legal Expenses cover is designed to help you get legal advice as early as possible, before a problem arises such as an employment tribunal or commercial contract dispute, through the insurers telephone legal advice and risk management helpline.</p> <p>It provides you with legal protection and assistance, in the pursuit and defence of actions, brought by or against you during the course of your business activities (including tax investigations and employment disputes).</p>

### Specialist Legal Support

If uncertain of your legal requirements, it is recommended that you consider speaking to a legal advisor who will be able to provide you with bespoke advice.

## Marketing Considerations

### Setting your Strategy

Marketing Strategy must be framed within the aims and goals of the business. Therefore, it is important to have defined what your Vision, Mission, Purpose, and Values are, and identified your target audience, before embarking upon your Marketing.

#### Vision

Your vision portrays your new project's mid to long term goals. An achievable target based on goals and aspirations, it provides a road map for a business, indicating what you want to become by setting a defined direction for growth. Therefore, it serves as a reminder and helps decisions around which course of action is best to take to move the business forward. Thus, it prevents deviation or distraction with non-core activities and stops the business (and your marketing) from heading in a wrong direction.

#### Mission

A mission statement describes your project or company's daily business. Like a 'lift statement', it does this in a way such that any listener can understand it from just a couple of sentences. When written, practiced and learned it enables every staff member to become a speaking billboard for the business.

An effective mission statement also helps all employees make decisions about what to do and how to do it, as well as what not to do. As such, it provides a clear framework (and boundaries) for what your marketing needs to advertise. A mission should be memorable and succinct and describes the "essence" of what your new horticultural business will do on a daily basis.

#### Purpose

Your purpose statement explains why you do what you do, why your company exists, and what is your higher purpose (your cause). It is inspirational and when used externally, explains to your customers why your organisation matters, and why your cause is meaningful. Your customers will connect more deeply with your cause than your mission statement and thus it is often used both as a creative marketing guide, and when telling 'your story'.

#### Target Customer

Understanding who your target (ideal) customer is essential for your marketing. Who will want to visit your attraction? Who will want to buy your products? Are they businesses, consumers, or both?

Who are the "low hanging fruit" - who are the people who will be most easily converted into customers? When you can identify this group, try to describe them.

How many of them are there? What do they do? What is their gender? How old are they? What is their income? What is their life stage? What do they believe in? Where do they live? What else do

they buy? What are their interests? What are their values? What are their spending priorities? How do they shop? What media do they consume? Do they use social media? Where can you find/reach them? What places do they visit? How do they like being spoken to?

All of this information will determine how you reach your target audience, in the places that they are most like to frequent (via locations, social media, newspapers etc.), in the way that they like to engage with brands, products and attractions.

### **Your Brand Values**

Your values are the essence of your marketing identity. They are your principles and your beliefs. They must be authentic and must not be compromised for convenience or a short-term win. Once set in stone, they will help you make strategic decisions regarding your marketing (and other areas of your business).

Your values should inform your customers of what is important to your business (both directly e.g., details on website/Facebook page and indirectly e.g., the other things you talk about or share in social media, your packaging, intrinsically via your logo etc.) They may relate to current trends e.g., sustainability, or locally sourced or indigenous plants but they must be authentic to both your business and to your beliefs.

A point of difference, these values allow customers to create deeper connections with your brand, and therefore stronger reasons to visit and recommend you.

Therefore, your customers must be a consideration in your values. They must be authentic to you, but also inspirational to them.

### **Your Story**

Your brand story must both recount the series of events that inspired the establishment of your horticultural activity and how that links with your mission and purposes today.

Similarly, to your favourite book and movie characters, if you can build a compelling story, your audience will remember who you are, develop empathy for you, and, ultimately, care far more about you and your attraction; this may encourage repeat or referral custom. This story can be used on a website, in social media and in flyers or information on site.

### **Building your Brand**

Often, when people talk about a brand, they are referring to the physical logo, but a brand is considerably more than that. It is the emotional experience, that is strengthened or weakened through every interaction with a business. As such, your brand is what other people think, feel, and say about your business.

To build a strong brand, you must deliver a positive and consistent emotional experience to your customers and potential customers. The more you do this, the more people will begin to rely on you and, most importantly, trust you. Trust that they will have an enjoyable experience is the reason why customers return to their favourite brands

### **Develop your logo**

Your logo should be driven by both your values and your target audience, as both must be considered in its design. Ensure your logo signifies your business values and includes your business

name. Think of your logo (and any packaging) as additional advertising whose job is to explain and showcase your product. What type of visual story does it tell about your business?

Your logo needs to be memorable and easy to reproduce, so simple shapes and icons are better. It also needs to be easily recognised if printed in black and white and finally, it needs to be used in different places – will it work on the website, letterheads, invoices, labels, posters, Facebook, Instagram, onsite signage and more? It must also create differentiation with other local businesses. Will your business stand out?

### Marketing Resource

Marketing requires a careful balance of people, time, and budget. Marketing can be very cost effective, but it will also take your staff's time. Therefore, it is important to consider this before embarking on multiple marketing methods that cannot be sustained.

### Driving Awareness

Marketing is only as effective as its targeting, so take time to understand the best ways to reach your target audience. This will likely be a combination of online (digital) marketing and physical marketing (flyers, direct mail, local advertising, signage) etc.

*Below are some examples, these are not exhaustive and are generic in terms of the audience.*

**Signage** - First and foremost you need signage whose design and message must be very clear and uncluttered. Consider staggered (or trail) signage and ensure that your signs can be seen and read (in seconds) from a distance, and in bad weather. Make sure your signage is 'on brand'.

**Press** - Let the local newspapers and magazines know about your new venture

**Tourist Associations** - If appropriate, let your local Tourist Associations know. They may be able to promote you via their own marketing mechanisms.

**Flyers and Business Cards** - Consider developing flyer and business cards as with permission, these can be left (or pinned) in physical locations that your target audience frequents.

**Social Media** - It is likely in 2021 and beyond, that social media will be part of your marketing strategy. Be careful not to over stretch the work involved. It is better to use two social media networks well, than 3 or 4 badly. Consider your target audience, which networks will they be using? Post frequently, be friendly, follow businesses with a similar target audience to your own. Be authentic and be social; do not just sell.

**Use Influential Contacts** - Are there influential local people or organisations who will be able to help you spread awareness amongst your target audience? Perhaps local councillors' newsletters, libraries, the parish news, doctors surgeries, schools, gyms etc.

**Website** - If budget allows, and it is business relevant, consider a simple yet professionally designed website

**Newsletters and Loyalty Schemes** - Newsletters and Loyalty Schemes are a great way to keep in contact with your customers. Just ensure that your marketing is General Data Protection Regulation compliant (GDPR: i.e., data protection around the storing and sharing of personal information), that your customers know what they are signing up for and that they have an easy way to opt out. Finally, don't over promise on newsletter frequency, as you need to send your newsletter when your customers will be expecting it.



**Business to Business Marketing** - Finally, if you consider other businesses to be your target audience, build a strategy to reach them. It is likely that your marketing will need to cut through others' so think about the best ways to do this. Perhaps physical letters, brochures and even products sent directly to a named individual will have a better result than an email. Always follow up with a phone call at a time that you consider your target to be less busy and ask for a follow up meeting.

### **Specialist Marketing Support**

If you do not have marketing resource in-house, it may be valuable to consider either outsourcing your marketing requirements or gaining advice from specialists who will be able to help design a bespoke, feasible and effective marketing strategy for you.

## HR & Staff Management Considerations

As any business grows, the need to take on staff must be considered. This will not only have financial and time resource implications, but there are also legal, practical, and best practice guidelines that must be put in place and adhered to, to manage the employee relationship.

### Employee Relations

**Employee Relations** ensures the relationship between an organisation and its people is managed through transparent practices and relevant law. **Employment law** is a huge and complex topic, with legislation constantly changing. It is important for employers to have a practical and up to date knowledge and understanding of 'must know now' areas of law, that are applied at work.

Employment law falls into the category of **Civil Law**, which covers individual private rights and obligations. This provides for means of redress when those rights are breached. It also enables us to manage the employment relationship effectively and influences how this relationship develops and is managed.

There are also **Statutory Codes of Practice** which are not law themselves, but guidelines for key areas of employment practice, for example, the Acas (Advisory, Conciliation and Arbitration Service) Code of Practice on Disciplinary and Grievance Procedures. These codes are approved by Parliament and referred to by Employment Tribunals.

### Recruitment and Selection

Attracting and selecting individuals into the right roles is a fundamental process for every organisation. Recruitment and Selection can be one of the most expensive processes any business however large or small goes through, and this can be managed internally or externally outsourced. The process needs to be cost effective and legally compliant. It can be risky, as there are no guarantees of how any individual will perform in a new venture or interact with a pre-existing team.

An employer must consider the type of role that needs to be filled, if this is one position or several, and whether the new recruit will fulfil roles the employer can't do or just doesn't have time to do. Understanding your recruitment needs will also allow you to explore available employment initiative funding which may fit your business requirements.

1. Acas and GOV.UK. provide valuable resources for employers, on a wide range of employment issues.
2. Acas also provides a useful Recruitment Checklist which is free to download and will help you plan and prepare your recruitment campaign: <https://www.acas.org.uk/recruitment-checklist>.

#### **Step 1: Plan** - what actions will you take?

- Assess the need to recruit. Do you need more staff, new skills, specific duties?
- Are you looking for an experienced person or are you willing to invest longer term with your time, internal and externally from the business, to create opportunities for them to commit to and access external training?

- Define the role. Carefully consider which roles could potentially help you to free your own time, so you can really focus on your business.
- What will you do next, when will you do it, with whom?

## Step 2: Prepare

- Download a recruitment checklist (Acas, as above)
- Write a Job Description. This describes the duties and responsibilities included in the job role.
- Write the Person Specification. This sets out desirable or essential qualifications, experience, skills and personal attributes.
- Consider Equality and Diversity to access, recruit and develop broad talent.
- Consider any current employment initiatives such as the Kickstart Scheme; Jobs Growth Wales; Apprenticeship Scheme; Traineeships; ReAct Programme etc.
- It is also worth connecting with your local college to make them aware of the recruitment opportunities within your business, to join employer networks/available schemes and to be introduced to graduates in relevant sectors.

## Step 3: Advertising

- Consider where you are going to place your job advert. This may include local press, online sites, local ads/shop windows, social media posts, recruitment agencies etc.
- When thinking about design, consider how your ad will attract attention
- Use elements from the Job Description and Person Specification to help create your advert
- Refer to an employment incentive or rewards scheme if they are relevant to the position.

## Step 4: Managing your applications

- Shortlist your applicants. Do you have enough? Do you need to advertise for longer?
- Think about your Interview
  - Will the applicant need to complete a practical test? If so, in what form?
- Select the right person:
  - Sift your applications whilst referring to your Job Description and Person Specification
  - Score each application between 1 and 10 for the application, interview, practical test. This will help indicate who performed best.
  - Avoid snap decisions. Should there be a second interview?

## Step 5: Final Details

- Once you have attracted candidates to your organisation, the final steps include **offering employment**.
- At this stage, it is important to complete **pre-employment checks such as taking up references**. Some are required by law, such as checking **entitlement to the legal right to work in the UK**, whilst others are required because of the nature of the job e.g.,
  - **DBS (i.e., Disclosure and Barring Service)** check if the employee is applying to work in a regulated activity
  - **Professional Reference** - from current or previous employer or manager
  - **Character Reference** - from an independent, well-respected person who knows the candidate well.
  - **Evidence of qualifications** etc.

- **Pre-employment Health Questionnaire** - Under the Equality Act 2010, it is unlawful to ask general questions about health prior to offering an individual employment. Even if there is some specific job-related issue, which may justify the question, you should still approach these subjects with caution. The Equality Act 2010 prohibits employers from requiring job applicants to undergo a medical examination or to complete a health questionnaire before being offered a job.

- **Contract of Employment**

Basic principles of contract law must be considered pre-employment. It is now a day one right for an employer to provide its employees with a **Written Statement of Particulars**. This is a statutory requirement under **Section 1 of the Employment Rights Act 1996**. Consideration must therefore be given to what type of **Contract of Employment** you will be offering. There are numerous options ranging from, but not limited to, permanent Full or Part-time, Zero Hours, Annualised Hours; Fixed Term workers, including casual and seasonal staff. Fixed term contracts may be relevant to horticultural businesses that need seasonal or casual workers to assist with temporary increases in workload. All staff employed on fixed-term contracts will have the same rights as permanent members of staff in relation to (but not limited to), pay rates including overtime, working hours and breaks, holiday entitlement, company sick pay schemes, enhanced family leave schemes or payments, access to pension schemes, provision of training, selection for redundancy, and use of on-site facilities.

Each of the Contract types mentioned above will outline differing contractual terms, ranging from statutory to non-statutory and will also refer to specific policies which must be in place to support the legally binding agreement.

- **Statutory entitlements** will include the National Minimum Wage; protection against unlawful deductions from wages; the statutory minimum level of paid holiday; the statutory minimum length of rest breaks; to not work more than 48 hours on average per week (or to opt out of this right if they choose); protection against unlawful discrimination; protection for 'whistleblowing'; to not be treated less favourably if they work part-time. Additional employment rights may also include Statutory Sick Pay; Statutory Maternity/Paternity/Adoption Pay; Shared Parental Pay; Parental Bereavement Pay.
- The National Minimum Wage (NMW) applies to all workers and is paid at different rates according to age. There is a separate rate for apprentices, and a National Living Wage (NLW) applies to workers aged 23 and over. Current and future rates for the minimum wage (which represents gross pay) are available from the following link: <https://www.gov.uk/national-minimum-wage-rates>

As a result of and in response to the Taylor Review (2017), the Government published legislation proposed within the Good Work Plan (2018), which came into effect in April 2020. The Good Work Plan (2018) 'the biggest package of workplace reforms for over 20 years' is committed to improving the quality of work in the UK. It is therefore essential for new employers to be aware of their obligations to their employees.

As your horticultural venture grows increasing headcount can be the key driver for implementing **strategic Human Resources practices** within an organisation. Having effective policies and procedures in place can help strengthen **company culture**, improve **performance and productivity**, positively impact **well-being** and **diversity**, and also aid future **succession planning**.



## Company Policies and Procedures

A **bespoke suite of HR policies** can be incorporated into an **Employee Handbook**, to act as a source of information for your staff and outlining what they can expect from you as their employer. The content of your Handbook could include, but is not limited to:

- **Welcome and Introduction** to the Company
- **Overview on Contract of Employment**; Job roles; Right to Work; Medical check; Probationary Periods
- **Induction; Training and Career Development; Appraisals**
- **Confidentiality**; Conflicts of Interest; Speaking on Behalf of the Company
- **Attendance** and Hours of Work; On-call; Sickness Absence Policy
- **Remuneration and Benefits**; Pension; Authorised Overtime; Income Tax; Expenses
- **Anti-bribery Policy**
- **Annual Leave and time off**; Short time working and layoffs; Time off in Lieu; Appointments
- **Family Friendly Leave**; Time off for Dependents; Flexible Working Policy; Compassionate Leave
- **Maternity; Paternity; Adoption; Shared Parental; Parental Leave; Parental Bereavement Leave Policies**
- **Equal Opportunities and Valuing Diversity; Equality and Diversity Policy**; Welsh Language Statement; **Dignity at Work, Anti-Harassment and Bullying Policy; Wellbeing Policy**
- **Health and Safety at Work**
- **Disciplinary, Capability and Grievance** Policies and Procedures; **Acas Code of Practice; Whistleblowing Policy**
- **Information Security & Confidentiality; Data Protection Policy**; IT Policy; Personal Records
- **Termination of Employment**; Resignation; Retirement; Redundancy.

## Financial Consideration

Should be given to:

- Running **payroll**
- **National Insurance** contributions
- Providing a **workplace pension**
- Supporting **annual leave**
- **Issuing a uniform**
- **Provision of tools and equipment**
- **Employee benefits**
- Putting in place adequate **Employers Liability Insurance**.

## On-going management of staff

Company success can hinge on finding and retaining the right staff. Encouraging **Training and Development** will not only help staff increase their skills and knowledge, but it can also motivate your workforce to meet business needs.

Consideration should also be given to **Performance Management** – outlining how you will maintain and improve ongoing employee performance and address issues should they arise.



### Specialist HR Support

If you do not have a HR function in-house to manage the key HR areas noted above, you could consider **outsourcing your HR requirements to qualified specialists.**

## Sustainability Considerations

Environmental Sustainability is becoming more and more important to consumers when deciding where they spend their money. As the impacts of climate change become apparent over the coming years, this aspect of consumer behaviour will only increase. The businesses that can clearly show that they value sustainability will benefit from additional footfall. These 'Green' aspects of your business are a great differentiator and therefore, can also be used in your marketing materials. It's important to remember that managing a business in a sustainable way does not have to conflict with the profitability of the business. In fact, new ways of working and technological improvements can reduce your costs and enhance your profitability.

### Energy

Where does your energy come from? Consider switching to a renewable energy supplier. By choosing energy from a renewable source, you will reduce your carbon footprint. Some businesses may need to operate off grid due to their remote nature, perhaps solar power could be used instead of a diesel generator?

How much energy do you use? Simple changes such as switching to LED lighting can make a noticeable difference. Ensuring appliances are switched off when not in use is also a good strategy to help you achieve your sustainability goals.

Heating and cooling of buildings also uses a significant amount of energy. Are your buildings well insulated? By insulating and removing drafts, significant reductions in energy requirements can be achieved. In the summer, cooling may be required. By considering new building placement, locations of windows and by using or creating shade, you can again reduce the need for energy hungry air conditioning.

### Waste

It is useful to follow the mantra **Reduce, Re-use, Recycle**.

**Reduce:** Better than recycling is not creating the waste in the first place. Are there any areas of your business where waste is made by creating something that is perhaps not required? For example, could tickets be provided electronically, rather than being printed and posted out?

**Re-use:** Can items be washed and re-used rather than thrown away? An example here could be, rather than having refreshments served using single use plastics, a switch to another option could reduce the amount of waste your business is producing. There is likely to initially be a cost implication but long term the savings should stack up and you'll be reducing the amount of waste you produce too.

**Recycle:** There will always be an element of waste with any business or operation. Make sure you have suitable recycling facilities on site so waste can be split. Inform your customers and staff of them and encourage their use.

### Water usage and waste

There are lots of ways you can reduce the amount of water you use and the amount that then needs to be processed and cleaned.

Flushing the toilet is one of the biggest water consumers in a household and in most businesses. Modern cisterns have reduced the amount used for each flush but if you have an older cistern, you can place a bottle of water in there or purchase a Hippo bag to reduce the amount stored in the cistern after each flush.

Do you have the ability to harvest rainwater from your roof? This water is great for watering the garden as it does not contain the chemicals put in our tap water to keep it clean. This water can also be used to flush toilets as can any 'Grey water'. Grey water is water that has been used but is still clean enough to be used again for some functions. This can be collected from sinks, showers and baths, then used to flush toilets. A grey water system can be quite expensive to install retrospectively but is a great thing to consider for new buildings.

Any final wastewater, e.g., after the toilet has been flushed must be processed using a high-quality treatment plant if you are not connected to the sewage system. This prevents leaking unwanted pollutants back into the water table.

### Transport

Transport has a big impact on health of the environment. Small changes made will improve the sustainability of your business.

Can you set up your site close to public transport links? Could you offer a shuttle service to tourism hotspots to reduce the need of multiple customers driving to your site? Can your staff use lift shares for their commute? Would switching to electric vehicles be feasible for your business?

### Supply chain

Who supplies your business with the resources that it needs to operate? Could these resources be sourced locally? Do the companies you work with have the same sustainability goals as you? Can you work together to reduce the impact you have on the environment? Are the plants you source native or are GM (Genetically Modified) free? Are you conserving and regenerating native species?

### Biodiversity & carbon offsetting

Can part of the site be allowed to rewild to produce much needed improvements in biodiversity? Introducing native wildflowers or using natural hedging instead of fencing will help insects, birds and small mammals thrive.



Creating habitats or homes for the nature around us will also improve biodiversity. Can you install bird or bat boxes? Leaving log piles can attract small mammals such as hedgehogs and produce insects all year round providing a food source for a wide range of wildlife.

Using online resources, you can estimate the carbon cost of your business and then look to offset these through offsetting programs such as tree planting. Is there anywhere on the site where trees can be planted to offset any carbon generated by the venture? Mature trees will also produce shade and longer term can prevent flooding.

### **Specialist Sustainability Support**

If you are keen to understand how you may be able to make your business operate more sustainably, it is recommended that you seek professional advice.