

BWYD A DIOD CYMRU
FOOD AND DRINK WALES

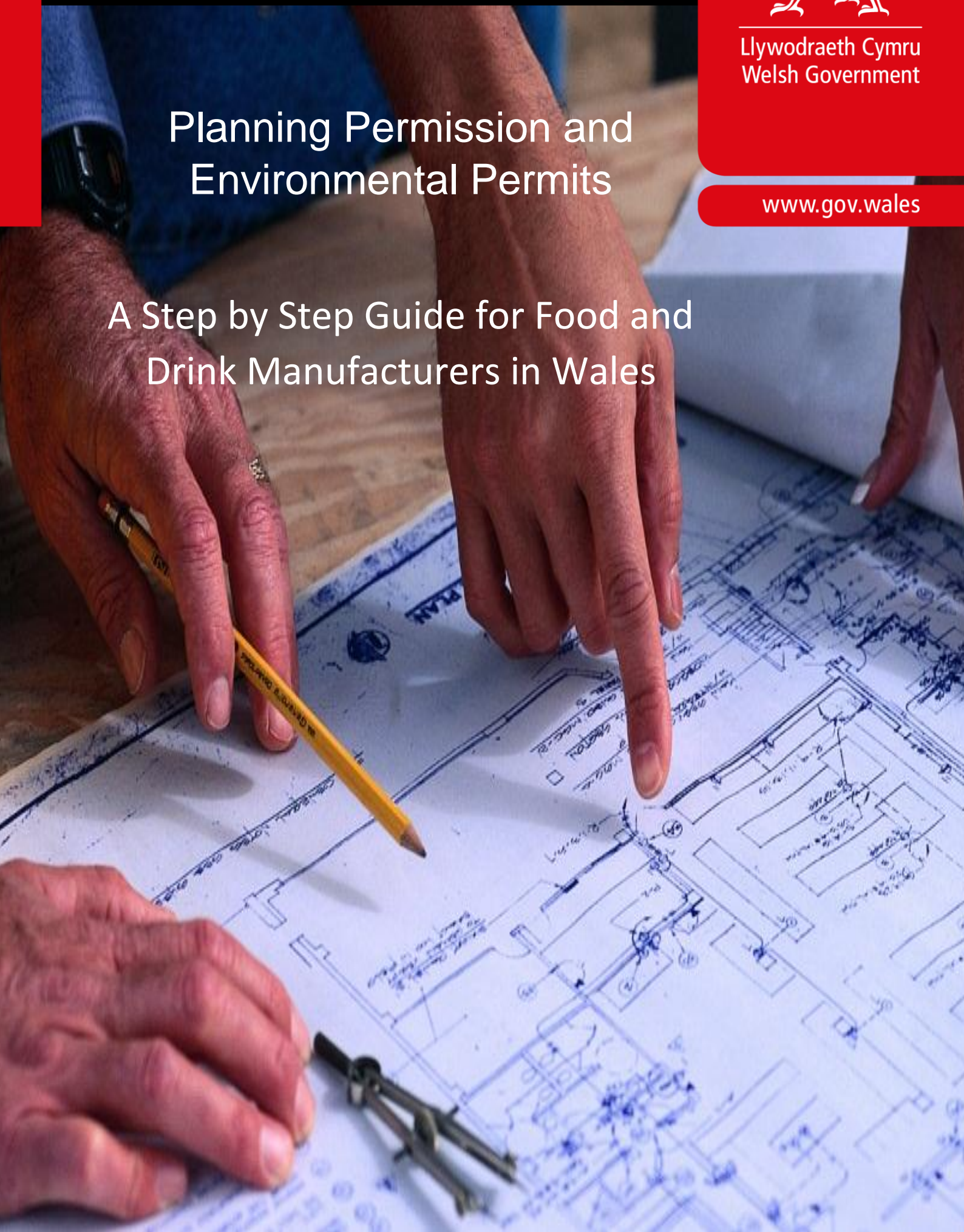


Llywodraeth Cymru
Welsh Government

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Planning Permission and Environmental Permits

A Step by Step Guide for Food and Drink Manufacturers in Wales



Overview

Welsh food and drink exports have grown faster than general exports and faster than UK food and drink exports. **Value** has grown from £135m in 2005 prices to £302m in 2014 prices - **an increase of 123%** (Ref 1).

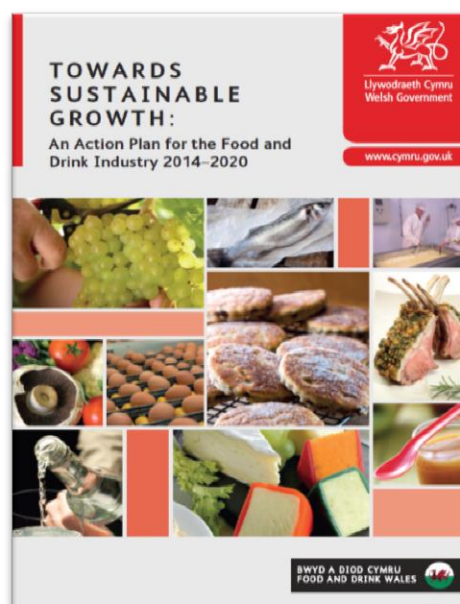
The Welsh Government have set out their priorities for growth in this sector in: *Towards Sustainable Growth: An Action Plan for the Food and Drink (F&D) Industry 2014-2020*, (The Action Plan) and has made a commitment to 'grow the Food and Drink sector by 30 per cent to £7 billion by the year 2020' (Ref 2).

In order to achieve such growth, an increase in the number of suitably graded premises for food processing is required. Where Food and Drinks businesses want to build a new facility or in many cases where they wish to expand or change the use of an existing premises, will often require planning permission from the Local Planning Authority (LPA). Your LPA is your local Council, if you are unsure who your LPA is you can find out by inputting the postcode of your site [here](#).

Planning permission should be sought (if required) before any building work begins and remember to leave plenty of time for the decision making process.

The [Planning Portal](#) is an online planning and building regulations resource for Wales and provides further details such as requirements for a planning application and the calculator tool for calculating the planning fee.

Your planning application should be determined in line with the Local Development Plan¹ so it is worth looking at the policies in the Plan for your area to check whether your application is likely to be in line with policies. **Details in red in this document are hyperlinks.**



¹ Applications should be determined in line with the LDP unless material considerations indicate otherwise. Key material considerations include, for example, national planning policies set out in Planning Policy Wales.

Advice:

- *Plan ahead:* Think about making a planning application early on as most applications will require additional information to support your development.
- **Undertake pre-application discussions with the Local Planning Authority (LPA)** well in advance of submitting a planning application. Any feedback, issues and impacts that your proposal may have, can be taken into account prior to the submission of a formal planning application.
- If your application is large or complex, you may find investing in professional planning advice at the outset saves you money and time further down the line.

Pre-application process:

Through pre-application consultation the LPA can...

Review the proposal to advise what information will be required to support your planning application

Advise on whether your application meets policy requirements

Identify opportunities to develop or modify your proposal to make it more acceptable

Advise on whether the application should be submitted in **outline** or as a **full** application

What you can do

Undertake a **feasibility study** to see if there are any reasons why the application should not be pursued.

Obtain information from the **Local Planning Authority (LPA) website**. Look at the Local Development Plan (LDP) for the area and any other relevant supplementary planning guidance

Submit a **pre-application enquiry** to the LPA. This will require some basic information such as size of development, access and end use.

Formal planning application

- A planning application can be made either in **full** or **outline**. You have the option to submit an application for full planning permission (all details submitted upfront) or an outline application (the main concept of the scheme) can be submitted. Outline applications will usually be for larger developments or for applications wanting to establish the principle of development before spending money on producing detail (e.g. architects). Outline applications can be made without submitting full details of all design elements (for example you may be able to submit without detail on access, appearance, landscape, layout or scale). The remaining details are required to be determined at a later date through a **reserved matters** application.



OUR TIP: Details of what information/documents the LPA will require to support an outline application can be discussed at a pre-application meeting.

- **OUR TIP:** Overall, the outline and reserved matters process takes longer as it requires the application to be submitted in two stages, but it means you can control costs until you know the concept of your scheme on your site is acceptable.
- Planning applications and the associated documents can be submitted online [here](#).
- **OUR TIP:** Make sure you explain the consultation you have carried out and how you have addressed comments received, to demonstrate you have taken account of views of stakeholders and the community.

The Food and Drink supply chain in Wales (Including primary production, manufacturing, retail, wholesale and non-residential catering) employs 222,400 (2013) people (Ref 3).

Guidance on documents to submit with an application is provided by [Planning Portal](#) and in validation lists produced by your LPA.

All Planning Application must provide the following mandatory documents:

- **An application form:** including signed ownership and agricultural holdings certificates.
- **Location Plan:** show site area, land owned by the landowner and surrounding context
- **Site Plan:** showing development in greater detail
- **Plans and drawings:** if required this may include elevations, roof and floor plans, site layout, sections
- **Correct application fee:** this will depend on the type and scale of development
- **Design and Access Statement (DAS):** (if required) this document explains how the design principles and concepts have been applied to particular aspects of the development. Further advice is contained within [Technical Advice Note 12](#) (Guidance on Design and Access Statements 2016).

In addition to these mandatory documents, additional supporting documents may be required depending on the size and complexity of the scheme and its impact on the area. These documents could include (but are not limited to):

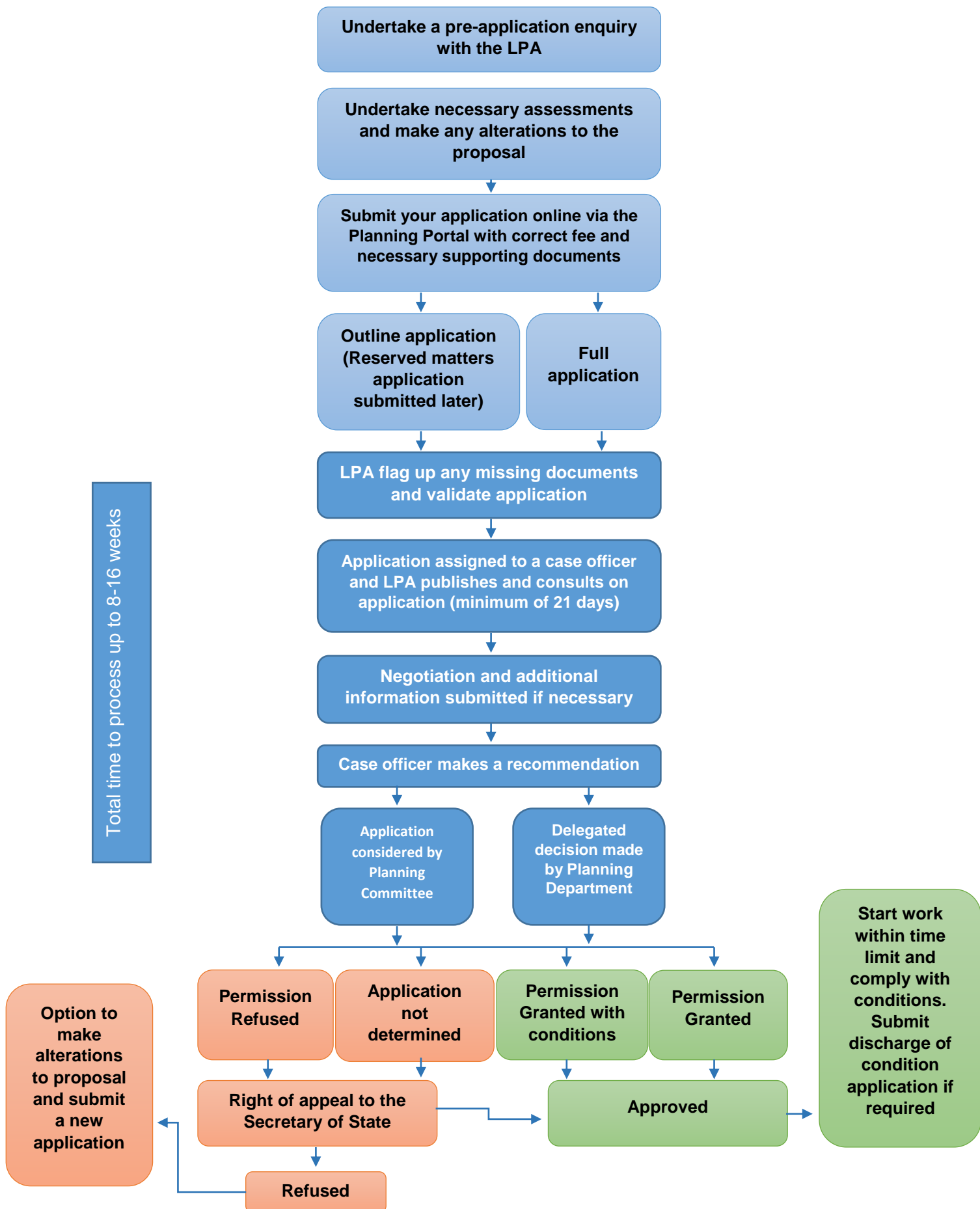
- **Ecology Assessment and Mitigation:** required (for example) where developments could affect protected species or nature conservation sites
- **Landscaping Scheme and Tree Survey:** proposals that include external space or may affect trees.
- **Access and Transport:** details of car parking and cycle storage are likely to be required. For developments that result in significant traffic movements a Transport Statement may be required. Details of how the site will be accessed will be required.
- **Land Contamination Assessment:** areas of brownfield land where former land uses may have resulted in contamination of soils and groundwater (previous industrial purposes)
- **Noise Impact Assessment:** required if there is potentially a noisy development located close to existing noise sensitive development
- **Coal Mining Risk Assessment**
- **Flood Risk Assessment:** [Technical Advice Note \(TAN\) 15: Development and Flood Risk \(2004\)](#) provides technical guidance in relation to development and flooding and sets out the requirements for when a Flood Consequence Assessment is required. Flood Zone maps are available from the Welsh Government
- **Drainage Statement:** details showing surface run off and incorporation of SUDS
- **Air Quality Assessment:** required where development could potentially contribute to a worsening of local air quality
- **Archaeological Assessment:** required if development requires ground disturbance on or adjoining a heritage asset of archaeological interest
- **Heritage Assessment:** required when a development affects a designated heritage asset
- **Ventilation and Extraction Details:** (if applicable)
- **Environmental Statement:** (EIA development only)
- **Statement of Community Involvement** (if applicable)

Advice: Applicants should promote the benefits of their proposal (for example, outlining what the economic and social value the development brings in to the area) within their Planning Application.

Decision:

- Applications have an 8 week determination period, 13 for major projects and 16 weeks if it requires an **EIA**. Whilst there are statutory time limits, unfortunately applications are not always determined on these timescales.
- Permission will be granted with some **conditions** that may be required to be discharged prior to the commencement of development. This could include requirements for further information to be submitted to the LPA e.g. confirmation of detail and colour of materials or regulation of the construction phase.
OUR TIP: Ask for a copy of planning conditions before an application is determined so you can make sure there are no conditions that will be problematic or expensive to address **before** you get a decision.
- You may also be required to enter into **planning obligations** which are a private agreement between the local authority and a developer that can be attached to a planning permission and the land to which they relate too (commonly known as S106). They are used to make a development acceptable in planning terms and are focused around specific site mitigation. This may take the form of a payment to the Council or a requirement to provide additional infrastructure or open space for example. Some Local Authorities can also charge a **Community Infrastructure Levy** (CIL) on new development to support local infrastructure such as improvements to roads, park/open spaces etc. Payments are usually required on the date development commences.
- The application may be refused or not determined within the statutory time limit and you have the right to **appeal** to the Secretary of State for an independent assessment of the application in either case. An appeal must be made within six months of the decision being made (or in the case of non-determination, six months from the date the decision should have been made) and it can take many months for you to receive a decision once an appeal has been submitted.
- If your application is withdrawn or refused, you can submit another application free of charge as long as it is the same applicant and relates to the development of the same character or description to which the previous application related to. You would need to submit a revised application within 12 months of the application being made valid if it is withdrawn, or within 12 months of the date an application is refused (either by the LPA or Secretary of State).

OUR TIP: This information can be discussed at a pre-application meeting.



Environmental Permitting:

Environmental permits are required for certain activities that pollute the air, water or land under the Environmental Permitting (England and Wales) Regulations 2010 (as amended). Some activities are dealt with through permits administered by Natural Resource Wales, whilst others are dealt with through permits administered by Local Authorities.

Planning permission must be in place before a permit can be granted.

NRW and Local Authorities will consult with the **Food Standards Agency** (FSA) where information is submitted that is of interest to the FSA. The Food Standards Agency is responsible for providing any necessary advice on food safety issues and offers guidance to NRW with respect to the activities.

Do you require a Permit?

You may need an environmental permit if you carry out an activity that could pollute the air, water or land. The NRW websites hosts many EPR application and the guidance documents that may provide information on how to overcome some challenges when applying for planning permission such as abating environmental pollution and nuisance. There are many best practice guides available but the three main key documents are:

- Guidance on permit requirements Natural Resources Wales / Environmental Permitting Regulations guidance
- When considering developing a new site or expanding an existing site, information on controlling nuisance and emissions can be found on the NRW website called Horizontal guidance, often referred to as H1 (Natural Resources Wales / Horizontal Guidance)
- Information relating to regulation can be found in Regulatory Guidance Notes (Natural Resources Wales / Regulatory Guidance Notes (RGN's).

The requirement for an EPR permit is determined by the “capacity” to operate and the capacity thresholds within the Food and Drink sector are located in PART 2 Chapter 6 Section 6.8 (*Treatment of Animal and Vegetable and Food Industries matter*) and 6.9 (*Intensive farming*).

Examples of Food and Drink activities where a permit is required (listed in the chapter 6) include:

Activity	Overview of Threshold (please refer to EPR regs for full detail actual thresholds)
Section 6.8 Treatment of Animal and Vegetable and Food Industries matter	
Slaughtering	>50 tonners per day
Animal carcass treatment	>10 tonnes per day
Treating and Processing food materials	>75 tonnes per day
Animal	>300 tonnes per day
Raw vegetable	>200 tonnes per day
Milk	
Processing, Storing and Heat treatment of food	May be regulated by NRW or local authority
Section 6.9 Intensive farming	
Poultry	40,000 places
Pig (>30kg) or Sows	2,000 places 750 places

Key Welsh Exports include: Lamb, Beef and Dairy Products

Dairy Products and Birds' Eggs are within the top 30 products for Welsh exports, £109m (quarter 4 year ending 2015) (Ref 4).

In 2014, 117,000t of produce was exported from Wales, worth £302m. Volume and Value have grown 75% and 123% respectively since 2005. This means that Wales has a faster growing export market than the UK as a whole (Ref 5).

What type of permit do I need and how do I apply for one?

There are 2 types of permit:

- standard rules: a set of fixed rules for common activities
- bespoke: tailored to your business activities

See [NRW website](#) for more information.

- Operators of installations like those mentioned above must obtain a permit to operate. Permit applications must include a written description of the way in which pollution is to be minimised. Where an installation permit is granted, that permit must include conditions stipulating how pollution is to be minimised. Government guidance has been published as to the appropriate pollution standards for various types of installation. The law requires the standards to achieve a balance between protecting the environment and the cost of so doing. The local authority is required to have regard to that guidance.
- Operators can appeal where a permit application is refused or where it is granted but the operator disagrees with the conditions.
- Once a permit is issued the operator must comply with the conditions.

Key Issues for permitting in the food sector:

- Hygiene and Food Safety
- Accident management and pollution prevention such as spills to surface water drains, blocked drains and overflowing, waste management and extraction systems
- Resource Efficiency for water, energy, packaging and ingredients/raw materials
- **Waste minimisation through waste reduction, reuse, recycling, recovery (see WRAP Cymru for further advice)**

Additional Consents:

There may be a requirement to obtain other consents that are separate to the planning permission and environmental permits. In all cases keep a record of all correspondence as this may be relevant for the planning process and determination. Examples of this include:

- **Highways agreements**, for example if works are required on a public highway (commonly known as a Section 278 Agreement). Industrial estate roads may not be a public highway and therefore any works would be a private matter between the developer and owners.
- Establishing a new Food and Drink facility may also require a **Food Standards Agency (FSA)** license.
- Trade Effluent Agreement for discharges to sewer (contact local water utility company). If the site is not within a public sewer or mains drainage area then consult with NRW as early as possible to ensure that foul effluent matters can be addressed and resolved by seeking approval for effluent discharges from NRW.
- You may also require **building regulations** approval for new construction which apply to most new buildings and many alterations to existing buildings.
- Water abstraction and impoundment licences are covered in the EPR regulations.
- Protected species licensing: if handling protected species.
- Energy Supply and renewable/sustainable energy provision: Energy consumption in the food and drink sector can be costly. Consider sustainable forms of energy supply to mitigate against the environmental footprint of the business where possible.

Benefits of F&D Sector Developments: To Promote your Application

The planning system requires LPAs to take into consideration a wide range of potential positive impacts of the scheme and weigh these in the balance against any impacts. Therefore, it is important to promote the benefits of your scheme to planners as well as to increase buy-in from stakeholders and local communities. Presented below are some ideas of ways to 'sell' your development in your application.

The Welsh Government's Action Plan ([Towards Sustainable Growth: An Action Plan for the Food and Drink \(F&D\) Industry 2014-2020](#)) has made a commitment to 'grow the Food and Drink sector by 30 per cent to £7 billion by the year 2020'.

Stimulating the Food and Drinks sector will bring forward many opportunities for Wales and should be identified where possible when making a planning application.

These opportunities can lead to an array of benefits, some of which are outlined below.

Stimulating Social and Economic Benefits

- Between 1999-2013 food and drink exports increased by 113% in Wales (Ref 6) and £1.3 billion Gross Value Added from the Food and Farming Priority Sector in Wales from on-farm production and food manufacturing (Ref 7).
- Food and Drink sector development can help sustain and strengthen the local economy, contributing through the growth of jobs and wages.

Responding to Climate Change

- Promoting locally produced food reduces energy inputs from the transportation of food.
- Producing food locally in a sustainable manner can help Wales adapt to climate change by making the country less vulnerable to climate shocks elsewhere.

Increasing Food Security for Wales

- Producing food locally can increase food security in Wales and make the population and the economy less at risk from events outside its borders.

Improving Public Health

- The sector positively impacts on Wales' public health by increasing access to healthy foods that are also affordable.
- Over 330 Food Co-ops across Wales sell both high quality and local foods such as fruit and vegetables at an annual saving of around £200 for a typical family (Ref 8).
- Producing local food helps build knowledge around how food is produced and an awareness of food that can help produce healthy attitudes towards food.

References

1. <https://businesswales.gov.wales/foodanddrink/sites/fooddrink/files/Food%20-%20SA%20-%20Export%20Report%20-%20September%202015.%20FINAL.pdf>
2. (Para 1.3) Towards Sustainable Growth: An Action Plan for the Food and Drink Industry 2014-2020 (Welsh Government) taken from Analysis of Wales & UK Food and Drink Exports using HMRC data (defined as SITC 01-07, 09, 11)
3. The Value of Welsh Food and Drinks (Welsh Government) Brookdale Consulting
4. Statistical Bulletin Welsh exports: Fourth quarter 12th April 2016 (Welsh Government) <http://gov.wales/statistics-and-research/welsh-exports/?lang=en>
5. <https://businesswales.gov.wales/foodanddrink/sites/fooddrink/files/Food%20-%20SA%20-%20Export%20Report%20-%20September%202015.%20FINAL.pdf>
6. (Para 1.8) Towards Sustainable Growth: An Action Plan for the Food and Drink Industry 2014-2020 (Welsh Government) taken from Analysis of Wales & UK Food and Drink Exports using HMRC data (defined as SITC 01-07, 09, 11)
7. (Para 1.8) Towards Sustainable Growth: An Action Plan for the Food and Drink Industry 2014-2020 (Welsh Government) taken from Analysis of Wales & UK Food and Drink Exports using HMRC data (defined as SITC 01-07, 09, 11)
8. (Para 6.10) Towards Sustainable Growth: An Action Plan for the Food and Drink Industry 2014-2020 (Welsh Government) taken from Analysis of Wales & UK Food and Drink Exports using HMRC data (defined as SITC 01-07, 09, 11)