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inside:

# reducing discrimination

the future of energy, strengthening Naphthens' rural team

# rural law

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[www.naphthens.co.uk](http://www.naphthens.co.uk)



Geoff Tomlinson

## WELCOME

Welcome to the winter edition of Rural Law. It is the new year and my team and I are looking forward to all the interesting, and in some cases challenging, jobs which will come our way as we move into spring.

We have recently strengthened the department (see the article below about Melissa Taylor, our new trainee, who will probably already be quite well known to those of you in the Lune Valley area) and we are now better placed than ever to help our farming and landowning clients.

In this issue, Head of Employment, Chris Boyle contributes an important article about the Equality Act and the key changes affecting businesses in the rural sector. Please contact Chris or his team if you need

advice about this or any other employment issues. They also provide an excellent employer protection scheme, HR3, details of which can be found on our website.

An old friend of ours, Robert Schiller, also gives some very useful tips about wind turbines. Take a look at his article if this is something you are considering, especially since we have heard of some landowners being sold expensive kit for erection on sites which were just not suitable.

Enjoy reading this edition and, as ever, do get in touch if we might be able to help you or your business in any way.

Best regards, Geoff Tomlinson  
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## MELISSA JOINS THE TEAM



The Rural team at Napthens has been boosted with the appointment of trainee Melissa Taylor.

Melissa, of Burton in Lonsdale, joined Napthens in 2009, and as part of her training with the firm she is spending a year assisting Geoff Tomlinson and Andrew Holden in the Rural department.

The experienced trainee, who has been a member of Burton in Lonsdale Young Farmers Club since she was 10, attended Leeds University to take her Law degree, before her Legal Practice Course in Manchester.

During her time at Napthens, Melissa has worked with various departments to strengthen her knowledge: in the Litigation department she was involved in cases including landlord and tenant disputes, failed crops and land and boundary disputes.

While working with the Wills and Estate Planning department she assisted with the drafting of Wills and Lasting Powers of Attorney, and worked on probate and Trust.

So far in the Rural department Melissa has been involved in land registration, possession claims, rights of way and purchases and sales.

She said: "I loved studying land law at University, and I was very keen to join a rural department during my training contract.

"The position here at Napthens is ideal for me as it has mixed land law with my background in farming. During my training contract I have experienced a wide range of subjects from helping prepare Wills to landlord and tenant disputes, all of which have been very useful for working with the Rural department."

Geoff Tomlinson added "Melissa has been with us for a few months now, and has already proved to be a great asset to the team. She has a natural instinct and passion for rural law and we are hoping for great things from her in the future."





New legislation is aiming to reduce discrimination of all types including age

## EQUALITY ACT

 The Government's much heralded Equality Act came into force on October 1, 2010, bringing with it changes every business must be aware of.

The Act aims to harmonise discrimination law and to strengthen it. It brings together, and in some respects extends, the existing discrimination legislation concerning sex, race, disability, sexual orientation, religion or belief and age.

For those businesses involved in the rural sector, it also contains some important changes to the law. Some of the key measures are:

- Allowing an employer to recruit and promote an individual from an under-represented group where the individual is at least as qualified as his competitor.
- Widening the definitions of direct discrimination and harassment to cover claims based on 'associative' and 'perceptive'.
- Introducing Third Party Discrimination (e.g. the employer may be liable for the acts of a customer).
- The repeal of 'disability related' discrimination to be replaced by 'discrimination arising from a disability'.
- Limiting the enforceability of contractual 'pay secrecy' clauses.
- For large rural businesses a law will require private sector employers to report on their gender pay gap where they have 250 or more employees in Great Britain.
- Strengthening enforcement by enabling tribunals to make recommendations about the benefit of the wider workforce.

Whilst the Act will require a certain amount of case law to interpret parts of it, the Government hopes that it will promote equality, fight discrimination in all its forms, including age discrimination, and introduce transparency in the workplace.

The Act will have an impact and all employers should review and amend their equal opportunity and recruitment policies in light of this new equality legislation.

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# WINDS OF CHANCE

Over the past few years many landowners have seen wind turbines being built around the country, whether small domestic types or wind farms. Wind turbines are fundamentally like any other commercial venture, so various factors must be considered.

It is important the landowner carries out some basic research prior to committing finance. Wind turbines are classified into different categories based on technical performance.

Some turbines cut in or start up at slower wind speeds while some shut down at a lower wind speed or perform at higher speeds. In addition, if your site is not suitable for the type of wind turbine being proposed the manufacturer may not provide a guarantee.

The first step in the process is to establish what the wind speed is for the location, this can be done through the Department of Energy and Climate Change website [www.decc.gov.uk](http://www.decc.gov.uk) which has the national wind speed database.

A process on the website converts a postcode into a grid reference which in turn calculates the wind speeds over one square kilometre around the postcode. The result provides a rough guide in order to establish whether the project is worth pursuing.

The site of the wind turbine is also important as buildings and trees cause turbulence directly affecting performance. Once the potential has been determined, further wind modelling will be required which initially can be done by computer software.

However twelve months of wind monitoring may be required if the owner is going to raise funding through bank borrowing.

As a rule of thumb if the wind speed is below 6 m/s the returns from the turbine may not justify the capital investment. Last April the government introduced Feed in Tariffs (FITs) for renewable energy generators.

If considering a small turbine the FITs are required to make the project commercially viable. The FITs for wind energy are banded into six brackets.

Scale	FIT Pence/kWh	Tariff lifetime (years)
<1.5kw	34.5	20
<15kw	26.7	20
<100kw	24.1	20
<500kw	18.8	20
<1.5mw	8.4	20
>5mw	4.5	20

FITs are replacing public grant schemes as the driving incentive for small scale generators. To ensure value for money from the public purse, state aid rules and de minimis levels, potential generators will not obtain both grants and FITs except in certain circumstances.

PassiM Developments Ltd has been involved in various renewable energy projects. The company provides a turnkey approach from initial conception through to completion. For an informal discussion contact Robert Schiller on 07966 236332 or [r.schiller@virgin.net](mailto:r.schiller@virgin.net)

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