



Napthens will support farmers through the NFU

## Napthens continues to build strong relationship with NFU

Following an intensive six-month review, Napthens will continue to work in partnership with the NFU to provide legal services to the Union's members in Lancashire and Cumbria.

The review evaluated its current panel of 15 law firms and considered legal services, fee structures and commitment to the organisation and its members, alongside feedback from members and NFU staff.

NFU director of finance and business services Ken Sutherland said he was delighted to confirm the reappointment of 15 firms to its legal panel. "They have gone through a rigorous and robust review process within the past five

to six months. The legal advisers have been retained for their strength and depth in agricultural and horticultural matters together with other non-agricultural related specialist areas that affect our members."

Andrew Holden, partner and Head of Rural Business added: "It's a great privilege to work with the NFU and for its members in delivering legal services. The agricultural industry plays an important part in the North West's

economy and we're proud to have been selected to work hand-in-hand with the NFU to give its members access to quality legal advice and guidance."

The legal panel was originally appointed in May 2008 and subsequently reviewed in 2012 for another period of three years. The firms continue to save NFU members on costs by offering a discount of 12.5% on their hourly rates, together with fixed fee and other costs packages

for various services. They also offer a comprehensive legal service in non-farming areas such as succession planning, diversification, tax, planning, probate, family and conveyancing.

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**For information about how to join the Legal Assistance Scheme, call NFU CallFirst on 0370 845 8458.**

## Welcome



Andrew Holden

Another six months has passed, where does the time go? In that time we've seen numerous new renewables and development options across the North West which in turn seem to have increased land values.

You should all hopefully have submitted your BPS forms and we wait with bated breath to see if the delay in the deadline for submitting returns will have a knock on effect in the payment date. Hopefully not, as with ever falling milk and other commodity prices, payment on time and no further delays are a must for some.

On the topic of payments from DEFRA, I have recently met with Lancashire County Council regarding funding for diversification or expansion projects. LCC is delivering the funding on behalf of Defra / Rural Payments Agency, which should be available in autumn 2015 with the first projects being approved in early 2016.

To find out if you are eligible, please contact karen.lawrenson@lancashire.gov.uk 01772 538797 or louise.kite@lancashire.gov.uk 01772 534134.

Finally, we hope to see some of you at the numerous shows in the region. Look out for us at the events listed later in this newsletter.

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# Planning for the future with renewable energy

Utility scale projects are gaining popularity in the UK as landowners and farmers look to secure financial stability. There are two options for developing a renewables project on farms; self-funded build or lease of site to a renewables provider.



Recent advances have supported the growth of renewables

There are pros and cons to each but the main issue is ensuring you deal with a reputable company, which will either continue to pay the rent throughout the lease agreement, or have a warranty and service contract on a self-build that is worthwhile and ensure the equipment is fully functional as much as possible.

Over the last 12-18 months with the ever decreasing FIT (Feed in Tariff) being offered by the Government and with the upcoming removal of subsidies for onshore wind, the sector is now consolidating, with new set up firms exiting the industry leaving reputable companies such as Green Switch, which continues to offer competitive deals.

Naphthens' Andrew Holden comments: "Most developers looking to take an option for a lease from a landowner will offer to pay legal fees up front and have the agreements checked, which are becoming a lot more landlord friendly."

"However, they still need to be reviewed by your solicitors and your land agent to ensure you are getting the best deal."

Andrew warns that it is not just leases and option agreements that need checking. He added: "A self-build project also needs careful consideration of the purchase contract, any warranty agreements and any service contract to ensure that, as with any development at

the farm, the developer will be supplying a construction that is fit for purpose and will last the test of time.

"Having a specialist construction team in the firm, Naphthens has only recently seen issues with some renewables projects that could have been avoided had the paperwork been reviewed in advance."

"Additionally, linked to any renewables projects of this nature is the need for a tax planning strategy in conjunction with your accountant and solicitor to ensure that you protect against the additional Income Tax implications and possible loss of Basic Payments, loss of agricultural

property relief and future Capital Gains Tax implications."

From a developers point of view the market remains positive. Tom Ghannad, head of legal at Green Switch adds: "The recent reduction of subsidies is proving more consequential for landowners than renewable energy investors."

"Business in the renewable energy sector is proving adaptable and resilient and industry development is intrinsic. Whilst some renewable technologies have taken a hit following changes to government policies (specifically on-shore wind), recent advances have supported the growth of renewable heat, anaerobic digestion and hydro technologies."

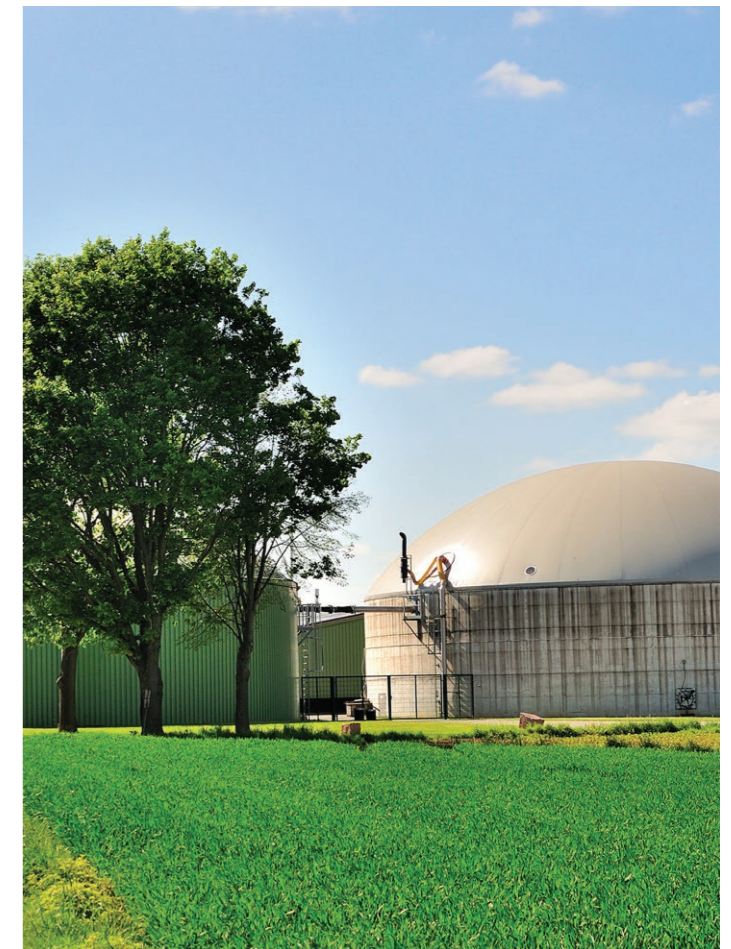
"Costs of constructing renewable technologies are falling. We expect to see a surge in renewables and the overall outlook for the industry remains positive. We're already seeing references in the UK to grid parity which indicates that the

sector has achieved enormous growth in recent years.

"Unafraid of the ever-changing landscape, Green Switch continues to pursue substantial developments that are in planning and despite cuts, also remains committed to solar as an effective means of producing clean energy amongst a growing range of clean and alternative power technologies."

**"We expect to see a surge in renewables..."**

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## Meet the team

### James Stocker, trainee

I joined Naphthens' Rural team in April this year as a trainee solicitor. I am currently involved with the property side of the department and will be moving on to Wills and estate planning services in September.

I have been working on various stages of property transactions from taking clients' instructions through to completing on sales and purchases of land.

I have also been gaining experience in the preparation of easements, licences and farm

business tenancies, making sure that these meet the needs of our clients and protect their interests as required.

I have grown up around farming thanks to my grandparents who farmed in Wycolter and I regularly enjoyed spending time at the farm whenever I was given the opportunity.

I started working at a livestock auction whilst studying at college and carried on working there throughout my university studies. Having gained an interest in law

through my studies, my time at the auction served to further my interest in rural matters.

Prior to joining Naphthens I worked in a small practice in Manchester, gaining experience in family law as well as working on some commercial property matters.

When the opportunity to join the Rural Department at Naphthens arose, it was an offer I could not refuse! I'm now looking forward to qualifying as a solicitor specialising in rural law matters.



James Stocker

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# When things get Serious

The often complex layout of pipes, drains, septic tanks and soakaways lying underneath rural properties rarely give cause for concern but when they do, it can leave home and business owners with Serious problems.

The Environment Agency (EA) recommends that septic tanks and sewage treatment plants are desludged at least once a year by a reputable company to prevent potential pollution incidents. A recent study of Irish septic tanks showed that eight out of 10 tanks were discharging raw, untreated sewage into local water courses. Should this study be carried out in rural England, the figures may well be similar. With fines reaching £250,000 for a first offence, it's never been more important to take responsibility of your waste management.

Serious, an all-round waste water management company with depots serving the North West and the Midlands offers in-house tankering, servicing and installation to a range of customers from home owners through to national brewery chains.

David Bould, Operations Manager at Serious said: "We know there are septic tanks that are not desludged or serviced regularly and there are lots of cross connections, which mean surface water is getting diverted into septic tanks, leading to hydraulic

overloading. The result is too much water going into a septic tank that it isn't designed for."

The EA can impose fines or even imprisonment if tank owners allow their waste water to pollute. Under section 59 of the Building Act 1984, the local council may require the owner to carry out remedial works where a septic tank, settlement tank or cesspool is insufficient, can cause health risks, or is a nuisance. It is also an offence under section 85 of the Water Resource Act 1991 to prosecute anyone causing or

## Guest Article

**serious\*\***

knowingly permitting pollution of any stream, river, lake or any groundwater.

Serious' in house team of specialists can help to advise you on any sewage, waste water or grease matter.

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

## Changes to IHT

You will no doubt have seen the recent announcement by the Chancellor to increase the Inheritance Tax (IHT) threshold.

However, the increase isn't as straightforward as it seems and if you have any queries about your IHT position, please contact our specialist estate planning solicitor Melissa Taylor on 01254 686226

or email her at [Melissa.Taylor@naphthens.co.uk](mailto:Melissa.Taylor@naphthens.co.uk)

In the meantime, we will keep you informed of any updates regarding the new IHT threshold.

## Dates for the diary

We are holding or attending the following events over the next few months. Contact us for more details.

- August 15** – Appleby Show
- August 22** – Chipping Show
- August 29** – Dufton Show
- September 5** – Bentham Show
- September 10** – Westmorland Show
- September 12** – Hodder Valley Show
- September 23** – Joint Seminar with NFU at Iggesund on renewables
- September 22** – CLA AGM Cumbria – Dallam Tower
- September 30** – CLA AGM Lancashire – Abbeystead Estate
- October 6** – Conservative Conference with NFU
- October 22** – Estate Planning Seminar

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