



Environment Act 2021

2021 CHAPTER 30

PART 7

CONSERVATION COVENANTS

Creation of conservation covenant

117 Conservation covenant agreements

- (1) For the purposes of this Part, a “conservation covenant agreement” is an agreement between a landowner and a responsible body where—
 - (a) the agreement contains provision which—
 - (i) is of a qualifying kind,
 - (ii) has a conservation purpose, and
 - (iii) is intended by the parties to be for the public good,
 - (b) it appears from the agreement that the parties intend to create a conservation covenant, and
 - (c) the agreement is executed as a deed by the parties.
- (2) The reference in subsection (1)(a) to provision of a qualifying kind is to provision—
 - (a) requiring the landowner—
 - (i) to do, or not to do, something on land in England specified in the provision in relation to which the landowner holds a qualifying estate specified in the agreement for the purposes of the provision, or
 - (ii) to allow the responsible body to do something on such land, or
 - (b) requiring the responsible body to do something on such land.
- (3) For the purposes of subsection (1)(a)(ii), provision has a conservation purpose if its purpose is—
 - (a) to conserve the natural environment of land or the natural resources of land,
 - (b) to conserve land as a place of archaeological, architectural, artistic, cultural or historic interest, or

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- (c) to conserve the setting of land with a natural environment or natural resources or which is a place of archaeological, architectural, artistic, cultural or historic interest.

(4) In this Part—

a reference to conserving something includes a reference to protecting, restoring or enhancing it;

“qualifying estate” means—

- (a) an estate in fee simple absolute in possession, or
- (b) a term of years absolute granted for a term of more than seven years from the date of the grant and in the case of which some part of the period for which the term of years was granted remains unexpired;

a reference to “the qualifying estate”, in relation to an obligation under a conservation covenant, is to the estate in land by virtue of which the condition in subsection (1)(a)(i) was met in relation to—

- (a) if the obligation is not an ancillary obligation, the provision giving rise to the obligation, or
- (b) if the obligation is an ancillary obligation, the provision giving rise to the obligation to which it was ancillary;

(and for this purpose “ancillary obligation” means an obligation under provision falling within section 118(2)(b));

“natural environment”, in relation to land, includes—

- (a) its plants, animals and other living organisms;
- (b) their habitats;
- (c) its geological features.

118 Conservation covenants

- (1) A conservation covenant is so much of a conservation covenant agreement as is given statutory effect by this section.
- (2) The following provisions of a conservation covenant agreement have statutory effect as a conservation covenant—
 - (a) provisions in respect of which the conditions in section 117(1)(a) are met, and
 - (b) provisions ancillary to any provision falling within paragraph (a).
- (3) If the agreement includes provision for public access to land to which other provision of the agreement (being provision which meets the conditions in section 117(1)(a)) relates, the provision for public access is to be treated as ancillary to that other provision.
- (4) In this Part—
 - (a) references to an obligation under a conservation covenant are to an obligation of the landowner or the responsible body given statutory effect by this section as part of the conservation covenant, and
 - (b) references to the land to which an obligation under a conservation covenant relates are, in the case of an obligation given statutory effect by this section by virtue of being ancillary to another provision, to the land to which the obligation under the other provision relates.

119 Responsible bodies

- (1) The following are responsible bodies for the purposes of this Part—
 - (a) the Secretary of State;
 - (b) bodies which are designated under this section (referred to in this Part as “designated bodies”).
- (2) The Secretary of State may, on the application of a local authority or other body, designate it as a responsible body for the purposes of this Part.
- (3) The Secretary of State may only designate a local authority if satisfied that it is suitable to be a responsible body.
- (4) The Secretary of State may only designate a body that is not a local authority if satisfied that it—
 - (a) meets the condition in subsection (5), and
 - (b) is suitable to be a responsible body.
- (5) The condition is that—
 - (a) in the case of a public body or a charity, at least some of its main purposes or functions relate to conservation, or
 - (b) in any other case, at least some of the body’s main activities relate to conservation.
- (6) The Secretary of State may revoke a designation by notice to the body concerned if—
 - (a) the body has applied to the Secretary of State for its designation to be revoked,
 - (b) the Secretary of State is satisfied that the body is not suitable to remain as a responsible body, or
 - (c) in the case of a body other than a local authority, the Secretary of State is satisfied that the body does not meet the condition in subsection (5).
- (7) The Secretary of State may determine the criteria to be applied in deciding whether a body is suitable to be or to remain a responsible body (which may include criteria relating to the body’s connection with the United Kingdom).
- (8) The Secretary of State must publish (and keep up to date)—
 - (a) a document setting out the criteria applicable for the purposes mentioned in subsection (7), and
 - (b) a list of the bodies who are designated under this section.
- (9) In this section—

“charity” means a charity registered under the Charities Act 2011 or an exempt charity (within the meaning of that Act);

“conservation” means conservation of—
 - (a) the natural environment or natural resources of land,
 - (b) places of archaeological, architectural, artistic, cultural or historic interest, or
 - (c) the setting of land with a natural environment or natural resources or which is a place of archaeological, architectural, artistic, cultural or historic interest;

“local authority” means—
 - (a) a county or district council in England;
 - (b) a London borough council;

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- (c) the Common Council of the City of London;
- (d) the Council of the Isles of Scilly.