



# 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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*Status: This is the original version (as it was originally enacted).*

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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.