



Department  
for Environment  
Food & Rural Affairs

# Conservation Covenants & Applying to become a responsible body

2nd August 13.30–15.30

Stephen Barker - PAS

Tim Andrews – Defra

Jane Widdowson – Defra

Katie Gowers - Defra

Anna Klaptocz – Defra


Graeme Kerr - Natural England





# Aims for the Day and Overview

Tim Andrews - Defra



Why conservation covenants have been introduced, what they are and how they might be used

The role of responsible bodies in implementing conservation covenants

The criteria for becoming a responsible body and how to apply

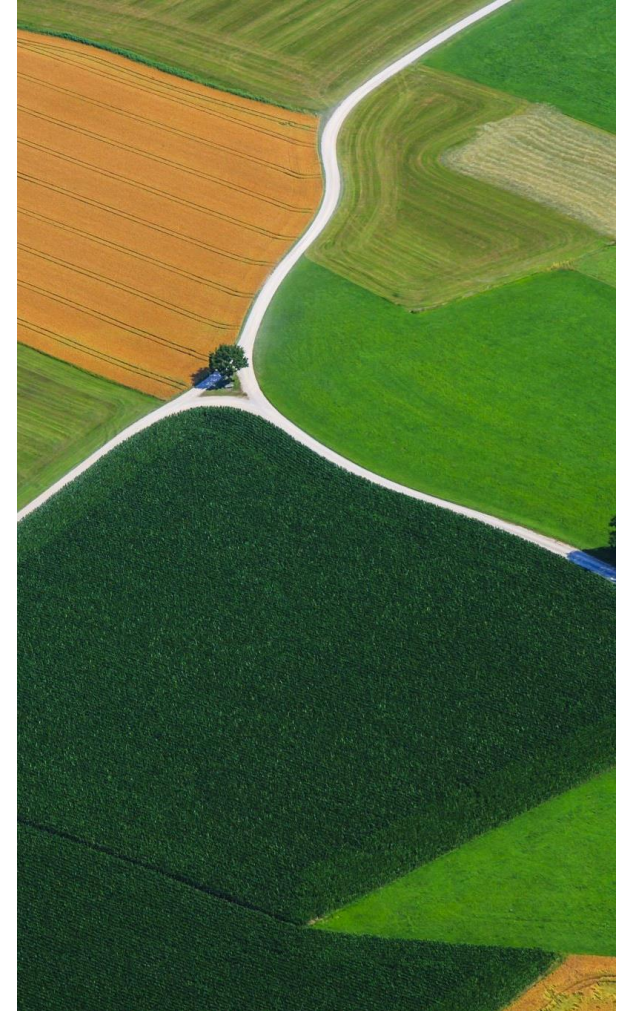
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Gauge interest around conservation covenants and intentions for applications to become a responsible body

# Why have we introduced conservation covenants?

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- Conservation opportunities in England were being missed
- Costly and complex workarounds previously required for conservation action on private land due to current systems:
  - Designation requires sites of specific quality and each designation must be approved by government
  - Property law does not tend to allow for attachment of positive obligations to land
  - Contract law only binds land's current owner to an agreement
- New green market opportunities



# What is a Conservation Covenant?

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- Versatile new legal tool that came into force 30 Sept 2022, can be used to secure lasting conservation outcomes
- Private, legally binding, voluntary agreement between landowner and designated responsible body (RB)
- To conserve natural and / or heritage features of land, must be for public good
- Can last in perpetuity & bind future owners of land, making sure conservation commitments passed onto future landowners
- Can include both positive and negative obligations i.e. things landowner or responsible body will or will not do

# Possible Uses and Forms


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Uses will be diverse

No template agreements as will take many forms

- Specifically used for:
- Biodiversity Net Gain
- Altruistic landowners
- Alternative to land purchase by conservation orgs
- Support new green market opportunities





# Conservation Covenants and Biodiversity Net Gain

Katie Gowers - Defra

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# Conservation Covenants & Biodiversity Net Gain

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One of two options to secure off-site biodiversity gains - the other being planning obligations

Additional requirements such as persons being required to carry out works for habitat enhancement and maintain enhancement for at least 30 years

Pre-requisite to registering gain site – copy of agreement submitted for registration

Guidance will be published on securing biodiversity gain sites and what should be included in legal agreements for BNG



# Conservation Covenants & Biodiversity Net Gain

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Local Authorities as responsible bodies for BNG:

- Not bound by restrictions within S106 of TCPA / reg 122 & reg 123 of CIL
- Flexibility re monitoring charges / monetary contributions
- A route for securing local authority owned land (as landowner with another responsible body)





# Responsible Bodies

Tim Andrews - Defra



Integral to the functioning of conservation covenants

Will make informed, important decisions about creation, implementation, 'enforcement' and, in some cases, discharge of covenants

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Once designated, responsible bodies subject to minimal oversight by government - criteria carefully developed to address this

# Why become a responsible body?

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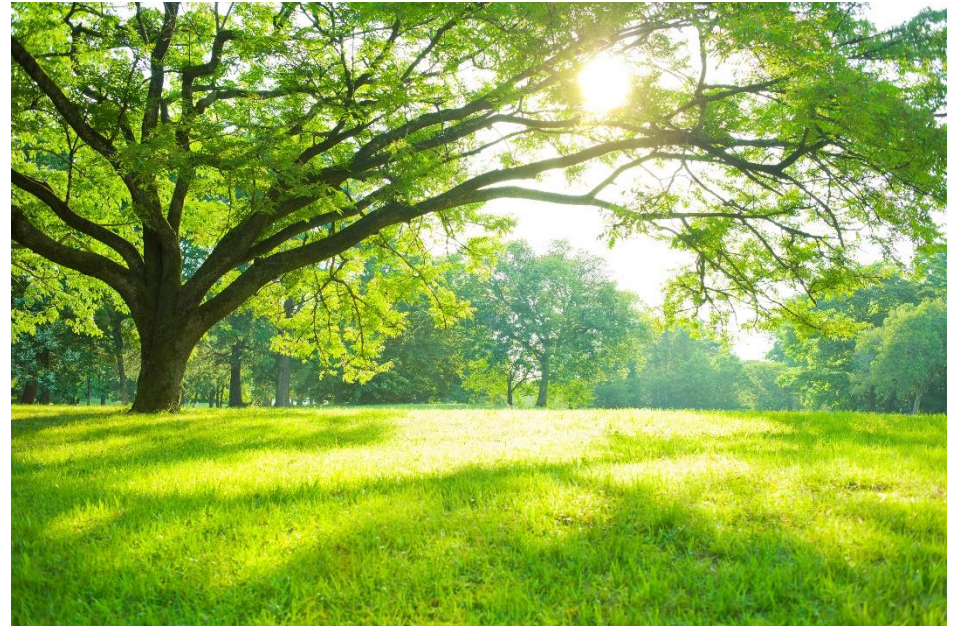
Deliver for  
the public  
good



Take advantage  
of new green  
market  
opportunities



Raise  
organisation's  
profile





# The role of a responsible body

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- Ensure covenant created with aim to conserve (protect, restore or enhance) natural and / or heritage features of land and for public good
- Ensure landowners aware of potential long-term implications and have sought legal advice
- Comply with other agreements / legislation / consider relevant guidance when agreement created for specific purpose
- Register covenant on local land charges register
- Submit an annual return



## The role of a responsible body (continued)

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- Monitor agreements
- Ensure landowner carrying out covenant through monitoring
- For example, by including in the agreement:
  - surveys on condition of conservation heritage, features / regular inspections
  - Keeping of accurate records of each covenant e.g. map of covenanted/surrounding land or monitoring inspection reports
- Contingency arrangements for any unplanned changes that could affect management of covenants



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# Why Natural England wants to become a Responsible Body

Graeme Kerr: Natural England

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# Why Natural England wants to become a Responsible Body



**Adds a new tool to our toolbox:  
A tool to create more, joined up,  
space for nature**

**Graeme Kerr: Senior Specialist – Conservation Covenants**

**[Graeme.kerr@naturalengland.org.uk](mailto:Graeme.kerr@naturalengland.org.uk)**

# Why we needed conservation covenants



- Provide landowners with a mechanism to secure positive environmental outcomes over the long term
- Lower the risks and costs arising from using complex workarounds to conserve our wildlife, habitats or heritage assets.
- To support the delivery of new policy initiatives to leave our environment in a better state for future generations

# Who might use a conservation covenant



- Altruistic landowner wishing to secure conservation of a valued habitat
- Landowner wishing to supply Ecosystem services / access green finance - BNG
- Responsible Body wishing to secure a conservation benefit to support its priorities
- Responsible Bodies, environmental stakeholders and landowners working collaboratively to deliver environmental targets – 30 x 30, OECM's



# If Natural England is appointed a Responsible Body



A cautious approach – we want to test our processes and procedures, learning when its most appropriate to use a conservation covenant.

Our first conservation covenants:

- Aligned to delivering our Nature Recovery Strategy
- Creating new habitat
- Delivering nature based solutions
- Supporting, working alongside, our designated sites and, with schemes



# Applying to become a responsible body

Jane Widdowson - Defra

Applications assessed against the published criteria: [Conservation covenants: apply to become a responsible body - www.gov.uk](https://www.gov.uk/guidance/conservation-covenants-apply-to-become-a-responsible-body)

Need to provide evidence that meet the criteria

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We will aim to determine applications within 12 weeks

# Who can apply?

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- Local authority
- Public body or charity, where at least some of its main purposes or functions relate to conservation
- Other body, where at least some of its main activities relate to conservation



# Four criteria for selection

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## **1. Eligibility**

- UK operating base for main activities & people to deliver covenants
- At least some of main purposes, functions or activities relate to conservation

## **2. Financial Security**

- Secure financial situation
- Adequate fiscal & administrative controls for long-term financial viability
- Signed declaration

# Four Criteria for Selection

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## 3. Operational Capacity & Capability

- Expertise
- Workforce
- Contingency planning
- Monitoring & enforcement
- Dispute resolution
- Structures & governance
- Track record

## 4 - Ongoing Suitability

Signed declaration that will continue to meet criteria & inform us if circumstances change e.g.

- Unresolved landowner disputes
- Prosecutions
- Conflicts of interest
- Financial situation
- Expertise
- Conservation role

# Supporting applications

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- Initial check of application to make sure all relevant sections completed and relevant supporting evidence supplied
- Contact applicants if further information needed
- Aim to inform applicants of outcome within 12 weeks of receiving complete application
- Rolling application process - no deadline
- Available for support via conservation covenants mailbox





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Thank you for listening.  
We will now move on  
to the Q&A

For any questions following the  
session, please email us

on conservation covenants:

on biodiversity net gain:



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[SM-Defra.NetGain@defra.gov.uk](mailto:SM-Defra.NetGain@defra.gov.uk)