

Press release: Gove unveils new covenants to protect nature

Conservation covenants will unleash a new wave of legal safeguards for England's wildlife and natural environment, subject to a [consultation](#) launched by Environment Secretary Michael Gove today (22 February).

The government is seeking views on how best to introduce conservation covenants, fulfilling a commitment made in the [25 Year Environment Plan](#). They are voluntary but legally-binding agreements which enable landowners to leave a permanent conservation legacy on their land for future generations.

The covenants, already used successfully in other countries, would allow landowners to make a public commitment to take positive actions to preserve and improve treasured features on their land such as trees, woodland or flower-rich meadow. They would be binding on future owners of the land and would be overseen by responsible bodies to ensure land management obligations are delivered.

Environment Secretary, Michael Gove said:

Conservation covenants are a valuable new tool to help protect our precious countryside. They allow landowners to safeguard nature on their land, securing long-term benefits and enabling vital investment in future conservation.

These plans are a further step in our ambition to be the first generation to leave the environment in a better state than we found it. I urge people to have their say on the proposals, which we are considering for our forthcoming Environment Bill.

Natural England's Interim Chief Executive, Marian Spain, said:

[Natural England](#) has long believed that conservation covenants could be useful for land owners and secure long term environment gains for nature.

It is pleasing to hear that a number of landowners and farmers are already interested and want to hear more about the Government's proposals.

Legal covenants already exist to prevent certain types of actions, but by encouraging positive environmental actions, a conservation covenant may achieve a lasting legacy for land management for generations to come.

The main scenarios likely to involve the use of conservation covenants (with

additional detail below, in notes to editors):

- Altruistic uses
- Securing heritage sites
- An alternative to land purchase by conservation organisations
- Disposals of land by conservation organisations
- Payment for ecosystem services
- Net gain for biodiversity

They might also be used in a business context to secure the long-term maintenance of existing or newly created wildlife or heritage assets.

Professor Nicholas Hopkins, Commissioner for Property, Family and Trust Law at the [Law Commission](#) said:

We are delighted that the government is consulting on implementing our conservation covenants Report.

These recommendations would make it simpler and easier for landowners to make agreements that that will protect the environment, archaeological sites and historically important buildings for generations to come.

The consultation will seek a range of views from the public and especially from key interested organisations and individuals including landowners, conservation groups and others. Feedback from these groups and individuals will help the Government in its consideration of the Law Commission's proposals for legislation on conservation covenants in England through the [Environment Bill](#).

Further stakeholder reaction

[CLA](#) President, Tim Breitmeyer said:

Conservation covenants have the potential to help deliver a range of environmental and other public benefits across the countryside. In the right circumstances they can be an important tool for those landowners who are considering long term investment in the environment.

We are pleased that the Government is consulting on how best to introduce these measures and look forward to engaging to ensure they work for those landowners who wish to take part as well as the environment.

Martin Harper, the [RSPB](#)'s Director of Conservation said:

To restore nature in a generation, we need to think and act differently. Conservation covenants are a good example of a new

approach which could drive transformational change for nature. By making these covenants a statutory scheme, with clear criteria and oversight, it would help speed up transactions between developers, landowners and conservation bodies, to the environmental and financial benefits of all.

Matthew Darby, landowner, farmer and trustee of the [Kemerton Conservation Trust](#) said:

I've always wanted to protect some of the special parts of my farm forever – places with a bit of magic that deserve to be enjoyed by future generations.

Conservation covenants could provide part of the answer. I see them acting as a bridge between landowners and those paying for public goods. I could invest this sum back into the farming business so that my family could continue to live on the land and care for it.

These covenants could provide multiple wins – for families, for public goods, and for natural places.

2019 marks the Government's [Year of Green Action](#), a year-long drive to help people to connect with, protect and enhance nature.

Visit the Year of Green Action website www.yearofgreenaction.org to hear inspirational stories of green action, download a copy of our partner toolkit and share your own stories.

Some scenarios:

- Altruistic uses – A landowner who has inherited extensive moorland which includes a crag much used by rock climbers. The landowner intends to leave the land to his children. They use a conservation covenant to ensure that the moorland is properly managed and that the public continue to have access to the crag.
- Securing heritage sites – A farmer, who is also a keen amateur archaeologist has the buried remains of a Romano-British villa on her land. She is keen to ensure its protection and agrees to take the land out of cultivation. She would like the appropriate management to be maintained after she has disposed of the land and uses a conservation covenant to secure this outcome.
- An alternative to land purchase by conservation organisations – A wildlife charity identifies a plot of land as containing the habitat of a native bird species. It makes a financial offer to the landowner in return for the land being maintained as a habitat. The landowner agrees. The conservation covenant sets out the obligations that the landowner has to undertake to receive the financial offer.
- Disposals of land by conservation organisations – A heritage group has invested funds in buying and restoring a Victorian house. The organisation wishes to sell the land but ensure that the work it has

undertaken, and the heritage value of the property, are preserved. A conservation covenant ensures that future owners of the property maintain the conservation improvements made through the restoration work.

- Payment for ecosystem services – An area of woodland upstream of a river which passes near homes has helped to mitigate localised flooding. After negotiations, the landowner agrees to continue with current land management practices, restoring and maintaining the woodland in return for a yearly payment. The obligations for land management and annual payments are set out in a covenant between the landowner and the responsible body.
- Net gain for biodiversity – A local planning authority receives a planning application for a new housing development on land with some nature conservation value. The proposed development has retained habitat where possible and undertaken nature enhancement within the design but cannot entirely mitigate its impacts on site. In accordance with the recently updated National Planning Policy Framework, the local authority asks the developer to agree to improve habitats elsewhere in the local area to ensure the development leads to a net positive impact on wildlife habitats before granting permission. A conservation covenant provides one possible mechanism for securing permanent land-management obligations for the area of improved habitat.