

## Conservation Covenants

A government consultation paper issued in March 2013 looks at the possibility of introducing 'conservation covenants' into English law.

A conservation covenant is a voluntary agreement between a landowner and a responsible body (charity, public body or local/central Government) to do or not do something on their land for a conservation purpose. This might be, for example, an agreement to maintain woodland and allow public access to it, or to refrain from using certain pesticides on native vegetation. These agreements are long lasting and continue after the landowner has parted with the land, ensuring that its conservation value is protected for the public benefit.

Conservation covenants are used in many other jurisdictions, but do not exist in the law of England and Wales. Instead, landowners and responsible bodies are relying on complex and expensive legal workarounds, or the limited number of existing statutory covenants that enable certain covenants to be enforced by specified bodies (for example, the National Trust).

The Law Commission published the paper on 28 March 2013. In the paper, it considered the following key issues:

- Who should be able to create a conservation covenant?
- What should a conservation covenant be for?
- Should there be public oversight of a new statutory scheme?
- How should conservation covenants be created and recorded?
- How should a conservation covenant be managed?
- What should happen if there is a breach of a conservation covenant?
- When and how should a conservation covenant be modified or come to an end?
- Could any existing statutory covenants be replaced by a system of conservation covenants?
- What will be the impact of introducing a system of conservation covenants?

The [paper](#) considers these issues in detail, alongside others, and presents a number of provisional proposals on which the Commission invited views.

The consultation period closed on 21 June 2013 and the results are expected to be published in early 2014.

For more information, please contact [Jeff Elphee](#), Partner in IBB's [Commercial Real Estate](#) team [jeff.elphee@ibblaw.co.uk](mailto:jeff.elphee@ibblaw.co.uk) on 01895 207 950.