Available for use since 30 September 2022, local authorities can now register conservation covenants as local land charges

Conservation covenants as local land charges

Conservation covenants were introduced by the Environment Act 2021. They are private, voluntary legal agreements which bind current and future landowners to positive and restrictive conservation related actions. They have been available for use since 30 September 2022 and rules enabling a conservation covenant to be registered as a local land charge came into effect on 29 November 2022. Defra is still working on its guidance in certain areas and it may be some time before the land charges actually start appearing on the register.

It is not clear how widely conservation covenants will be used, although they could be a valuable tool for securing mandatory biodiversity net gain - a requirement which will come into effect pursuant to the Environment Act 2021 in autumn 2023 for town and country planning development and in 2025 for nationally significant infrastructure projects (NSIPs). For further information on conservation covenants and the mandatory biodiversity net gain requirement, see our article here.

Defra guidance

Defra has recently published guidance on "Getting and using a conservation covenant" for landowners and responsible bodies.

HSF Briefing
We have prepared a detailed briefing note with further information about conservation covenants, their potential use and requirements that need to be met. Please contact us if you would like a copy.
KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.

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