

# Conservation Covenants



22 March 2019

The Heritage Alliance is England's largest coalition of independent heritage interests. We unite over 130 organisations which together have over 7 million members, volunteers, trustees and staff. The vast majority of England's historic environment is owned, managed and cared for by Heritage Alliance members.

The Heritage Alliance has responded to relevant questions in [the consultation](#) below:

## **Question 1: Should conservation covenants be introduced into the law of England?**

The Heritage Alliance strongly supports the proposed introduction of conservation covenants into the law of England. We recognise the need for conservation covenants as a useful tool for land managers, tenants and conservation bodies in helping to conserve and improve our environment. This would in turn help Government to fulfil its ambition, as laid out in the 25-Year Environment Plan, to "to leave our environment in a better state than we found it".

We are particularly supportive of the inclusion of "the cultural, historic, architectural or artistic features of the land" in the intended purpose of these covenants to conserve, protect, restore or enhance the environment, as this recognises the historic environment along with the natural environment and gives them equal importance. These covenants should treat the historic and natural environments as integrated and inseparable and give parity of approach to both.

Finally, these covenants should not seek to penalise land owners or tenants "who seek to secure positive environmental outcomes" or make the process harder for them to do so. If the purpose of the introduction of conservation covenants is to make the process easier, then these covenants should be voluntary, ensuring that they can be entered in to and ended freely with the agreement of both parties.

## **Question 2: What demand do you foresee for conservation covenants? What is the basis for your view?**

A range of our members have expressed the importance of covenants in conservation are interested in seeing these implemented to help safeguard our countryside and historic buildings.

## **Question 3: What potential do you foresee for conservation covenants to deliver lasting conservation outcomes? What is the basis for your view?**

n/a

**Question 4: What use would you make of conservation covenants?**

We support the National Trust's hope that it would be nominated as a responsible body, so that it would be able to make use of conservation covenants in appropriate cases.

**Question 5: What, if any, unintended consequences might there be? What is the basis for your view?**

We support the possible unintended consequences outlined in CPRE's response to this consultation.

**Question 6: What changes, if any, to the Law Commission proposals do you consider necessary to make conservation covenants more effective tools?**

The Heritage Alliance largely supports the Law Commission proposals and the amendments suggested in this consultation.

However, we second the National Trust's concerns over the term 'public good' and its use in the legislation. We do not agree with the proposal for a separate test of public good.

**Question 7a: Should tenants be able to enter into conservation covenants?**

Yes.

**Question 7b: If so, do you agree that the qualifying threshold for the remaining length of a lease should be set at a minimum of 15 years?**

**Question 7c: If not, what level would you set it at and why?**

n/a

**Question 8a: Should tenants be required to secure the agreement of the freeholder before entering into a covenant?**

Yes.

**Question 8b: If not, what is the basis for your view?**

**Question 8c: Should freeholders be required to secure the consent of a tenant before entering into a covenant when the land affected is leased?**

Yes.

**Question 9a: Should public oversight provisions require responsible bodies to provide details of the location and headline conservation objectives of conservation covenants held by them?**

Yes.

**Question 9b: If not, what would you propose and what is the basis of your proposed alternative?**

n/a

**Question 10a: Should for-profit bodies be able to hold conservation covenants?**

We share our members' concerns about including for-profit companies as responsible bodies. To ensure public benefit, any such company must be able to demonstrate that it has an appropriate longevity of purpose, or can demonstrate a track record of conservation of the natural / historic environment as applicable to the proposed covenant.

**The Heritage Alliance is responding to no further questions.**