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Cabinet

30 August 2022

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor D Welsh

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory Services

**Ward(s) affected:**

All

**Title:**

Conservation Covenant – Responsible Body Nomination

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**Is this a key decision?**

No

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**Executive Summary:**

Conservation Covenants are a new way of securing long term environmental benefits on land via a legally binding agreement between the landowner and a Responsible Body. This report seeks approval to nominate the City Council as a Responsible Body in order to have the opportunity to enter into such agreements in the future where appropriate.

**Recommendations:**

Cabinet is recommended to approve the nomination of the City Council as a Responsible Body with regards to Conservation Covenants.

**List of Appendices included:**

None

**Background papers:**

None.

**Other useful documents:**

Environment Act 2021

**Has it been or will it be considered by Scrutiny?**

No.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.

**Report title:** Conservation Covenant – Responsible Body nomination

**1. Context (or background)**

- 1.1 The Environment Act 2021 introduced the concept of Conservation Covenants. A Conservation Covenant is a legally binding agreement between a landowner and a Responsible Body that commits the land to specific restrictions over a long time period, potentially in perpetuity, irrespective of successor ownership.
- 1.2 Conservation Covenants are expected to become a useful tool in securing long term biodiversity gain either in tandem with or replacing Section 106 agreements where related to delivering offsite biodiversity improvements as a result of planning applications. It should be noted that the Council will still expect all biodiversity improvements to take place on-site wherever possible.
- 1.3 In September DEFRA are opening applications for organisations to apply to become a Responsible Body. Although Local Authorities are not required to apply, it is the expectation that most LAs will do so. Multiple Responsible Bodies can cover the same geographical area.
- 1.4 By nominating ourselves as a Responsible Body the Council does not commit to entering into any individual agreements, but does commit to submitting an annual report on the number of Covenants entered into. There is little information on this at present but the Secretary of State may make regulations in the future providing for how annual returns are to be made.
- 1.5 It should be noted that the Council cannot enter into a Covenant with itself on land in our ownership.
- 1.6 By becoming a Responsible Body the Council will safeguard the ability to use this function in the future. The government has yet to provide detailed guidance regarding the use of Conservation Covenants, but it is considered prudent to ensure the Council is in a position to take advantage of this function in the future, where it is considered the most appropriate and effective vehicle to deliver the Council's aims.

**2. Options considered and recommended proposal**

- 2.1 Cabinet could choose not to approve the City Council becoming a Responsible Body. This risks losing the opportunity to secure Covenants on preferred locations when appropriate and therefore this option is not recommended.
- 2.2 The option recommended is to become a Responsible Body to ensure that the Council has the full range of tools open to it for consideration of use in the future.

**3 Results of consultation undertaken**

- 3.1 No consultation has been undertaken.

**4 Timetable for implementing this decision**

- 4.1 The recommendation will be actioned at the earliest opportunity.

**5 Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance**

## 5.1 Financial implications

There are no financial implications associated with this report, the annual return will form part of existing officer's duties.

## 5.2 Legal implications

5.1 There are no direct implications as a result of this report.

## 6 Other implications

### 6.1 How will this contribute to achievement of the Council's Plan?

It is considered that the proposal supports the Council Plan objective to create a greener, attractive city by ensuring the Council has the full range of tools to deliver ecological benefits on third party land if required.

### 6.2 How is risk being managed?

There are no risks associated with this report.

### 6.3 What is the impact on the organisation?

No direct impact.

### 6.4 Equalities Impact Assessment / EIA

As the report is seeking to become a Responsible Body there is no need for an EIA, but these may be considered necessary should a Conservation Covenant be entered into.

### 6.5 Implications for (or impact on) climate change and the environment

Although becoming a Responsible Body has no impact in of itself, it will ensure that the opportunity to agree Conservation Covenants is open to the Council.

### 6.6 Implications for partner organisations?

None.

#### **Report author:**

#### **Name and job title:**

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#### **Service**

Streetscene and Regulatory Services

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Clara Thomson	Planning and Highways Lawyer, Legal Services	Law and Governance	25/07/2022	26/07/2022
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