



# Foundation for Common Land Test and Trial Webinar

31 January 2023

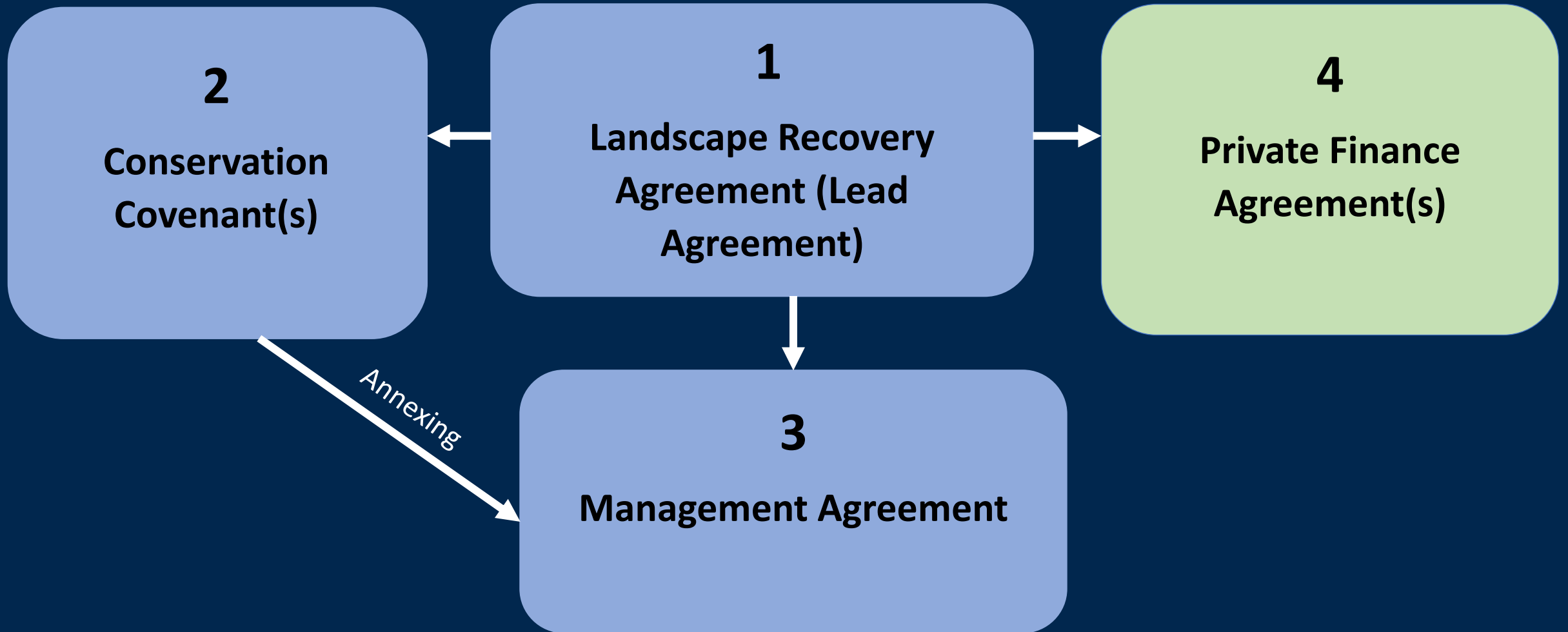
# Legal Governance / Structure

**Objective:** to facilitate and achieve **long-term (30 yr)** collaboration across landscapes for environmental gain

- Involving multiple stakeholders
- Need to anticipate ‘blended finance’ – mix of public and private sector £

## Conservation Covenants

# CASE STUDY: Malvern Hills – Proposed Structure



# 1 – Landscape Recovery Agreement (Lead Agreement)

- (1) DEFRA / Natural England
- (2) 'Principal Signatory'

Securing £; confirming overarching terms; annexing supplemental agreements.

**Principal Signatory** = Special Purpose Vehicle (SPV)  
Community Interest Company (CIC) ?

## 2 – Conservation Covenant(s)

### Parties:

- (1) Covenantor (landowner)
- (2) Responsible Body

Binding land/freehold for 30+ years; securing management obligations;

EA 2021, Part 7 provisions will apply re modification; discharge, enforcement etc.

## 2 - Conservation Covenant(s)

*A conservation covenant agreement is an agreement between a landowner and a responsible body to do or refrain from doing something on their land for a **conservation purpose**, for the **public good** (EA 2021, section 117)*

- A private voluntary agreement
- Concerning an identified area of land
- Delivering a “conservation purpose” for the **public good**
- For an agreed term / time
- No need for adjoining, benefitting land

## 2 - Conservation Covenant(s): The Parties

- **Covenantor (landowner):**

- Must hold a “qualifying estate” in covenant land

- e.g. Malvern Hills Trust; Private Estate(s)

- **Responsible Body:**

- *Bodies designated by Sec of State under **sec. 119 EA 2021***

- e.g. Natural England/DEFRA/Malvern Hills AONB?

# 3 – Management Agreement

## Anticipated Signatories:

- (1) SPV
- (2) Malvern Hills Trust
- (3) Other freehold owners
- (4) Commoners (participating)
- (5) Commoners Association?
- (6) Malvern Hills AONB?

Allocating obligations, securing delivery of Scheme terms and associated funding (£); dealing with breach, enforcement, indemnities etc.



# Commoners

Key Parties in the Scheme

Signatories to Management Agreement

Stake in SPV?

Non-active commoners?

# 4 – Private Finance Agreement(s)

(1) SPV

(2) Private Funders

Likely that these arrangements would be underpinned by similar multi-agreement structure

# Concluding Comments

Questions?

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