



# Environment Act 2021

## 2021 CHAPTER 30

### PART 7

#### CONSERVATION COVENANTS

VALID FROM 30/09/2022

#### *Effect of conservation covenant*

#### **120 Local land charge**

- (1) A conservation covenant is a local land charge.
- (2) For the purposes of the Local Land Charges Act 1975 the originating authority, as respects a conservation covenant, is the person by whom an obligation of the landowner under the covenant is enforceable.
- (3) In section 2 of the Local Land Charges Act 1975 (matters which are not local land charges), the references in paragraphs (a) and (b) to a covenant or agreement made between a lessor and a lessee do not include a conservation covenant.
- (4) In its application to a conservation covenant, section 10(1) of the Local Land Charges Act 1975 (compensation for non-registration or defective official search certificate) has effect as if—
  - (a) in the words preceding paragraph (a), the words from the beginning to “but” were omitted,
  - (b) paragraph (a) (non-registration) were omitted, and
  - (c) in paragraph (b), for the words from “in existence” to the end there were substituted the words “registered in that register at the time of the search but was not shown by the official search certificate as so registered”.

*Status: Point in time view as at 01/05/2022. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Cross Heading: Effect of conservation covenant. (See end of Document for details)*

#### Commencement Information

**II** S. 120 not in force at Royal Assent, see [s. 147\(3\)](#)

### 121 Duration of obligation under conservation covenant

- (1) An obligation under a conservation covenant has effect for the default period, unless the covenant provides for a shorter period.
- (2) The default period for the purposes of subsection (1) is—
  - (a) if the qualifying estate in relation to the obligation is an estate in fee simple absolute in possession, a period of indefinite duration, and
  - (b) if the qualifying estate in relation to the obligation is a term of years absolute, a period corresponding in length to the remainder of the period for which the term of years was granted.

#### Commencement Information

**I2** S. 121 not in force at Royal Assent, see [s. 147\(3\)](#)

### 122 Benefit and burden of obligation of landowner

- (1) An obligation of the landowner under a conservation covenant is owed to the responsible body under the covenant.
- (2) Subject to the following provisions, an obligation of the landowner under a conservation covenant binds—
  - (a) the landowner under the covenant, and
  - (b) any person who becomes a successor of the landowner under the covenant.
- (3) In subsection (2)(b) “successor” (in relation to the landowner under the covenant) means a person who holds, in respect of any of the land to which the obligation relates—
  - (a) the qualifying estate, or
  - (b) an estate in land derived (whether immediately or otherwise) from the qualifying estate after the creation of the covenant.
- (4) An obligation of the landowner under a conservation covenant ceases to bind the landowner under the covenant, or a person who becomes a successor of that landowner, in respect of—
  - (a) land which ceases to be land to which the obligation relates,
  - (b) in the case of the landowner under the covenant, land in relation to which the landowner ceases to be the holder of the qualifying estate, or
  - (c) in the case of a successor, land in relation to which the successor ceases to be the holder of the qualifying estate or of the estate derived from the qualifying estate, as the case may be.
- (5) Subsection (2)(b) does not apply if—

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- (a) the obligation is positive and the person becomes a successor by virtue of holding a term of years absolute granted for a term of seven years or less from the date of the grant,
  - (b) the conservation covenant was not registered in the local land charges register at the time when the successor acquired the estate in land concerned, or
  - (c) the successor’s immediate predecessor was not bound by the obligation in respect of the land to which the successor’s interest relates.
- (6) In the case of a conservation covenant relating to land in an area in relation to which section 3 of the Local Land Charges Act 1975 (as substituted by paragraph 3 of Schedule 5 to the Infrastructure Act 2015) does not yet have effect, the reference in subsection (5)(b) to the local land charges register is to the appropriate local land charges register.
- (7) The reference in subsection (5)(b) to the time when the successor acquired the estate in land concerned is, if the successor acquired that interest under a disposition which took effect at law only when registered in the register of title kept under the Land Registration Act 2002, to be read as a reference to the time when the disposition was made.
- (8) In subsection (5)(c) the successor’s “immediate predecessor” is, unless subsection (9) applies, the successor’s immediate predecessor in title.
- (9) If the successor is the first holder of an estate in land which is derived from another estate in land (whether the other estate is the qualifying estate or an estate derived, immediately or otherwise, from it) the successor’s immediate predecessor is the holder of that other estate when the derived estate was created.

#### **Commencement Information**

**I3** S. 122 not in force at Royal Assent, see [s. 147\(3\)](#)

### **123 Benefit of obligation of responsible body**

- (1) Subject to the following provisions, an obligation of the responsible body under a conservation covenant is owed—
  - (a) to the landowner under the covenant, and
  - (b) to any person who becomes a successor of the landowner under the covenant.
- (2) In this section “successor” (in relation to the landowner under the covenant) means a person who holds, in respect of any of the land to which the obligation relates—
  - (a) the qualifying estate, or
  - (b) an estate in land derived (whether immediately or otherwise) from the qualifying estate after the creation of the covenant.
- (3) An obligation of the responsible body under a conservation covenant ceases to be owed to the landowner under the covenant, or to a person who becomes a successor of that landowner, in respect of—
  - (a) land which ceases to be land to which the obligation relates,
  - (b) in the case of the landowner under the covenant, land in relation to which the landowner ceases to be the holder of the qualifying estate, or

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(c) in the case of a successor, land in relation to which the successor ceases to be the holder of the qualifying estate or of the estate derived from the qualifying estate, as the case may be.

(4) Subsection (1)(b) does not apply if the obligation is ancillary to an obligation of the landowner under the covenant which does not bind the successor.

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**Commencement Information**

**I4** S. 123 not in force at Royal Assent, see [s. 147\(3\)](#)

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**Changes to legislation:**

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