



Environment Act 2021

2021 CHAPTER 30

PART 7

CONSERVATION COVENANTS

Effect of conservation covenant

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.

Status: This is the original version (as it was originally enacted).

- (5) Subsection (2)(b) does not apply if—
- (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.