



# Environment Act 2021

## 2021 CHAPTER 30

### PART 7

#### CONSERVATION COVENANTS

##### *Discharge and modification*

#### **129 Modification of obligation by agreement**

- (1) A person bound by, or entitled to the benefit of, an obligation under a conservation covenant may, by agreement with the responsible body under the covenant, modify the obligation in its application to any of the land in respect of which the person is bound by, or entitled to the benefit of, it.
- (2) The power under subsection (1) does not include power to make a change which, had it been included in the original agreement, would have prevented the provision of the agreement that gave rise to the obligation being provision in relation to which the conditions in section 117(1) were met.
- (3) The power under this section is exercisable by agreement executed as a deed by the parties which specifies—
  - (a) the obligation to which the modification relates,
  - (b) the land to which the modification relates, and
  - (c) the estate in land by virtue of which the power is exercisable.
- (4) If an obligation under a conservation covenant is modified by an agreement under this section, the modification binds—
  - (a) the parties to the agreement, and
  - (b) any person who, as respects any of the land to which the modification relates, becomes a successor of a person bound by the modification.
- (5) In subsection (4)(b) “successor of a person bound by the modification”, means a person who holds, in respect of any of the land to which the modification relates—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the estate held by the person bound by the modification when the modification was agreed, or
- (b) an estate in land derived (whether immediately or otherwise) from that estate after the modification is agreed.