



# Environment (Wales) Act 2016

2016 anaw 3

## PART 1 **E+W**

### SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

#### *Land management agreements*

#### **16 Power to enter into land management agreements **E+W****

- (1) NRW may make an agreement with a person who has an interest in land in Wales about the management or use of the land (a “land management agreement”), if doing so appears to it to promote the achievement of any objective it has in the exercise of its functions.
- (2) A land management agreement may, among other things—
  - (a) impose on the person who has an interest in the land obligations in respect of the use of the land;
  - (b) impose on the person who has an interest in the land restrictions on the exercise of rights over the land;
  - (c) provide for the carrying out of such work as may be expedient for the purposes of the agreement by any person or persons;
  - (d) provide for any matter for which a management scheme relating to a site of special scientific interest provides (or could provide);
  - (e) provide for the making of payments by either party to the other party or to any other person;
  - (f) contain incidental and consequential provision.
- (3) In this section—

“interest in land” (“*buddiant mewn tir*”) includes any estate in land and any right over land, whether the right is exercisable by virtue of ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights;

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“management scheme” (“*cynllun rheoli*”) has the meaning given by Part 2 of the Wildlife and Countryside Act 1981 (c. 69) (see section 28J);

“site of special scientific interest” (“*safle o ddiddordeb gwyddonol arbennig*”) has the meaning given by Part 2 of the Wildlife and Countryside Act 1981 (see section 52(1)).

## 17 Effect on successors in title of certain land management agreements E+W

(1) Where a land management agreement is made with a person with a qualifying interest in land subject to the agreement which is not registered land, and the agreement provides that the provisions of this subsection have effect in relation to the agreement—

- (a) the agreement may be registered as a land charge under the Land Charges Act 1972 (c. 61) as if it were a charge affecting land falling within paragraph (ii) of Class D,
- (b) the provisions of section 4 of that Act (which relates to the effect of non-registration) apply as if the agreement were such a land charge, and
- (c) subject to the provisions of section 4 of that Act, the agreement is binding upon any successor of the person with the qualifying interest to the same extent as it is binding upon that person, despite the fact that it would not have been binding upon that successor apart from the provisions of this subsection.

(2) Where a land management agreement is made with a person with a qualifying interest in land subject to the agreement which is registered land, and the agreement provides that the provisions of this subsection have effect in relation to the agreement—

- (a) the agreement may be the subject of a notice in the register of title under the Land Registration Act 2002 (c. 9) as if it were an interest affecting the registered land,
- (b) the provisions of sections 28 to 30 of that Act (effect of dispositions of registered land on priority of adverse interests) apply as if the agreement were such an interest, and
- (c) subject to the provisions of those sections, the agreement is binding upon any successor of the person with the qualifying interest to the same extent as it is binding upon that person, despite the fact that it would not have been binding upon that successor apart from the provisions of this subsection.

(3) A person has a qualifying interest in land for the purpose of this section if the interest is—

- (a) an estate in fee simple absolute in possession;
- (b) a term of years absolute granted for a term of more than seven years from the date of the grant and in the case of which some part of the period for which the term of years was granted remains unexpired.

(4) In this section—

“registered land” (“*tir cofrestredig*”) has the same meaning as in the Land Registration Act 2002;

“successor” (“*olyndd*”), in relation to an agreement with a person with a qualifying interest in any land, means a person deriving title or otherwise claiming under that person with a qualifying interest, otherwise than in right of an interest or charge to which the interest of the person with the qualifying interest was subject immediately before—

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- (a) the time when the agreement was made, where the land is not registered land, or
- (b) the time when the notice of the agreement was registered, where the land is registered land.

## **18 Application of Schedule 2 to the Forestry Act 1967 to land management agreements** **E+W**

Schedule 2 to the Forestry Act 1967 (c. 10) (power for tenant for life and others to enter into forestry dedication covenants) applies to land management agreements as it applies to forestry dedication covenants.

## **19 Effect of agreements on dedication of highway and grant of easement** **E+W**

For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or the grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across land by virtue of a land management agreement is to be disregarded.

## **20 Transitional provisions** **E+W**

- (1) An agreement relating to land in Wales entered into by NRW, or any predecessor of that body, under a disappplied enactment is to be treated as a land management agreement.
- (2) The disappplied enactments are—
  - (a) section 16 of the National Parks and Access to the Countryside Act 1949 (c. 97);
  - (b) section 15 of the Countryside Act 1968 (c. 41);
  - (c) section 39 of the Wildlife and Countryside Act 1981 (c. 69).

## **21 Crown land** **E+W**

- (1) The appropriate authority may enter into a land management agreement as respects an interest in Crown land held by or on behalf of the Crown.
- (2) A land management agreement as respects any other interest in Crown land is of no effect unless approved by the appropriate authority.
- (3) “Crown land” means land an interest in which—
  - (a) belongs to Her Majesty in right of the Crown,
  - (b) belongs to Her Majesty in right of the Duchy of Lancaster,
  - (c) belongs to the Duchy of Cornwall, or
  - (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (4) “The appropriate authority”, in relation to any land, means—
  - (a) if the land belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the land in question;
  - (b) if the land belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

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- (c) if the land belongs to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
  - (d) if the land belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department.
- (5) If any question arises under this section as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.

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