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DATED 22nd May **2012**

MOLE VALLEY DISTRICT COUNCIL (1)

and

NATIONAL PLAYING FIELDS ASSOCIATION (2)

Deed of Dedication as a Queen Elizabeth II Playing Field Ashtead Recreation Ground, Barnett Wood Lane, Ashtead, Surrey

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THIS DEED OF DEDICATION is made on the 22nd day of May 2012

BETWEEN

(1) **MOLE VALLEY DISTRICT COUNCIL** of Pippbrook Dorking Surrey RH4 1SJ and its successors in title ("the Council"); AND

(2) **NATIONAL PLAYING FIELDS ASSOCIATION**, operating as Fields in Trust, of Kings Chambers, 15 Crinan Street, London N1 9SQ a Royal Charter Corporation established for charitable purposes, and a registered charity No 306070 and its successors in title ("FIT")

(the Council and FIT being together called "the Parties")

IT IS AGREED AS FOLLOWS:

1. The property more particularly specified in the Schedule ("the Property") forms part of the corporate property of the Council.

2. The Council hereby agrees that the Property will be dedicated in the manner and for the purposes set out below, and in accordance with the mutual undertakings given by the Parties in this deed

3. To the extent that the dedication may amount to a disposal by the Council of its corporate property at an undervalue, the Council has obtained a valuation which indicates that the Property does not exceed £2 million in value and it considers that this dedication will help to secure the promotion and improvement of the social and environmental well-being of its area and that this disposal is permitted by the Local Government Act 1972: General Disposal Consent (England) 2003 or any amendment or replacement of it

4. The Council in furtherance of section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000, section 127 of the Local Government Act 1972 and in compliance with the Local Government Act 1972: General Disposal Consent (England) Order 2003 and all other enabling powers has agreed and now DECLARES that to promote and improve the social and environmental well-being of its area it shall henceforth hold the Property on charitable trust in perpetuity to permit the same to be used for charitable purposes for the public benefit as a public playing field and recreation ground, and gives the following undertakings:

   The Council undertakes that:

   4.1 It will not use or permit the Property to be used for any purpose other than as a public playing field and recreation ground

   4.2 It will not dispose of the Property without the consent of FIT (such consent not to be unreasonably withheld or delayed); for the purposes of this Deed a disposal is a sale of the freehold or the grant of a lease but, shall not include the

grant of a lease for a term of seven years or less, provided that the use of the Property under such lease is consistent with the use described in this clause 4.1;

4.3 It will not erect any building or temporary structure on the Property without the consent of FIT (for the avoidance of doubt, no consent is required for the removal, replacement or addition of any fixed play or sporting equipment on the Property) ;

4.4 It will inform FIT without undue delay of any proposals, intentions or decisions to dispose of or erect any structures on the Property;

4.5 It will maintain the Property so far as is consistent with its duties as a local authority, and it will have regard to any advice given from time to time by FIT on the management and running of the Property and the Charity Commission as to its role as a charity trustee.

The Council shall erect a notice, in the form of a sign, which will be provided by FIT, on the Property relating to the background of the NPFA and the Queen Elizabeth II Playing Fields and giving recognition of financial support where required;

Where it is required to do so under the provisions of the Charities Act 2011 (or any re-enactment, replacement or amendment of it) it will apply for the registration of the charitable trust with the Charity Commission (or any statutory replacement or substitution of it);

4.6 It acknowledges that as a result of this declaration the Property is henceforth held in trust for a charity which is not an exempt charity and the restrictions on disposition contained in section 117 of the Charities Act 2011 or any re-enactment, replacement or amendment of it will apply to the Property

5. FIT undertakes that it will:

5.1 Not unreasonably withhold or delay consent to a disposal of the Property or the erection of any buildings or structures upon it, subject to the Council's duty to perform its charitable objects;

5.2 Respond without delay to any requests or notifications of any intended disposal of the Property or erection of buildings or structures, or to any requests for advice;

5.3 Notify the Council without delay in writing of any concerns or matters of advice to which it reasonably requires the Council to have regard.

6. The Council DEDICATES the Property (excepting those areas shown hatched in blue on the attached plans) in celebration of the Diamond Jubilee of Her Majesty Queen Elizabeth II as a public playing field and recreation ground for the promotion and improvement of the social and environmental well-being of the area and for the benefit of the inhabitants of Ashtead and the surrounding area and the Property will be titled the Queen Elizabeth II Playing Field Ashtead

PLAN A

QEII Ashtead Recreation Ground close up of MUGA area



EF/1814

Leisure Services Manager

Mole Valley District Council
Pippbrook
Dorking
Surrey
RH4 1SJ

Telephone: 01306 885001
Website: www.molevalley.gov.uk

Scale: 1:2500 Date: 07/03/2012 User: TW Dept: Parks

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MoleValley District Council

PLAN B

QEII Ashtead Recreation Ground close up of MUGA area



AT/9824

Legal Services Manager

Mole Valley District Council Pippbrook Dorking Surrey RH4 1SJ Telephone: 01306 885001 Website: www.molevalley.gov.uk	Scale: 1:1250	Date: 07/03/2012	User: TW	Dept: Parks

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MoleValley District Council

7. The Council hereby consents to FIT applying to Land Registry to enter this Deed of Dedication against Title Number SY762208 for Ashtead Recreation Ground and a restriction in the following form:

(1) Form L: "No disposition of the registered estate (other than a charge) by the proprietor of the registered estate, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by National Playing Fields Association, operating as Fields in Trust, of Kings Chambers, 15 Crinan Street, London N1 9SQ a Royal Charter Corporation established for charitable purposes and a registered charity No: 306070 that the provisions of clause 4.2 of the Deed of Dedication dated 22nd May 2012 and made between Mole Valley District Council (1) and National Playing Fields Association (2) have been complied with or that they do not apply to this disposition "

(2) Form E: "No disposition by the proprietor of the registered estate to which section 117-121 or section 124 of the Charities Act 2011 applies is to be registered unless the instrument contains a certificate complying with section 122(3) or section 125(2) of that Act as appropriate."

8. For the avoidance of doubt, it is hereby agreed between the parties that the areas of land shown hatched in blue on the attached plans marked A and B will be excluded from the provisions of this Deed of Dedication and they will remain as undedicated and non-charitable land which is owned and managed by the Council

IN WITNESS whereof this Deed of Dedication is executed the day and year first before written

THE SCHEDULE

The Property
Ashtead Recreation Ground, Barnett Wood Lane, Ashtead, Surrey

All that freehold property which forms part of Ashtead Recreation Ground on the south east side of Barnett Wood Lane, Ashtead, Surrey as the same is shown edged in red on the attached plan marked A but excluding all areas that are shown hatched in blue on the attached plan A and, for the sake of clarity, those areas shown hatched in blue to the north of the site are shown in more detail on the attached plan marked B. The Property forms part of Title Number SY762208 and is subject to the following matters:

(1) **Title Number SY762208** - All matters referred to in Title Number SY762208 so far as they relate to the area of the Property

(2) **A licence dated 05/08/02** - granted by the Council to the Trustees of Ashtead Football Club for a term of 21 years from 05/08/02 for use of 3 pitches for football and other recreational purposes.

(3) **A Supplemental licence dated 05/06/07** - granted by the Council to the Trustees of Ashtead Football Club to use a new pitch and install floodlights for same period as the licence dated 05/08/02.

(4) **A licence dated 05/06/07** - granted by the Council to the Trustees of Ashtead Football Club to install and use a patio and pathways on the land ancillary to Ashtead Football Club's use of the clubhouse pitches and multi-use games area.

(5) **A Wayleave to SEEB dated 11/02/63** - granted by the Council for electric lines overhead and under part of the land. The wayleave runs across the northern part of the land that lies to the south of the land shown coloured in blue on the Land Registry title plan and then runs south along part of the eastern boundary of the land.

(6) **Pedestrian Rights –** Any pedestrian rights which may have been or may be acquired over the Property

Executed as a deed by affixing the
Common seal of **MOLE VALLEY**
DISTRICT COUNCIL in the
presence of:-

Common Seal of the Council



.....
Legal Services Manager

and delivered on the date stated
at the start of this deed

Executed as a deed by affixing the)
common seal of **NATIONAL PLAYING**)
FIELDS ASSOCIATION in the)
presence of:)

..... Member of Council



.....Member of Council