
**DEED UNDER SECTION 193(2) OF THE
LAW OF PROPERTY ACT 1925**

**To grant rights of access to the public over
common land at Cottage Farm, Yateley pursuant to
section 193(1) of the Law of Property Act 1925.**

Cottage Farm Holding Limited

DRAFT

THIS DEED is made on

2024.

BY

- (1) Cottage Farm Holding Limited incorporated and registered in Guernsey with company number OE012817 whose registered office is at Main House, Island Of Jethou, St Peter Port, Guernsey, GY1 4AB (“**CFHL**”).

1 BACKGROUND

- (A) This Deed is made in connection with the Application to deregister (as common land) land forming part of Blackbushe Airport, Yateley, and to register (as common land) the Replacement Land in exchange.
- (B) CFHL is the freehold owner of the Replacement Land.
- (C) If the Application receives Approval and (any part of) the Replacement Land is registered as common land, then the Registered Replacement Land will be land to which section 193 of the 1925 Act may be applied.
- (D) CFHL makes this deed under section 193(2) of the 1925 Act such that, from the date specified in this Deed, section 193 of the 1925 Act shall apply to grant public rights of access over the Registered Replacement Land.
- (E) The application of section 193 of the 1925 Act shall not take effect until CFHL has discharged its obligations under a separate unilateral undertaking to carry out the Access Works (which are necessary to establish public access to the Registered Replacement Land). It is acknowledged that, under the terms of the unilateral undertaking, the Access Works will not be undertaken until the Approval is extant.
- (F) This Deed is expressed to be irrevocable for so long as Registered Replacement Land remains registered as common land.

2 INTERPRETATION

2.1 The following definitions and rules of interpretation apply in this Deed.

2.2 Definitions:

1925 Act: the Law of Property Act 1925.

2006 Act: the Commons Act 2006.

Access Works: the works to be carried out by (or on behalf of) CFHL to establish public access to the Registered Replacement Land as part of the Environmental Management Plan secured by a unilateral undertaking (under section 106 of the Town and Country Planning Act 1990) by CFHL dated [●].

Application: the application made jointly by CFHL and Falcon Propco4 Limited to the Planning Inspectorate under Section 16 of the 2006 Act to deregister land at Blackbushe Airport, Yateley, to be replaced by the Replacement Land.

Approval: an order under section 17 of the 2006 Act that part (or parts) of the Replacement Land is (or are) to be removed from the register of Common Land and that another part (or parts) of the Replacement Land is (or are) to be added to the register, in accordance with the Application.

Approval Date: the date being the later of:

- (a) the date falling 3 months after Approval PROVIDED THAT no judicial review proceedings have been brought in respect of the Application; or
- (b) if applicable, the date upon which any and all judicial review proceedings have been exhausted leaving the Approval extant.

Plan 1: the first plan attached to this deed.

Registered Replacement Land: the Replacement Land or any part of the Replacement Land that is to be added to the register of common land pursuant to an Approval.

Replacement Land: approximately 35.3 acres of land at Cottage Farm, Yateley shown edged green on the Plan 1 and forming part of the property registered at HM Land Registry with absolute title under title number HP595417.

Works Completion Date: the date which is 3 months after the Approval Date or the date on which the Access Works are completed, whichever is earlier.

- 2.3 Clause headings shall not affect the interpretation of this deed.
- 2.4 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 2.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 2.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 2.7 A reference to any party shall include that party's personal representatives, successors and permitted assignees.
- 2.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

- 2.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 2.10 A reference to **this Deed** or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 2.11 References to clauses are to the clauses of this Deed.
- 2.12 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

3 OPERATIVE PROVISIONS

- 3.1 This Deed is made by CFHL pursuant to section 193(2) of the 1925 Act and on completion of this Deed CFHL shall, in accordance with that section, deposit a duplicate with the Minister for the Environment, Food and Rural Affairs.
- 3.2 This Deed shall come into effect on the Approval Date.
- 3.3 It is declared that section 193 of the 1925 Act shall apply irrevocably to the Registered Replacement Land from the Works Completion Date for as long as the Registered Replacement Land remains registered as common land.
- 3.4 For the avoidance of doubt, this Deed and the application of section 193 of the 1925 Act to the Registered Replacement Land may not be revoked by CFHL (or its successors in title) unless and until the Registered Replacement Land is removed from the register of common land.

4 DETERMINATION OF DEED

This Deed shall be determined and have no further effect if the Application:

- (a) does not receive Approval; or
- (b) is quashed following a successful legal challenge.

5 LOCAL LAND CHARGE

This Deed is a local land charge and shall be registered as such by CFHL.

6 GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

7 COUNTERPART DOCUMENTS

This deed may be executed in any number of counterparts, each of which shall constitute a duplicate original, but all the counterparts shall together constitute one agreement.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

EXECUTED as a **DEED** by

**COTTAGE FARM
HOLDING LIMITED**

a company incorporated in Guernsey
acting by **SIR PETER JAMES OGDEN**

who, in accordance with the
laws of that territory, is acting under
the authority of the company:

Signature in the name of the company:

COTTAGE FARM HOLDING LIMITED

Signature of **SIR PETER JAMES OGDEN**

Authorised signatory

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