

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Civic Offices, Holton Road, Barry, CF63 4RU



To / I: James Bastow/Julie Gratton

Dept / Adran: Land Charges - RMU

Date/Dyddiad: 18th April 2011

Your Ref / Eich

Cyf:

From / Geraint Davies

Oddi Wrth:

Title / Teitl: Lawyer

Tel / Ffôn: (01446) 709781

My Ref / GED/MLF/C04-0890

Ein Cyf:

Subject / **APC NOTICE – PENARTH HEIGHTS**

Testyn:

Dear James/Julie

Please find attached a copy of an APC Notice in respect of the above matter.

The plan attached does not form part of the Notice but indicates the extent of the land which is affected by the Notice.

We would be most grateful if this could be registered as a Land Charge. We would also be most grateful if you would kindly confirm to us when this has been done.

We look forward to hearing from you.

Kind regards

Ge
Lawyer for
Operational Manager, Legal Services



PETER H. EVANS

Director of Legal, Public Protection and Housing Services / Cyfarwyddwr Gwasanaethau Cyfreithiol, Amddiffyn y Cyhoedd a Thai

THE VALE OF GLAMORGAN COUNCIL

HIGHWAYS ACT 1980 SECTION 220

**To: Crest Nicholson South West – Crest
Nicholson Operations Limited
Crest House
Pycroft Road
Chertsey
Surrey KT16 9GN**

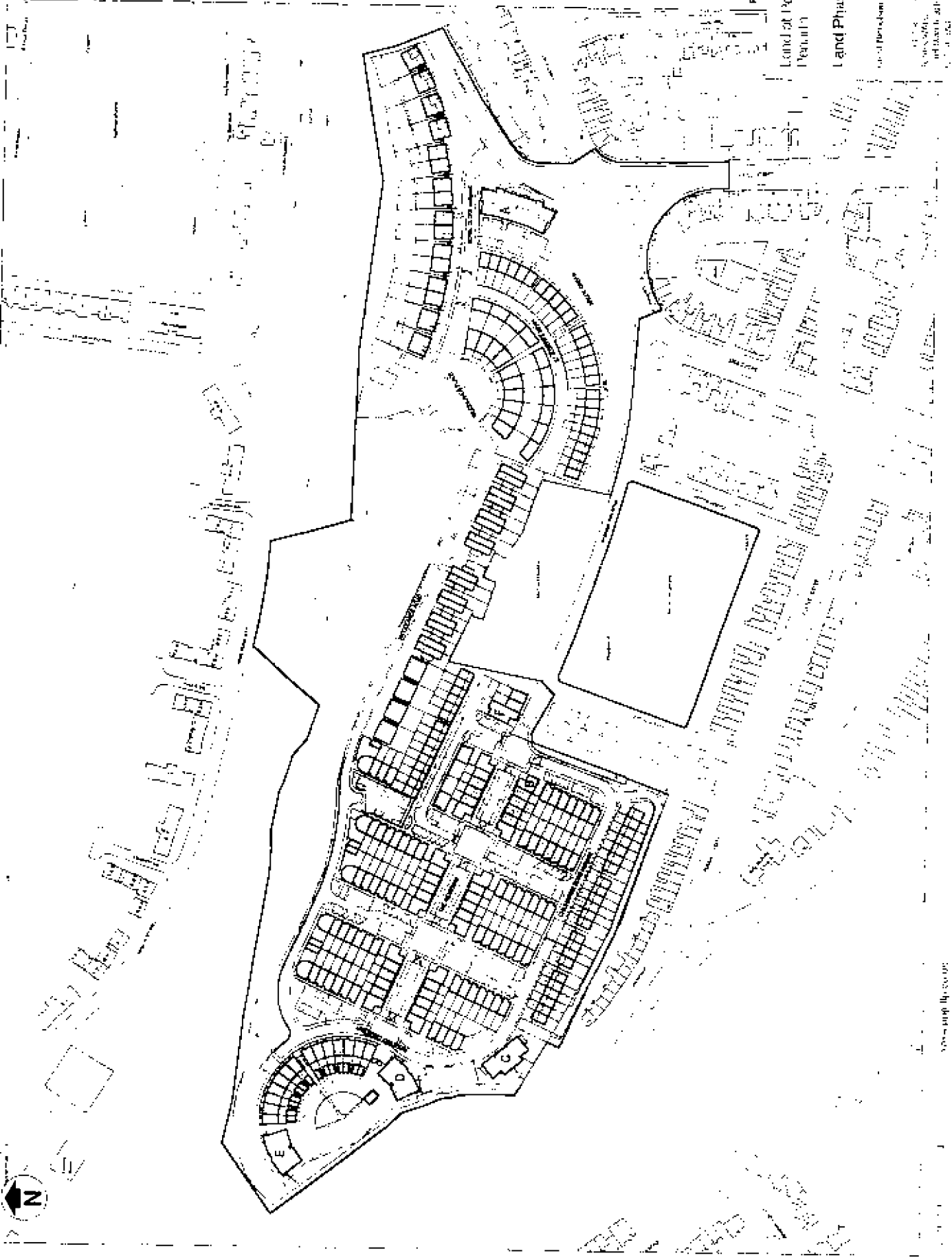
- (1) The Initial Notice No. 50512586 dated 15 March 2010 deposited with The Vale of Glamorgan Council on your behalf in accordance with building regulations in respect of buildings described as 377 New Build Residential Dwellings to be erected at Land at Penarth Heights, Cardiff Royal Close, Penarth, CF64 1NH was received by the Council on 16 March 2010 .**
- (2) The buildings when erected in accordance with the plans will have a frontage on as yet unnamed private streets, which are private streets within the meaning of the Highways Act 1980 ("the Act") in which The Vale of Glamorgan Council ("the Council") as the street works authority under the Act has power under the private street works code to execute works.**
- (3) Under Section 219(1) of the Act no work may be done in or for the purpose of erecting the buildings unless the owner of the land on which they are to be erected or a previous owner of it has paid to the Council, or secured to its satisfaction, such sum as may be required under Section 220 of the Act in respect of the cost of street works in that street, that is to say such sum as in the opinion of the Council would be recoverable under the private street works code in respect of the frontage of the proposed building on the street if the Council were then to carry out such street works as it would require under that code before declaring the street to be a highway maintainable at the public expense.**

NOW THE COUNCIL GIVES YOU NOTICE that:

- 1. In the opinion of the Council the sum of £1,200,000 would be so recoverable as expenses of private street works under that code in respect of the frontage of the buildings and requires you to pay or give security for payment of that sum in accordance with Section 220 of the Act.**
- 2. Not later than one month after the service of this notice you may appeal to the National Assembly for Wales and the National**

KEY

- Phase 1a
- Phase 1b
- Phase 2a
- Phase 2b
- Phase 3a
- Phase 3b



Rev B - Phase 1b and 2a revised

Land at New Hill Heights,
Reading

Land Phasing Plan

Scale: 1:1000 (South West)

Drawn by:
J. Smith
10/10/10

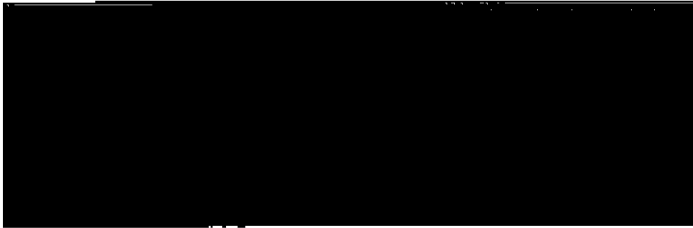
Pegasus

DRS 214/11/10

See map for more

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Civic Offices, Holton Road, Barry, CF63 4RU



Subject / **APC BOND – PENARTH HEIGHTS**
Testyn:

Dear James/Julie

Please find attached a copy of a Bond in respect of the above matter.

We would be most grateful if this could be registered as a Land Charge. We would also be most grateful if you would kindly confirm to us when this has been done.

We confirm a copy has been sent to the client department and an original has been sent to Modern Records for safe-keeping

Kind regards



 Geraint Davies
Lawyer for
Operational Manager, Legal Services



PETER H EVANS

Director of Legal, Public Protection and Housing Services / Cyfarwyddwr Gwasanaethau Cyfreithiol, Amddiffyn y Cyhoedd a Thai

01.334/11

DATED 27th March

2011-2012

THE VALE OF GLAMORGAN COUNCIL

-and -

NATIONAL HOUSE BUILDING COUNCIL

-and-

CREST NICHOLSON OPERATIONS LIMITED

BOND

To secure the expense of street works which would be recoverable under the
Private Street Works Code in respect of Phase 1 street frontage at the
proposed development at PENARTH HEIGHTS, GARDIFF ROYAL CLOSE,
PENARTH IN THE VALE OF GLAMORGAN

Peter H. Evans
Director of Legal, Public Protection and Housing Services
The Vale of Glamorgan Council
Civic Offices
Holton Road, Barry
Vale of Glamorgan CF63 4RU

BY THIS DEED **CREST NICHOLSON OPERATIONS LIMITED** whose registered office is situate at Crest House, Pycroft Road, Chertsey, Surrey KT16 9GN (hereinafter called "the Owner") and **NATIONAL HOUSE BUILDING COUNCIL**, whose registered office is situate at NHBC House, Davy Avenue, Milton Keynes MK5 8FP (hereinafter called "the Surety") are held and firmly bound unto **THE VALE OF GLAMORGAN COUNCIL** (hereinafter called "the Council") in the sum of £300,000 (hereinafter referred to as "the Bond Sum") for the payment of which sum the Owner and the Surety bind themselves their successors and assigns jointly and severally by these presents sealed with our respective Seals and dated this 27th day of March Two Thousand and Eleven Twelve

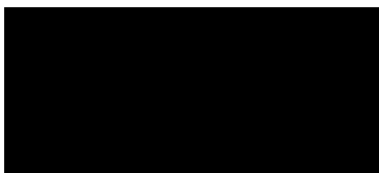
WHEREAS the Owner is desirous of erecting 377 dwellings on land known as Penarth Heights, Cardiff Royal Close, Penarth in the Vale of Glamorgan (hereinafter called "the Development") and the Council as the Street Works Authority has in accordance with sections 219 and 220 of the Highways Act 1980 (hereinafter called 'the Act') served a notice requiring that the expense of street works amounting to £1,200,000 which would be recoverable under the private street works code in respect of the frontage of the proposed building on the street if the Council were then to carry out such street works as it would require under that code before declaring the street to be a highway maintainable at public expense shall be paid or secured. The Owner initially proposes to carry out works for the purpose of erecting buildings within Phase 1 of the Development on the land shown for the purposes of identification on the attached Plan edged red and it is hereby agreed that this Bond shall secure the expense of street works amounting to £300,000 which would be recoverable under the private street works code in respect of the frontage of the proposed building on the street within Phase 1.

NOW THE CONDITION of the above written Bond is such that when the street within Phase 1 of the Development is declared to be a highway maintainable at public expense the Council shall be free of any expense by reason of the carrying out of street works apportionable on the owners of the building or the land on which the building was to be erected and if the Council shall remain free of expense or liability by reason or on account of any payment or payments under the Act in the discharge of the powers and duties of the Council under sections 219 to 225 of the Act or otherwise arising out of the giving of this security then the above Bond shall be void

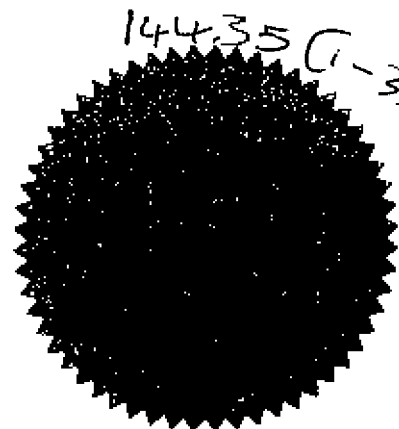
Otherwise the Bond shall remain in full force

IN WITNESS whereof this Deed has been executed but remains undelivered until the day and year first before written.

THE COMMON SEAL of
THE VALE OF GLAMORGAN
COUNCIL was hereunto affixed
in the presence of



Director of Legal, Public Protection and Housing Services



SIGNED BY
CREST NICHOLSON OPERATIONS LIMITED

Acting By:

Director.....

Director/Secretary



THE COMMON SEAL OF
NATIONAL HOUSE BUILDING COUNCIL
Was hereunto affixed in the presence of

Director.....



Director/Secretary....
KIRSTEN L. GIVENS
AUTHORISED SIGNATORY