

Guy Richard Anderson
South West Gun Tower
Fort Road
Pembroke Dock
Pembrokeshire
SA72 6SX

Eich cyfeirnod
Your reference

PE338

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

21 September 2022

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear Mr Anderson,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
FORT HUBBERSTON (PE338)**

1. Introduction

1.1 Thank you for your application of 25 April 2022 to Cadw for scheduled monument consent for dismantling of existing security fence and re-erection behind caponier at the above scheduled monument.

1.2 Cadw is a Department within the Welsh Government that undertakes the statutory functions of the Welsh Ministers in determining applications for scheduled monument consent.

1.3 Each application for scheduled monument consent is considered on its own merits in accordance with *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* ([Conservation Principles](#)) and Annex A of *Technical Advice Note 24: The Historic Environment* ([TAN 24](#)). In particular, TAN 24 explains that the main purpose of scheduling is to ensure the preservation of ancient monuments and, when considering an application for scheduled monument consent, there is a presumption against proposals which would involve significant alteration or cause damage or which would have a significant impact on the setting of remains.

2 Assessment

2.1. Your application and supporting documentation has been assessed by our Regional Inspector of Ancient Monuments who has recommended that conditional scheduled monument consent should be approved for (i) dismantling of an existing modern security fence, and (ii) reinstallation of the modern security fence behind the caponier using the same construction methods (i.e. fixed into a concrete beam cast on the ground surface with upper fixings at either end made into joints in historic masonry). The reasons for the Inspector's conclusions are set out in **Annex A** of this letter.

2.2. I have carefully considered the impact of the proposed development on the scheduled monument and its setting in light of the advice that I have received from our Regional Inspector of Ancient Monuments. I have no reason to disagree with the advice of our Regional Inspector and am satisfied that his recommendation is consistent with the objectives of Conservation Principles and TAN 24.

3. Decision

3.1. Accordingly, I hereby approve conditional scheduled monument consent for the proposed works as outlined in section 1.1.

3.2. In reaching this decision, I have taken into account the requirement of sections 3 and 5 of the Wellbeing of Future Generations Act. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of *A Wales of vibrant culture and thriving Welsh Language*.

3.3. Any development control issues associated with wider development will be a matter for any application for planning permission. It is the responsibility of the applicant to establish whether any further approval or consents are required for the proposed development.

4. Proposed Conditions

4.1. The following proposed conditions are intended to protect the monument from damage or significant alteration as set out in TAN 24: *The Historic Environment* and to ensure that details of the project are archived.

- a) The applicant shall provide Cadw with reasonable advance notice of commencement of works on site and shall afford access at all reasonable times to any Cadw official or archaeologist nominated by Cadw to monitor progress of the works;
- b) The approved works shall be carried out strictly in accordance with the application form, plans and documents as listed below. No variations are permitted unless they have been authorised in advance, in writing by Cadw;

Number	Document / plan	Reference Number (if applicable)	Date
1	SMC application form signed by Guy Richard Anderson and dated 24/04/2022		25/04/2022
2	Location as shown on Caponier.doc		25/04/2022

3	Images submitted with email dated 25/04/2022		25/04/2022
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- c) Cadw shall be invited to attend a site meeting within the first 5 working days of commencement of the project to review the programme, submitted method statement and arrangements that have been established recording and reporting;
- d) That upon completion of the project the applicant will produce a completion report including an annotated photographic record detailing the site before, during and after works took place and including final versions of plans and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.
- e) Any historic or archaeological features not previously identified which are revealed when carrying out the works shall be retained *in situ* and reported to Cadw within two working days. Works shall be halted in the area/part of the site affected until provision has been made for retention and/or recording of the feature by a suitably qualified archaeologist in accordance with details submitted to and approved in writing in advance by Cadw.

5. Compliance

5.1. Where a condition requires approval or any contact with Cadw you are advised to contact Louise Mees by email scheduledmonuments@gov.wales.

5.2. When all work has been completed and the conditions have been discharged, please complete and return the 'completion notice' at **Annex B** to Cadw. Section 2(6) of the 1979 Act provides that non-compliance with a condition attached to a grant of scheduled monument consent shall be an offence.

5.3. By virtue of Section 4 of the 1979 Act, if no works to which this consent relates are executed or started within 5 years from the date of this letter, the consent shall cease to have effect at the end of that period (unless it is revoked in the meantime).

5.4. This letter does not convey any approval or consent required under any enactment, bylaw, order or regulation other than Section 2 of the Ancient Monuments and Archaeological Areas Act 1979. It is the responsibility of the applicant to obtain any such approval or consent where necessary.

6. Mechanism for Challenge

6.1 Section 55 of the 1979 Act explains that if you are aggrieved by the decision given in this letter, you may challenge its validity by applying to the High Court within six weeks from the date of my decision. Furthermore, the legislation explains that the grounds on which an application may be made to the Court are;

- a) that my decision is not within the powers of the Act (i.e. that I have exceeded the powers available under the Act); and
- b) that any of the relevant requirements set out in the Act have not been complied with and that your interest has been substantially prejudiced by the failure to comply.

The 'relevant requirements' mentioned above are defined in Section 55 of the 1979 Act and it is advisable to seek legal advice before taking any action.

6.2. Should you have any queries please do not hesitate to contact me.

6.3 Finally, please note that your personal data is managed in compliance with the [General Data Protection Regulations](#).

Yours sincerely,

Denise Harris
Casework Manager
under authority of the Deputy Minister for Arts and Sport, and Chief Whip, one of the Welsh Ministers

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
FORT HUBBERSTON (PE338)**

INSPECTOR'S ADVICE

1. Policy Context

- 1.1 An application for scheduled monument consent (SMC) is considered on its own merits in accordance with *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (Conservation Principles) and Annex A of *Technical Advice Note 24: The Historic Environment* (TAN 24). In particular, TAN 24 explains that the main purpose of scheduling is to ensure the preservation of ancient monuments and, when considering an application for SMC, there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains. Therefore, applicants are expected to demonstrate that no practicable alternative route or location, avoiding the scheduled area, exists and that the need to undertake works outweighs the presumption in favour of the protection of the scheduled monument.
- 1.2 The Welsh Government's six principles for sustainable management of the historic environment in Wales are also used as a guide when considering applications for scheduled monument consent. These are:
- Historic assets will be managed to sustain their values.
 - Understanding the significance of historic assets is vital.
 - The historic environment is a shared resource.
 - Everyone will be able to participate in sustaining the historic environment.
 - Decisions about change must be reasonable, transparent and consistent.
 - Documenting and learning from decisions is essential.

2. Fort Hubberstone

- 2.1 **[INSERT: the scheduling description, the current state of the monument and summary of key values, (with particular consideration to all the values including, for example, evidential and aesthetic (visual and setting)). From here please have specific regard to TAN 24 and Conservation Principles including an assessment of the impact of the proposed works on the monument alongside the headings]**
- The monument comprises a fort built between 1863 and 1865 to defend the inner part of Milford Haven against the threat of French invasion under Napoleon III. Located on the headland on the east side of Gelliswick Bay it was intended for a battery of 12 heavy guns plus 7 others nearby, the total was later increased to 28 guns in all. The fort is composed of two linked elements separated by open

ground but within encircling walls. At the north angle is a defensible barrack that accommodated 250 men. The building is parabola-shaped to the north east facing out over deep defensible ditch. At the rear a southwest facing cross-building defines a triangular-shaped court. The ends of the parabola project beyond the cross range to provide covering angle bastions. An outer wall, with an entrance on the north, runs down to the second building at the south west angle, the battery. This has a massive low-set curved façade with bull-nosed cornice and a heavy parapet set into which are 12 sea-facing granite-framed gun-openings. Further fortifications to the east link back to the south east corner of the barracks.

The monument is of national importance for its potential to enhance our knowledge of 19th century military organisation. The monument forms an important element within the wider context of the military history of Wales and the structures may contain well preserved archaeological evidence concerning chronology, layout and building techniques.

The scheduled area comprises the remains described and areas around them within which related evidence may be expected to survive.

The most recent Cadw FMW routine monitoring assessment of the fort was undertaken on 24th January 2019. At that time the Monument at Risk criteria and MaR level were recorded as:

Condition Trend – worsened – severe.

Condition Current – unfavourable.

Vulnerability – High.

Monument at Risk level = High Immediate

The monument has recently been acquired by a new owner, who inherits a monument heavily overgrown, much vandalised, ransacked and neglected by previous owners. The new owner is sympathetic to the monument and has a track record of well informed and appropriate conservation / restoration of another of the defences of the Haven.

The heritage values of Hubberstone Fort can be summarised as:

Evidential Value: Extensive ruins and earthworks of a major Victorian defensible barracks and gun battery built as a part of the second phase of the fortification of the Haven ordered by Lord Palmerston in 1850.

Historic Value: The fort is part of one of the most extensive 19th century fortification systems in Europe, and comparable only with the contemporary defences of the Solent in Britain.

Aesthetic Value: the monumental fort is a significant feature within the Haven, visible from the landward side, from the Haven, from the opposite bank and intervisible with associated fortifications within the Haven.

Communal Value: The Fort is a well-known and popular feature with residents and visitors. Generations of locals have gained unauthorised access to the fort, which owners have sought to prevent due to health and safety risks with dangerous structures.

3. The Application

- 3.1 This application for scheduled monument consent involves (i) dismantling of an existing modern security fence, and (ii) reinstallation of the modern security fence behind the caponier using the same construction methods (i.e. fixed into a concrete beam cast on the ground surface with upper fixings at either end made into joints in historic masonry).

4. Assessment

- 4.1 **[INSERT an assessment of the impact of the works on the values of the monument (with particular consideration to all the values including, for example, evidential and aesthetic (visual and setting)). Also, please address whether the proposals would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.....]**

The objective of the proposed works is to ensure that the property is secure and to prevent unauthorised access. Removal of the existing fence will not harm historic fabric (evidential value). Reinstatement of the fence beyond the caponier will cause harm to historic fabric (drilling fixings into mortar in joints) and result in addition of modern fabric to the fort. However, these negative impacts are negligible and justified by improving security, public safety, and preventing vandalism of the scheduled monument. Moving the fence further beyond the caponier will mean that it will be less visible from the entrance and improve the appearance of the fort. The monument is not publicly accessible at present. The owner aims to improve the condition of the site and permit access when it is safe to do so. In the long term this will improve the communal value of the site.

5. Recommendation

- 5.1 **[INSERT a recommendation for approval or refusal of SMC with reasons specifically addressing if any aspect involves significant alteration or causes damage, or would have a significant impact on the setting of remains.]**

I recommend that SMC is granted according to the following conditions:

6. **Proposed Conditions** **[which must be (i) necessary, (ii) relevant to the 1979 Act, (iii) relevant to what is actually proposed, (iv) enforceable, (v) precise and (vi) reasonable in all other respects. Please select or delete as appropriate and aim for as few as possible.]**

- 6.1 The applicant shall provide Cadw with reasonable advance notice of commencement of works on site and will afford access at all reasonable times to any Cadw official or archaeologist nominated by Cadw to monitor progress of the works.
- 6.2 The approved works shall be carried out strictly in accordance with the application form, plans and documents as listed below. No variations are permitted unless they have been authorised in advance in writing by Cadw.

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- 6.3 Cadw shall be invited to attend a site meeting within the first 5 working days of commencement of the project to review the programme, submitted method statement and arrangements that have been established recording and reporting.
- 6.4 That upon completion of the project the applicant will produce a completion report including an annotated photographic record detailing the site before, during and after works took place and including final versions of plans and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.
- 6.5 Any historic or archaeological features not previously identified which are revealed when carrying out the works shall be retained *in situ* and reported to Cadw within two working days. Works shall be halted in the area/part of the site affected until provision has been made for retention and/or recording of the feature by a suitably qualified archaeologist in accordance with details submitted to and approved in writing in advance by Cadw.

Name of Inspector: Louise Mees

Date: 01/09/2022

COMPLETION NOTICE

Name of Monument: FORT HUBBERSTON

Monument Number: PE338

Conditions	Date	Signature
Completion of works on site		
That upon completion of the project the applicant will produce a completion report including an annotated photographic record detailing the site before, during and after works took place and including final versions of plans and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.		

Applicant Name:

Signature:

When all work has been completed and the conditions have been discharged, please complete and return this completion notice to Cadw at scheduledmonuments@gov.wales