



Historic England

Mr Matthew Blythe
Eastleigh Borough Council - Strategy (Local
Area Managers)
Eastleigh House
Upper Market Street
Eastleigh
Hampshire
SO50 9YN

Direct Dial: 0207 973 3700

Our ref: S00226877

5 November 2019

Dear Mr Blythe

**Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2
control of works
Application for Scheduled Monument Consent**

**HAMBLE POINT GUN EMPLACEMENT, PROMONTORY DEFINED BY AN IRON
AGE LINEAR EARTHWORK, ST ANDREW'S CASTLE AND ADDITIONAL
REMAINS ON HAMBLE COMMON, HAMBLE-LE-RICE, HAMPSHIRE
Scheduled Monument No: SM 24323, HA 1008695**

Our ref: S00226877

Application on behalf of Eastleigh Borough Council

1. I am directed by the Secretary of State for Digital, Culture, Media & Sport to advise you of the decision regarding your application for Scheduled Monument Consent received 5 September 2019 in respect of proposed works at the above scheduled monument concerning The removal of the Bofors gun from the WWII gun emplacement, Hamble Common. The works were detailed in the following documentation submitted by you:

- The application
- Letter from Nigel Gunner (dated 10 May 2019)
- Letter from the Environment Agency (dated 10 May 2019)
- Comparison images from April 2018 - May 2019
- Location Plan

2. In accordance with paragraph 3(2) of Schedule 1 to the 1979 Act, the Secretary of State is obliged to afford you, and any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before and being heard by a person appointed for that purpose. This opportunity was offered to you by Historic England and you have declined it.



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3. The Secretary of State is also required by the Act to consult with the Historic Buildings and Monuments Commission for England (Historic England) before deciding whether or not to grant Scheduled Monument Consent. Historic England considers the effect of the proposed works upon the monument to be works which would significantly alter the present appearance of the monument, but on balance is unlikely to cause damage to its historic fabric. The effects of the works on the setting of the monument have also been assessed and are not considered to be an overriding factor in this instance.

I can confirm that the Secretary of State is agreeable for the works to proceed providing the conditions set out below are adhered to, and that accordingly Scheduled Monument Consent is hereby granted under section 2 of the 1979 Act for the works described in paragraph 1 above, subject to the following conditions:

- (a) The works to which this consent relates shall be carried out to the satisfaction of the Secretary of State, who will be advised by Historic England. At least 4 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to Alex.Bellisario@HistoricEngland.org.uk in order that an Historic England representative can inspect and advise on the works and their effect in compliance with this consent.
- (b) Photographs to a scale and quality to be agreed in writing shall be prepared of the monument before the start and after completion of the works and a set of the digital images shall be sent to Historic England within 3 months of the completion of the works (or such other period as may be mutually agreed).
- (c) All those involved in the implementation of the works granted by this consent must be informed by the applicant that the land is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (as amended); the extent of the scheduled monument as set out in both the scheduled monument description and map; and that the implications of this designation include the requirement to obtain Scheduled Monument Consent for any works to a scheduled monument from the Secretary of State prior to them being undertaken.
- (d) Equipment and machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in damage to the monument or cause ground disturbance other than that which is expressly authorised in this consent.
- (e) A method statement detailing the process of removal, transport and long term management/storage of the Gun shall be prepared prior to its removal and will



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be submitted to and approved by the Secretary of State advised by Historic England.

- (f) Within 2 years of the date of this consent (or such period which may be mutually agreed with Historic England) Eastleigh Borough Council will provide to Historic England an options appraisal, for our approval, for the long term management of the emplacement and the gun.

4. By virtue of section 4 of the 1979 Act, if no works to which this consent relates are executed or started within the period of five years beginning with the date on which this consent was granted (being the date of this letter), this consent shall cease to have effect at the end of that period (unless a shorter time period is set by a specific condition above).

5. This letter does not convey any approval or consent required under any enactment, bye law, order or regulation other than section 2 of the Ancient Monuments and Archaeological Areas Act 1979.

6. Your attention is drawn to the provisions of section 55 of the 1979 Act under which any person who is aggrieved by the decision given in this letter may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given. The grounds upon which an application may be made to the Court are (1) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded the relevant powers) or (2) that any of the relevant requirements have not been complied with and the applicant's interests have been substantially prejudiced by the failure to comply. The "relevant requirements" are defined in section 55 of the 1979 Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 and the requirements of any regulations or rules made under those Acts.

Yours sincerely

Alex Bellisario

Assistant Inspector of Ancient Monuments

E-mail: Alex.Bellisario@HistoricEngland.org.uk

For and on behalf of the Secretary of State for Digital, Culture, Media and Sport

cc: David.Hopkins@Hants.gov.uk



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