

## Committee Meeting

### Minutes

Hamble Parish Council, Parish Office, 2 High Street, Hamble, Southampton SO31 4JE

Minutes of the **Cemex Defence Committee Meeting** of **HAMBLE PARISH COUNCIL**  
Meeting held on **Monday, 17 February 2025 at 18:00 - 19:30** in the **Roy Underdown Pavilion**.

Present: Chris Jones, Michelle Nicholson, Simon Hand

Apologies: n/a

Staff In Attendance: Clerk

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## MINUTES

### 1 WELCOME

No apologies for absence.

Dispensation for Cllr Nicholson in relation to Cemex

The Chair advised the meeting was being recorded for administration purposes only

He acknowledged the members of the public and said he would invite their comment during the public session on item 4.

### 2 MINUTES

Resolved to approve the minutes from 13 January 2025 and 27 January 2025 Cemex Defence Committee.  
The Chair Proposed. Cllr Nicholson seconded and all in favour.

### 3 FINANCIAL/CONTRACTUAL MATTERS IN RELATION TO THE CEMEX APPEAL AND THE RULE 6 PARTY

The Chair outlined the purpose of the meeting and Committee which was to agree the current spend for the Solicitor/Barrister and the Highways Expert and to recommend approval of additional funds if required.

The discussion for this Committee meeting was as follows:

1. The liability policy to protect all individuals working on behalf of the village (Councillors and Hamble residents who are members Hamble Peninsular Residents Group) – as part of the combined 'Hamble Peninsular Deference Group' for the Rule 6 party for the Cemex Defence)
2. The process and authorisations implemented to provide oversight and control of the activities through the Cemex Defence Committee
3. The scope of the work that is covered by this policy.

By putting this policy in place, we have the authorisation required and can provide effective protection for all Councillors and residents involved (while ensuring they work to the processes set out in the Team

Operating Model for the Hamble Peninsular Deference Group and terms of reference for the HPC Cemex Deference Committee).

The legal team is solely focused on issues deemed 'reasonable' as per planning guidelines (latest National Planning Policy Framework (NPPF)). The Parish Council accepts responsibility for any adverse consequence of all properly instructed legal activities.

## CLARIFICATION OF LIABILITY POLICY: INTRODUCTION

The Chair reiterated that at the Extraordinary Full Council Meeting 23 December 2024, Hamble Parish Council formed the Cemex Defence Committee as the Parish Council's committee to provide effective governance over the 'Rule 6 defence against the Cemex Quarry' and combined Hamble Peninsular Residents Group.

At that meeting, Council agreed that one important objective for the Cemex Defence Committee was to ensure that if Cemex decided to apply for costs after the appeal, all individuals involved in Rule 6 party and defence against the Cemex appeal were protected from personal liability, including both Councillors and Residents.

To achieve this, the Cemex Defence Committee was given delegated authority by Council to:

- Control of the formal instruction to the legal team and agreed expert witnesses
- Ensure personal protection for all individuals involved (Councillors and Residents) should Cemex, as the appellant, or any other party decide make an application to pursue costs arising from properly instructed legal activity relating to the appeal.
- Therefore, the Council through the Cemex Defence Committee, accepts responsibility and liability for the consequence of all properly instructed legal activities.

This Liability Policy covers all aspects of the Rule 6 response to the Cemex planning appeal – outlined here as of Monday, 17 February 2025.

1. **Highways:** Matters prepared for and presented by the legal team regarding Highways concerns. It covers liability of Councillors and Residents regarding the preparation of and expert witness of Motion (Highways consultants). These matters will remain in scope unless the legal team conclude it would be 'unreasonable' to progress with them.
2. **Environment & Hydrology:** Matters relating to the preparation for and the expert presentation of evidence relating to the combined Hydrological and Environmental impact of the application. It covers liability of Councillors and Residents regarding the preparation of and expert witness of both Tony Clothier and Richard Andrews (the Hydrology and Environmental Consultants) These matters will remain in scope unless the legal team conclude it would be 'unreasonable' to progress with them.
3. **Planning Policy:** Matters prepared for and presented by expert witness Tim Partridge (Planning Consultant) in relation to a range of planning policy compliance including.
  - a) Mitigation proposals and compliance with planning policy.
  - b) Displacement of recreation activities from site to other sensitive local areas.
  - c) Demand for gravel in future
  - d) Classification of two trees as ancient or veteran, and the potential loss or deterioration (according to the NPPF).

*Note: Updated 17 February 2025, the question of the 'veteran trees' has been withdrawn by the Rule 6 party – confirmed by the Planning Inspectorate 18 February 2025.)*

## **RESOLUTION: PROPOSED AND AGREED**

Through the Cemex Defence Committee, Hamble Parish Council confirms the adoption of the Liability policy and approach documented in this report and repeats the intention to protect Councillors and Residents from any personal liability relating to the Rule 6 response to the Cemex planning appeal.

The scope of this policy applies to the activities described above and extends so long as the legal team continues to confirm the reasonableness of the approach.

We confirm that we have considered the potential risks in the Rule 6 party and process and based upon the following considerations:

1. The matters being raised in our Rule 6 submission were all initially raised at the Regulatory Committee meeting. Therefore, Cemex cannot claim that we have expanded the scope of our claims and it would be reasonable to expect Cemex to already have done the work to address them.
2. That our legal team have been selected due to their experience in these matters and instructed to avoid raising any matters that might introduce a risk of us being considered 'unreasonable'. The legal team have fully briefed us on the theoretical risk. As context: to date, they have not experienced a successful claim against a Rule 6 client for costs. This confirms the control of the legal team in managing the risk and their competence in helping their clients avoid missteps.
3. The Parish Council's appointed planning consultant has provided a balanced view: again reminding the Council of the theoretical risk. At the same time: has been consistent throughout, that the matters raised through the Rule 6 party are considered 'reasonable' and therefore unlikely to attract any successful claim from Cemex for a cost order.

We have determined that the risk of a cost order is both extremely low and that this committee has sufficient oversight to ensure that the risks remain under control.

Cllr Nicholson, suggested a small amendment to the resolution after discussion and it was agreed to minute that the Arboricultural matter of 'veteran trees' was being withdrawn further to the advice from the experts and legal team (*see the update note as of 18 February 2025, above*).

It was resolved that the Resolution outlined above was proposed by The Cllr Jones and seconded by Cllr Hand in all in favour.

Further contributions: Bursledon and Hound Parish Councils have each agreed a budget contribution of £5K each.

Legal fees: The first invoice for Leigh Day of £2,400 has been authorised for payment by the Parish.

The Chair reiterated the contributions to the appeal which have been made by members of the Hamble Peninsular Defence Group.

## **4 PUBLIC PARTICIPATION**

Three members of the Public attended: one Parish Councillor, a member of the Hamble Peninsular Residents Group and a candidate from Reform UK party.

The member of the public from Reform UK said he had joined the meeting to gain an understanding of the appeal.

He asked if there could be any grounds to reclaims for costs. He presented a document raising the Reform UK party's concerns.

The Chair explained the process of the areas of that the Rule 6 party were bringing forward to the appeal.

Meeting ended at **18:37**

CHAIR \_\_\_\_\_