

M3 Junction 9 Improvement

Scheme Number: TR010055

6.3 Environmental Statement Appendix 10.1 - Mineral Safeguarding Area Assessment

APFP Regulation 5(2)(a)

Planning Act 2008

**Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

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6.3 ENVIRONMENTAL STATEMENT - APPENDIX 10.1: MINERAL SAFEGUARDING AREA ASSESSMENT
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10.1 Minerals Safeguarding Area Assessment

1.1 The Scheme

1.1.1 National Highways is applying to the Secretary of State under the Planning Act 2008 for the M3 Junction 9 improvement Works (the Scheme).

1.1.2 M3 Junction 9 is a key transport interchange which connects South Hampshire (facilitating an intensive freight generating industry) and the wider sub-region, with London via the M3 and the Midlands/North via the A34 (which also links to the principal east west A303 corridor).

1.1.3 Principle elements of the Scheme comprise the development and delivery of a scheme of works for increasing capacity, enhancing journey time reliability and supporting development in line with Local Plans. The Scheme includes:

- Widening of the M3 from a dual two-lane motorway (two-lane motorway and a hard shoulder) to a four-lane motorway between the south-facing roundabout slip roads
- A new smaller grade separated gyratory roundabout arrangement within the footprint of the existing roundabout, incorporating new connections over the M3 with improved Walking, cycling and horse riding (WCH) route facilities
- Connector roads from and to the new gyratory roundabout
- Improved slip roads to/from the M3
- New structures (in the form of gyratory bridges, underpasses, retaining walls, subway and a new cycle and footbridge over the River Itchen)
- A new surface water runoff system with associated drainage and infiltration features
- New signage and gantries
- Utility diversions
- New lighting (within subways and underpasses)
- Modifications to topography through cuttings and false cuttings as well as re-profiling of existing landform
- New walking, cycling and horse-riding provision
- Creation of new areas of chalk grassland, woodland, scrub planting and species rich grassland

1.1.4 The Scheme's Application Boundary is approximately 109.7 hectares. This includes the proposed land required for gantries, signage, temporary central construction compound area, areas for environmental mitigation and areas for drainage requirements.

1.2 The Hampshire Minerals and Waste Plan

1.2.1 The Scheme is located within an area safeguarded for mineral (the deposit of superficial sand/gravel, the 'MSA'). This area stretches from the centre of Winchester, approximately following the River Itchen valley northward, turning to the east to cross the A34 and M3 north of Junction 9.

1.2.2 The purpose of mineral safeguarding is to ensure that viable mineral resources are 'safeguarded' (protected) from needless sterilisation by other development to help to secure a long-term future supply of minerals.

1.2.3 The Scheme does not constitute minerals development and consequently this report is submitted to address the requirements of Hampshire Minerals and Waste Plan (October 2013, the 'Hampshire MWP') policy 15.

1.2.4 Policy 15: Safeguarding - mineral resources, is the relevant policy of the Hampshire MWP. It states that:

'Hampshire's sand and gravel (sharp sand and gravel and soft sand), silica sand and brick-making clay resources are safeguarded against needless sterilisation by non-minerals development, unless 'prior extraction' takes place.'

1.2.5 However, it also presents four criterion that, if satisfied, would enable development without the prior extraction of mineral resources in the MSA to occur. It is relevant to note that the word 'or' appears after each criterion of the policy. This means that only one criterion needs to be satisfied, although it makes sense to consider them sequentially. The four criteria are:

- It can be demonstrated that the sterilisation of mineral resources would not occur
- It would be inappropriate to extract mineral resources at that location, with regards to the other policies in the Plan
- The development would not pose a serious hindrance to mineral development in the vicinity
- The merits of the development outweigh the safeguarding of the mineral'

1.2.6 The supplementary planning document titled 'Making the most of mineral resources and protecting strategic minerals and waste infrastructure - A guide for local planning authorities, developers and other interested parties' (adopted February 2016, the 'MSA SPD') has also been reviewed in preparing this report.

1.2.7 As identified on page 7 of the MSA SPD:

'Minerals and waste safeguarding is not intended to prevent development. It allows for the effective consideration of potential impacts and helps to ensure that nonminerals-or-waste developments are appropriately located and designed.'

1.2.8 Paragraph 3.6 of the MSA SPD advises that:

'Any proposals for non-minerals development falling within the MWCA and likely to impact mineral resources must be accompanied by a proportionate assessment of the nature and extent of the mineral resource that may be present and the potential for its extraction.'

1.2.9 Minerals and Waste Safeguarding in Hampshire, a further Supplementary Planning Document – (MWSH SPD) adopted February 2016, provides additional advice within Hampshire primarily aimed at District and Borough Councils, Unitary Councils and National Park Authorities (hereafter referred to as 'Local Planning Authorities' (LPAs)) as well as developers, to ensure the issue of minerals and waste safeguarding is appropriately addressed in proposals.

1.2.10 The MWSH SDP sets out that 'The identification of land as a safeguarded minerals or waste site is not an absolute bar on alternative development that might impact that site, in line with provisions that have been set out in the HMWP. The circumstances of each individual development proposal would need to be considered on a case-by-case basis. However, the general presumption would be, in accordance with the HMWP, that minerals and waste uses would be protected, unless there are genuine and exceptional planning reasons why this protection should not apply'.

1.2.11 The MWSH SPD sets out that the safeguarding area is based on the best available knowledge, and it does not guarantee the presence of mineral resources in the MSA.

1.2.12 The MWSH SDP states at paragraph 2.20 that 'the MSA excludes areas which are already developed e.g. for housing, other major developments or for highway uses, as it is likely that the mineral resource in these area is already sterilised'. Although Strategic Roads are identified on the policies map (including the M3 and A34) the policies map does not exclude areas of highway in the MSA. It is therefore assumed that it is for the developer to assert that the MSA should not be applied to development on land which is already developed. In this case, the development within the MSA primarily relates to land that is already in highway use and therefore arguably mineral safeguarding policy should not be applied. Nonetheless this assessment is included in order to ensure that sterilisation does not occur where it could be prevented.

1.3 Minerals Assessment

- 1.3.1 Paragraph 5.169 of the National Policy Statement for National Networks (NPS NN, 2014) states that *'applicants should safeguard any mineral resources on the proposed site as far as possible'*.
- 1.3.2 Paragraph 5.182 goes on to say that *'Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources'*.
- 1.3.3 **Figure 10.1 (Mineral Safeguarding Area)** of the **ES (Document Reference 6.2)** presents the Application Boundary and its relationship with the relevant MSA. It shows that the key areas for consideration are focussed to the north of Junction 9, extending along both the M3 and A34. The land uses of the Scheme intended for these areas are also shown together with the MSA.
- 1.3.4 At this scale of mapping, **Figure 10.1 (Mineral Safeguarding Area)** of the **ES (Document Reference 6.2)** shows that most of the Permanent/Temporary Highway Land Take of the Scheme (identified by the blue hatch) would align with, or alongside, the existing road network. There are some sections of the Scheme that extend beyond the edges of public highway. These are the construction compound illustrated in **Figure 2.1 (Preliminary Construction Plan)** of the **ES (Document Reference 6.2)**, and areas of environmental mitigation in **Figure 2.3 (Environmental Masterplan)** of the **ES (Document Reference 6.2)**.
- 1.3.5 The construction compound and areas of environmental mitigation are also unlikely to result in mineral sterilisation due to their location, within the strategic road corridor and at the periphery of any practicable mineral working area.
- 1.3.6 In addition, all of these areas lie within the South Downs National Park. National Parks benefit from protection in planning policy generally, and in relation to minerals the National Planning Policy Framework (July 2021, as amended) states:
- 'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:*
- *As far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas ...'* (paragraph 211)
- 1.3.7 Paragraph 6.88 of the Hampshire MWP states:
- 'Hampshire is currently able to meet its aggregate supply needs in accordance with national planning policy, from sites outside of the National Parks. It is therefore highly unlikely that further local land-won extraction in*

Hampshire's two National Parks would be granted planning permission, if more sustainable options for extraction outside of the designated areas are available. However, it is important to acknowledge that there are sand and gravel resources located in or in close proximity to the National Park boundaries (136). In particular, the South Downs National Park has important resources of soft sand and silica sand which are both considered to be a scarce resource within the Plan area. However, mineral development should only take place in designated areas such as Hampshire's National Parks, in exceptional circumstances and should not compromise the reasons for the National Park designation. This is considered in more detail in the section on 'Landscape and countryside.'

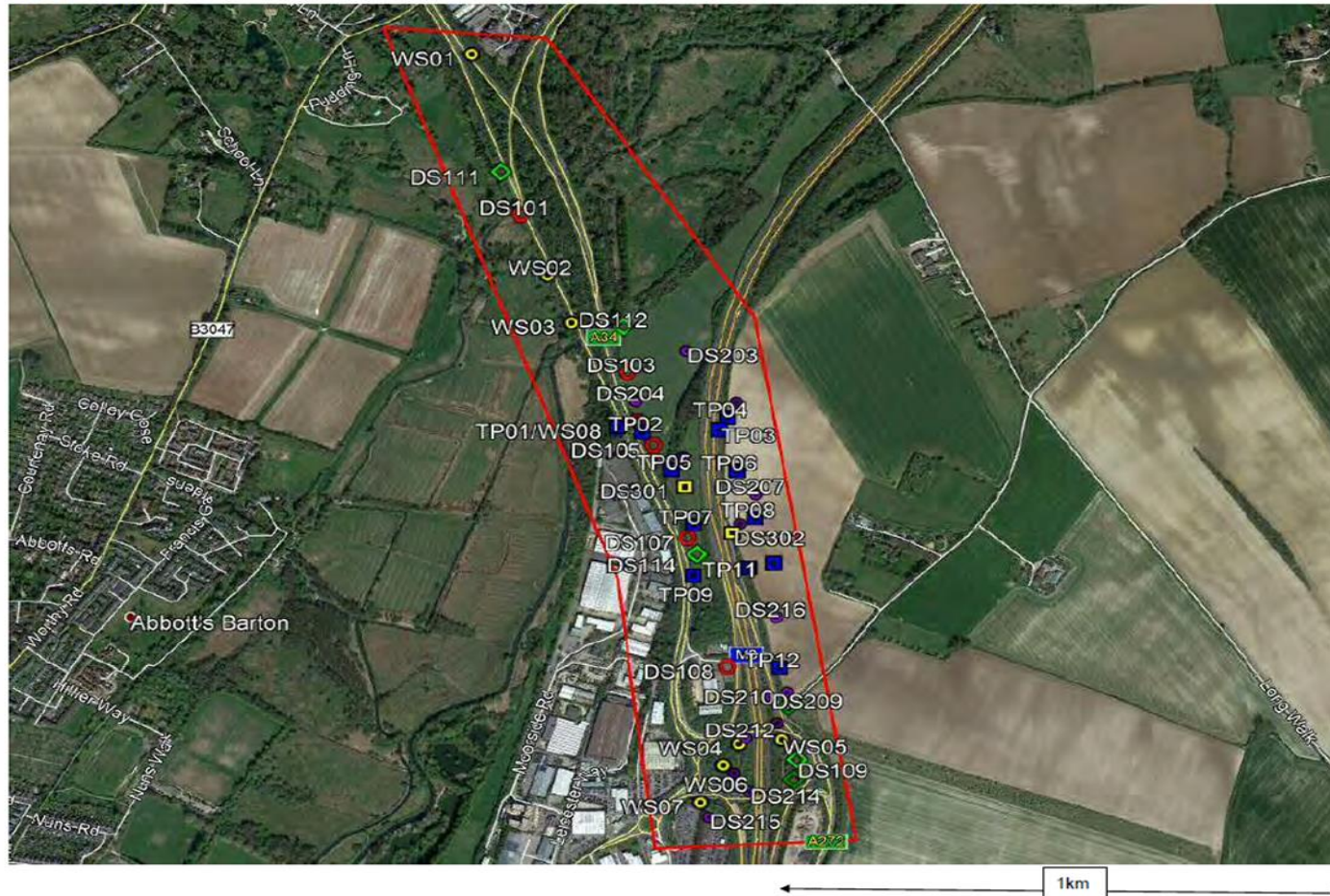
- 1.3.8 Policy 4 of the Hampshire MWP makes clear that 'Major minerals and waste development would not be permitted in the New Forest or South Downs National Parks, or in the North Wessex Downs, the Cranborne Chase and West Wiltshire Downs, and Chichester Harbour Areas of Outstanding Natural Beauty (AONBs), except in exceptional circumstances.'
- 1.3.9 It is clear that mineral extraction in these areas would not comply with policy seeking to protect and conserve the National Park.
- 1.3.10 A **Ground Investigation Report** (GI Report) (**Document Reference 7.11**) was commissioned in relation to the Scheme. The primary aim of the GI Report is to establish ground conditions to inform the works proposed, it was not produced to analyse the mineral resource available. The GI Report does contain geological investigation reports from: Window Samples to 7m, Dynamic Sample deep boreholes between 15-30m, and; Trial Pits of up to 4m. The results of these are published in detail in the GI Report along with geotechnical laboratory testing findings.
- 1.3.11 A plan of the borehole locations from the GI Report is seen in **Insert 1**.

Insert 1: Trial Hole Plan – Factual Investigation Report (July 2020)

Soils Limited

M3 Junction 9 – Factual Investigation Report

Figure 3 – Trial Hole Plan



Project	M3 Junction 9 Improvement
Client	Highways England c/o Geoffrey Osborne Limited
Date	July 2020
Job Number	17486

1.3.12 The sample locations which fall within the MSA boundary have been analysed and the mineral content from the samples (from various depths) resulting from the laboratory testing is set out in **Table 10.1**.

Table 10.1: Summary of findings of Chemical Analysis and Engineers Log

PIT/BOREHOLE REF	CHEMICAL ANALYSIS: mineral description	Sand or Gravel present From engineers logs y/n
WS01	Chalk/Clay	N
DS111	Chalk/Clay	Y
DS101	Chalk	Y
WS02	Chalk	Y
WS03	Chalk	Y
DS112	Clay	Y
DS103	Clay	Y
DS203	Silt/Chalk	Y
DS204	Clay	Y
TP02	Clay	Y
TP01/WS08	Silt/Chalk/Clay/Gravel	N
TP04	Chalk	Y
TP03	Chalk	N
DS105	Chalky Clay	Y
TP05	Chalk	Y
TP06	Chalk	Y
DS301	Chalk	N
DS207	Chalk	N
TP07	Chalk	Y

PIT/BOREHOLE REF	CHEMICAL ANALYSIS: mineral description	Sand or Gravel present From engineers logs y/n
TP08	Chalk	Y
DS107	Chalk	N
DS302	Chalk	N
DS114	Chalk	Y
TP11	Chalk	Y
TP09	Chalk	Y

1.3.13 In none of samples was sand and/or gravel found to be the primary mineral present, instead identifying that there is a greater proportion of chalk and clay. The MSA policy identifies that the sand and gravel in this location is likely to be superficial, and therefore it is not unexpected that they are not the primary material in the sample results. In most of the borehole logs sand and/or gravel was observed at some level in the sample. There has been no analysis of the quality or quantity of the mineral available in the Development area.

1.3.14 The parts of the Scheme which lie within the MSA boundary are predominantly existing highway land and the remaining land is sufficiently close to the highway that extraction of minerals in those areas would be inappropriate. An area of the Scheme is outside of current highway land and is between the A33/A34 and the M3 and would deliver a Haul Road. The nearest ground investigation was DS203 carried out to a depth of 7m (**Insert 1**). The engineers log records that the sample produced silt and chalk, no sand and gravel deposit was recorded in that location. Therefore, it is unlikely that a significant volume of mineral would be sterilized by the Scheme and parts a-c of the policy are satisfied. In addition, the Scheme is a nationally significant infrastructure project, the merits of which significantly outweigh the very limited effect on the relevant MSA in accordance with part d of the mineral safeguarding policy.

1.3.15 **Table 10.2** presents a summary of the four criteria in Policy 15.

Table 10.2: Summary review of Policy 15, Hampshire MWP

Policy 15		Summary Response
a.	It can be demonstrated that the sterilisation of mineral resource would not occur.	Investigation data indicates that there is a mineral resource of sand and gravel. It can't be demonstrated that the sterilisation of the located mineral resource would not occur, however should it occur, any sterilisation would be in isolated areas of the MSA.
b.	It would be inappropriate to extract mineral resources at that location, with regards to the other policies in the Plan.	The Scheme is located in areas where the extraction of the mineral is likely to be inappropriate.
c.	The development would not pose a serious hindrance to mineral development in the vicinity.	The Scheme is located in areas on the margin of the MSA, where the extraction of the mineral would be neither viable nor practicable. Beyond the boundaries of the Scheme the development poses no hindrance to other mineral development in the vicinity.
d.	The merits of the development outweigh the safeguarding of the mineral	The Scheme is a Nationally Significant Infrastructure Project (NSIP) and would be developed in the MSA within existing highway land, and thus the merits of the Scheme are believed to outweigh the safeguarding of the mineral in this case.

1.4 Conclusions

- 1.4.1 The Scheme is a non-minerals development proposed to be located partially within an identified MSA. The MWSH SPD 2016 identifies that highway developments would be exempt from the mineral safeguarding area (see Paragraph 10.2.12 above). However, notwithstanding that, this Minerals Assessment demonstrates that, the potential for sterilisation is, very low.
- 1.4.2 Much of the MSA affected by the Scheme lies adjacent to the existing strategic highway network; these areas are likely already devoid of mineral or would be inappropriate to work.
- 1.4.3 An area of the MSA affected beyond the highway land, is located between the M3 and A34 directly north of Junction 9. It's small and lies within the vicinity of the strategic road network, with no geological data indicating the presence of sand and gravel. This area is outside of the highway land also lies within the South Downs National Park; policy requires that mineral working occurs in this designation only in exceptional circumstances.
- 1.4.4 The samples analysed in the **Ground Investigation Report (Document Reference 7.11)** indicates that sand and/or gravel are not the predominant mineral available in the areas investigated, but the survey data indicates that some sand gravel is present. The quantity and quality of this is unknown.
- 1.4.5 The Scheme is an NSIP, the benefits of which significantly outweigh the very limited potential for or effect from mineral sterilisation.
- 1.4.6 It is inappropriate to extract the underlying mineral prior to the Scheme being implemented. However, anything raised incidental to construction of the Scheme would be used where possible.
- 1.4.7 The Scheme is a nationally significant infrastructure project responding to an urgent and substantial need recognised by Government and set out as such in policy. The planning balance must go in favour of the NSIP, rather than the negligible impact on sterilization of mineral resources.