

Follow up e-mail to Ministry of Municipal Affairs, and the Ministry of Natural Resources and Forestry – July 15, 2016

Thank you again for meeting with OSSGA on Monday to discuss our initial comments. As a follow up to our meeting, attached are policy excerpts from the various plans which highlight proposed policies that would introduce new prohibitions that will significantly impact where a new mineral aggregate operation may be sited within the GGH. If the Province requires additional information to better understand the implications that these prohibitions will have on the supply of close to market aggregate, please let us know and we can provide additional information.

As discussed at the meeting, over the next few weeks, OSSGA will be providing the Province with additional comments, including proposed policy revisions to address our concerns. To assist OSSGA in its review it would be helpful to understand if the Province intends to:

- a) Allow extraction within endangered and threatened species habitat, if the application complies with the provisions of the ESA, 2007;
- b) Permit extraction within prime agricultural areas and not require agricultural rehabilitation if the provisions of 2.5.4 of the PPS are addressed;
- c) Allow for minor intrusions within significant woodlands subject to demonstrating no negative impact;
- d) Maintain the existing designation criteria for Escarpment Natural Area and Escarpment Protection Area and not remap Escarpment Rural Areas based on new designation criteria (eg. addition of outliers).

Regarding the NEP mapping, there are a number of additional concerns beyond maintenance of existing designation criteria that we have discussed with MNRF staff. Because additional information from the NEC is required in order to explain these mapping changes, we would like to request a meeting with appropriate NEC and MNRF staff to review this in further detail.

Finally, I would appreciate it if you would circulate this to any others at the meeting for whom I do not have contact information.

Thank you again and we look forward to additional dialogue with the Province.

Regards,

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**Endangered  
and Threatened  
Species Habitat**

**identifying** identification of opportunities for resource recovery and for co-ordinated approaches to rehabilitation where feasible.

Municipalities will develop and implement official plan policies and other strategies to conserve *mineral aggregate resources*, including:

the recovery and recycling of manufactured materials derived from *mineral aggregate resources* for reuse in construction, manufacturing, industrial or maintenance projects as a substitute for new *mineral aggregate resources*; and

a) the wise use of *mineral aggregate resources*, including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

2. Notwithstanding the policies of subsections 4.2.2, 4.2.3 and 4.2.4, within the *natural heritage system*, *mineral aggregate operations* and wayside pits and quarries are subject to the following:

a. no new *mineral aggregate operation* and no wayside pit and quarry, or any ancillary or accessory use thereto will be permitted in the following *key natural heritage features* and *key hydrologic features*:

i. *significant wetlands*;

ii. *habitat of endangered species and threatened species*; and

iii. *significant woodlands* unless the *woodland* is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate that policies 4.2.8.5 b) and c) and 4.2.8.6 c) have been addressed and that they will be met by the operation;

b. an application for a new *mineral aggregate operation* or new wayside pit and quarry may only be permitted in *key natural heritage features* and *key hydrologic features* not identified in 4.2.8.3 a) and any *vegetation protection zone* associated with such features where the application demonstrates:

i. how the *water resource system* will be protected or enhanced; and

ii. that policies 4.2.8.5 b) and c) and 4.2.8.6 c) have been addressed, and that they will be met by the operation; and

c. any application for a new *mineral aggregate operation* will be required to demonstrate:

i. how the connectivity between *key hydrologic features* and *key natural heritage features* will be maintained before, during and after the extraction of *mineral aggregate resources*;

ii. how the operator could immediately replace any habitat that would be lost from the site with equivalent habitat on another part of the site or on adjacent lands; and

iii. how the *water resource system* will be protected or enhanced; and

d. an application to expand an existing *mineral aggregate operation* may be approved in the *natural heritage system*, including *key hydrologic features* and *key natural heritage features*, and in any associated *vegetation protection zone* only if the related decision is consistent with the PPS, 2014 and satisfies the rehabilitation requirements of this section.

3. In *prime agricultural areas*, applications for new *mineral aggregate operations* will be supported by an *agricultural impact assessment* and, where possible, will seek to maintain or improve connectivity of the *agricultural system*.

4. When operators are undertaking rehabilitation of *mineral aggregate operation* sites, the following

plan official plan policies and by-laws. The availability of mineral aggregate resources for long-term use shall **will** be determined in accordance with the PPS, except as provided below.

2. Non-renewable resources are those non-agriculture-based natural resources that have a finite supply, including mineral aggregate resources. Aggregates, in particular, provide significant building materials for our communities and *infrastructure*, and the availability of aggregates close to market is important both for economic and environmental reasons.
3. Notwithstanding the Natural System policies of section 3.2 of this Plan, within the Natural Heritage System, *mineral aggregate operations* and wayside pits and quarries are subject to the following:

a) **No new mineral aggregate operation and** no wayside pits and quarries, or any ancillary or accessory use thereto **will** shall be permitted in the following *key natural heritage features* and *key hydrologic features*:

i. *Significant wetlands*;

ii. **Significant Habitat of endangered species and threatened species; and**

iii. *Significant woodlands* unless the woodland is occupied by young plantation or early successional habitat (as defined by the Ministry of Natural Resources and Forestry). In this case, the application must demonstrate that **the specific provisions of policy** policies 4.3.2.65 (cb), (cd) and 4.3.2.67 (c) have been addressed, and that they will be met by the operation;

b) An application for a new *mineral aggregate operation* or new wayside pits and quarries may only be permitted in other *key natural heritage features* and *key hydrologic features* not identified in section 4.3.2.3 (a) and any *vegetation protection zone* associated with such other feature where the application demonstrates:

i. How the Water Resource System will be protected or enhanced; and

ii. That **the specific provisions** policies in 4.3.2.65 (bc), (cd) and 4.3.2.76 (c) have been addressed, and that they will be met by the operation; **and**

c) Any application for a new *mineral aggregate operation*, **or the expansion of an existing mineral aggregate operation** shall be required to demonstrate:

i. How the *connectivity* between *key natural heritage features* and *key hydrologic features* will be maintained before, during and after the extraction of mineral aggregates;

ii. How the operator could immediately replace any habitat that would be lost from the site with equivalent habitat on another part of the site or on adjacent lands; and

iii. How the Water Resource System will be protected or enhanced; and

d) An application to expand **for the expansion of** an existing *mineral aggregate operation* may be permitted in the Natural Heritage System, including in *key natural heritage features*, **and key hydrologic features**, and in any associated *vegetation protection zones*, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of this section.

4. Where an application for a new *mineral aggregate operation* is proposed in *prime agricultural areas*, an *agricultural impact assessment* shall be undertaken. Where possible, proposals shall seek to maintain or improve connectivity of the *Agricultural System*.

5. **The Ministry of Natural Resources will pursue the following under the**

7. Significant wildlife habitat.
8. Sand barrens, savannahs and tallgrass prairies.

(2) All development and site alteration with respect to land within a key natural heritage feature or the related minimum vegetation protection zone is prohibited, except the following:

1. Forest, fish, and wildlife management.
2. Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered.
3. **Transportation, infrastructure, and utilities as described in section 41** Development of infrastructure in accordance with the requirements set out in section 41, **but only if the need for the project has been demonstrated and there is no reasonable alternative.**
4. Low-intensity recreational uses as described in section 37.
5. Any development and site alteration in Countryside Areas or Settlement Areas that is within the habitat of an endangered or threatened species, but only if,

i. it is permitted under the *Endangered Species Act, 2007*, and

**Linkage area not included**

ii. it is not within any other key natural heritage feature or the related minimum vegetation protection zone.

(3) An application for development or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature, but outside the key natural heritage feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation under section 23.

(4) Despite subsection (3), a natural heritage evaluation is not required in the case of an application relating to the construction of a new building or structure in the minimum area of influence of a key natural heritage feature if,

(a) the proposed building or structure is for agricultural uses, agriculture-related uses or on-farm diversified uses; and

(b) the feature and its functions are protected from the impacts of the proposed building or structure because it meets the requirements set out in subsection (5).

(5) For the purposes of subsection (4), a proposed building or structure must meet the following requirements:

1. The proposed building or structure will not be located within the vegetation protection zone.
2. Connectivity of the key natural heritage feature with other key natural heritage features and with key hydrologic features will be maintained and, where feasible, improved.
3. The building or structure will be located away from the key natural heritage feature to the maximum extent possible and, where possible, clustered with existing buildings or structures.

# **Prime Agricultural Lands**

apply:

- a. the disturbed area of a site will be rehabilitated to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity will be maintained or restored and, to the extent possible, improved;
  - b. if there are *key hydrologic features* or *key natural heritage features* on the site, or if such features existed on the site at the time of the application:
    - i. the health, diversity and size of these *key hydrologic features* and *key natural heritage features* will be maintained, restored or, where possible, enhanced; and
    - ii. any permitted extraction of *mineral aggregate resources* that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
  - c. aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which shall be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of policy 4.2.8.5 b); and
  - d. outside the *natural heritage system*, and except as provided in policies 4.2.8.5 a), b) and c), final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies. In *prime agricultural areas*, on prime agricultural lands, the site will be rehabilitated back to an agricultural condition, in accordance with policy 2.5.4 of the PPS, 2014.
5. Final rehabilitation for new *mineral aggregate operations* in the *natural heritage system* will meet these additional criteria:
- e. where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each license in the *natural heritage system*, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict;
  - f. where there is underwater extraction, no less than 35 per cent of the non-aquatic portion of the land subject to each license in the *natural heritage system* is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict; and
  - g. rehabilitation will be implemented so that the connectivity of the *key hydrologic features* and the *key natural heritage features* on the site and on adjacent lands will be maintained or restored and, to the extent possible, improved.

#### 4.2.7 A Culture of Conservation

1. Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:
  - a) **Water**water conservation, including - through:
    - i. water demand management , for the efficient use of water; and
    - ii. water recycling to maximize the reuse and recycling of water .;
  - b) **Energy conservation, including -**

- f) rehabilitation on the site shall contribute to the *open landscape character* and the surrounding *Escarpment environment*;
  - g) within *prime agricultural areas*, Mineral Resource Extraction Areas are to be returned or rehabilitated to a condition in which substantially the same areas and same average soil capability for agriculture to be restored;
  - h) in *specialty crop areas*, Mineral Resource Extraction Areas are to be returned or rehabilitated to a condition in which substantially the same areas and same average soil capability for agriculture to be restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored;
  - i) within *prime agricultural areas* or *specialty crop areas*, where rehabilitation to the conditions set out in (g) and (h) above is not possible or feasible due to the depth of planned extraction or due to the presence of a substantial deposit of high quality *mineral aggregate resources* below the water table warranting extraction, agricultural rehabilitation in the remaining areas will be maximized as a first priority; and
  - j) in areas below water table extraction, mineral aggregate operations requiring perpetual water management after rehabilitation is complete should be avoided except where it can be demonstrated that such actions would support other public water management needs.
12. New development adjacent to extractive operations should only be permitted where the new development incorporates suitable methods to minimize land use conflicts (e.g., site design, berming).

#### Wayside pits and quarries

13. In addition to the *Aggregate Resources Act*, proposed *wayside pits and quarries* shall also be subject to the following:
- a) an application for a wayside permit shall be accompanied by a sketch map drawn to scale, indicating *property* features, present *pit* areas, excavation faces, areas to be excavated and other areas to be used;
  - b) an application for a wayside permit shall be accompanied by a rehabilitation statement or plan *compatible* with the proposed operation and the land use in the area;
  - c) the comments of affected municipalities will be solicited on applications for wayside permits for provincial road construction purposes;
  - d) the opportunity to use *mineral aggregate resources* that would not be otherwise commercially developed, including abandoned *pits* and *quarries*, shall be considered prior to issuing a wayside permit;



(i) is required to house help that is needed on the farm operation on a seasonal or full time basis,

(ii) does not require a consent under section 50 or 53 of the *Planning Act* , and

(iii) will not adversely affect the ecological integrity of the Plan Area.

Mineral aggregate operations and wayside pits

35. (1) An application for a mineral aggregate operation or wayside pit shall not be approved unless the applicant demonstrates,

(a) that the quantity and quality of groundwater and surface water in the Plan Area will be maintained and, where possible, improved or restored;

(b) that as much of the site as possible will be rehabilitated,

(i) in the case of land in a prime agricultural area, by restoring the land so that it can be used for agriculture, and

(i) in the case of land in a prime agricultural area, by returning substantially all the land to a condition in which the soil capacity for agriculture is on average the same as it was before the mineral aggregate operation or wayside pit began operating, and

(ii) in all other cases, by establishing or restoring natural self-sustaining vegetation;

(c) if there are key natural heritage features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible, improved or restored; and

(d) if there are areas of natural and scientific interest (earth science) on the site or on adjacent land, that the geological or geomorphological attributes for which they were identified will be protected.

(2) An application for a mineral aggregate operation or wayside pit with respect to land in a Natural Linkage Area shall not be approved unless the applicant demonstrates,

(a) that there will be compliance with subsection (1);

(b) that there will be no extraction within 1.5 metres of the water table;

(c) that the extraction of mineral aggregates from the site will be completed as quickly as possible;

(d) that the site will be rehabilitated in stages as quickly as possible; and

(e) that the entire site will be rehabilitated,

(i) in the case of land in a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level, and

(ii) in all other cases, by establishing or restoring natural self-sustaining vegetation.

(3) In order to maintain connectivity, when a mineral aggregate operation or a wayside pit is located in a Natural Linkage Area, there shall at all times be an excluded area (which, for greater certainty, may

# **Significant Woodlands**

**identifying** identification of opportunities for resource recovery and for co-ordinated approaches to rehabilitation where feasible.

Municipalities will develop and implement official plan policies and other strategies to conserve *mineral aggregate resources*, including:

the recovery and recycling of manufactured materials derived from *mineral aggregate resources* for reuse in construction, manufacturing, industrial or maintenance projects as a substitute for new *mineral aggregate resources*; and

a) the wise use of *mineral aggregate resources*, including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

2. Notwithstanding the policies of subsections 4.2.2, 4.2.3 and 4.2.4, within the *natural heritage system*, *mineral aggregate operations* and wayside pits and quarries are subject to the following:

a. no new *mineral aggregate operation* and no wayside pit and quarry, or any ancillary or accessory use thereto will be permitted in the following *key natural heritage features* and *key hydrologic features*:

i. *significant wetlands*;

ii. *habitat of endangered species and threatened species*; and

iii. *significant woodlands* unless the *woodland* is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate that policies 4.2.8.5 b) and c) and 4.2.8.6 c) have been addressed and that they will be met by the operation;

b. an application for a new *mineral aggregate operation* or new wayside pit and quarry may only be permitted in *key natural heritage features* and *key hydrologic features* not identified in 4.2.8.3 a) and any *vegetation protection zone* associated with such features where the application demonstrates:

i. how the *water resource system* will be protected or enhanced; and

ii. that policies 4.2.8.5 b) and c) and 4.2.8.6 c) have been addressed, and that they will be met by the operation; and

c. any application for a new *mineral aggregate operation* will be required to demonstrate:

i. how the connectivity between *key hydrologic features* and *key natural heritage features* will be maintained before, during and after the extraction of *mineral aggregate resources*;

ii. how the operator could immediately replace any habitat that would be lost from the site with equivalent habitat on another part of the site or on adjacent lands; and

iii. how the *water resource system* will be protected or enhanced; and

d. an application to expand an existing *mineral aggregate operation* may be approved in the *natural heritage system*, including *key hydrologic features* and *key natural heritage features*, and in any associated *vegetation protection zone* only if the related decision is consistent with the PPS, 2014 and satisfies the rehabilitation requirements of this section.

3. In *prime agricultural areas*, applications for new *mineral aggregate operations* will be supported by an *agricultural impact assessment* and, where possible, will seek to maintain or improve connectivity of the *agricultural system*.

4. When operators are undertaking rehabilitation of *mineral aggregate operation* sites, the following

- v. educational and historical displays that are related to the wine and grape industry; and
- vi. outdoor picnics and barbecues, provided that adequate and appropriate water and sanitary services are available to the satisfaction of the Public Health Department.

## 2.9 Mineral Aggregate Resources

The objective is to minimize the impact of *mineral aggregate operations* and their *accessory uses* on the *Escarpment environment* and to support a variety of approaches to rehabilitation to restore the *Escarpment environment* and provide for re-designation to land use designations *compatible* with the adjacent land uses.

1. No new *mineral aggregate operation* and no *wayside pits and quarries*, or any *accessory use* thereto, will be permitted in the following key natural heritage features and any *vegetation protection zone* associated therewith:
  - a) *wetlands*; and
  - b) *significant woodlands*, unless the *woodland* is occupied by young *plantation* or *early successional habitat* (as defined by the Ministry of Natural Resources and Forestry).
2. No new *mineral aggregate operation* and no *wayside pits and quarries*, or any *accessory use* thereto will be permitted in the any other key natural heritage feature, natural feature or key hydrologic feature, or any *vegetation protection zone* associated therewith, unless it has been demonstrated that there will be no *negative impacts* on the feature or its functions or the *Escarpment environment*.
3. Extractive operations including *wayside pits and quarries* and haul routes shall be required to:
  - a) demonstrate how all other natural heritage features and functions will be protected or enhanced before, during and after extraction;
  - b) demonstrate how *cultural heritage resources* will be conserved.
  - c) demonstrate how the Escarpment's *scenic resources* and *open landscape character* will be maintained or enhanced, before, during and after the extraction;
  - d) demonstrate how key hydrological features will be protected or enhanced before, during and after extraction, including the maintenance of the groundwater and surface water quantity and quality;

# **NEC Changes to Designation Criteria**

### 1.3.1 Objectives

1. To recognize and protect the natural heritage system associated with the Niagara Escarpment Plan area and maintain the most natural Escarpment features, *valleylands*, *wetlands* and related significant natural areas.
2. To protect and maintain *cultural heritage resources* and their histories, including features and areas of cultural interest to First Nations and Métis communities.
3. To encourage *compatible* recreation, *conservation* and educational activities.
4. To maintain and enhance the *natural scenery* and *open landscape character* of the Escarpment.

### 1.3.2 Criteria for Designation

1. Escarpment slopes and **Escarpment Related Landforms** associated with the underlying bedrock that are in a relatively natural state.
2. Where forested lands abut the Escarpment, the designation includes the forested lands 300 metres (1,000 feet) back from the brow of the Escarpment slopes.
3. Provincially significant *Areas of Natural and Scientific Interest* (Life Science).
4. **Significant valleylands** and Provincially Significant and **locally significant wetlands.**

### 1.3.3 Permitted Uses

Subject to Part 2, Development Criteria, the following uses may be permitted:

1. existing *agricultural uses*;
2. *existing uses*, including existing *agriculture-related uses* and existing *on-farm diversified uses*;
3. *single dwellings*;
4. recreation uses, such as nature viewing and *trail activities*, except motorized vehicle trails or the use of motorized trail vehicles. Golf facilities and *accessory uses* and facilities to golf facilities, ski hills, hotel and resort uses are not permitted;
5. *forest, wildlife* and *fisheries management*;
6. archaeological fieldwork;
7. *infrastructure* where the project has been deemed necessary to the public interest after all other alternatives have been considered;
8. *accessory uses*, including *accessory facilities* (e.g., a garage, swimming pools or tennis courts) and *signs*, and the site alterations required to accommodate them;

NEC had added outliers into the definition

The policies aim to maintain and enhance the remaining natural heritage and hydrologic features and the *open landscape character* of the Escarpment and lands in its vicinity.

### 1.4.1 Objectives

1. To maintain and enhance the *open landscape character* of the *Escarpment environment*.
2. To provide a buffer to prominent Escarpment features.
3. To recognize and protect the natural heritage system associated with the Niagara Escarpment Plan area and maintain natural areas of regional significance.
4. To protect and maintain *cultural heritage resources* and their histories, including features and areas of cultural interest to First Nation and Métis communities.
5. To encourage forestry and recreation.
6. To protect the agricultural lands, including *prime agricultural areas* and *specialty crop areas*.

### 1.4.2 Criteria for Designation

1. Escarpment slopes and **Escarpment related landforms** where existing land uses have significantly altered the *natural environment* (e.g., agricultural lands or residential development).
2. Areas in close proximity to Escarpment slopes that are visually part of the landscape unit.
3. *Areas of Natural and Scientific Interest* (Life Science) or **environmentally sensitive or environmentally significant areas designated by municipalities or conservation authorities.**

### 1.4.3 Permitted Uses

Subject to Part 2, Development Criteria, the following uses may be permitted:

1. *agricultural uses*;
2. *agriculture-related uses* and *on-farm diversified uses*;
3. *existing uses*;
4. *single dwellings*;
5. mobile or portable *dwelling unit(s)* accessory to agriculture;
6. in non-*prime agricultural areas* and non-*specialty crop areas*, recreational uses, such as picnic sites, day use sites, unserviced camp sites, and trail

NEC had added outliers into the definition

This designation criteria was never intended to capture municipal NHS' which are broadly mapped and permit aggregate operations. If municipal NHS' become Escarpment Protection, mineral aggregate operations will be automatically prohibited which is inconsistent with Region and Local Policies

**Additional  
Prohibitions Within  
NEP and ORMCP**



- c) the *Lot(s)* shall not limit the agricultural viability or use of the *remnant APO lot* because of the location of the surplus residence or existing buildings (e.g., key-hole lot situations);
  - d) the proposed surplus residence was not originally approved on the basis that it was for temporary use or as a *dwelling unit* accessory to agriculture;
  - e) the proposed surplus residence is an *existing use*, as defined in this plan, and has been determined to be habitable under the provisions of the Ontario Building Code at the time of the application for severance;
  - f) the proposed surplus residence has been built and occupied for not less than ten (10) years, at the time of the application for severance;
  - g) the application for severance of the surplus residence must occur within two (2) years of the date that the lands were acquired as part of a *farm consolidation*; and
  - h) a *lot* supporting a mobile or portable dwelling or as a *dwelling unit* accessory to agriculture shall not be severed as *property* with a surplus residence.
22. The *APO lot* shall have an appropriate legal restriction registered against the property's title providing that the *lot* will not be used for any purpose other than an *agricultural use, agriculture-related use or on-farm diversified use*, excluding *wineries*, equestrian centres, and commercial, industrial, *institutional*, warehousing, office, manufacturing and similar uses that may serve or be related to agriculture, as prescribed in Part 2.2.1 (d) of this Plan that, amongst other matters, will specify that no *dwelling unit*, including a mobile or portable *dwelling unit* or as a *dwelling unit* accessory to agriculture, will be established on the *APO lot*. The legal restriction may be implemented by an agreement made under subsection 24 (2.1) of the *Niagara Escarpment Planning and Development Act*.
23. The *APO lot* shall require a lot of 20 hectares (50 acres) or more. A lot of lesser size may be considered on the basis of a farm business plan or agricultural study, and that demonstrates that the lot will make a contribution to the farming operation benefitting from the creation of the *APO lot*, to the satisfaction of the *implementing authority*.
24. The *lot* to be severed for the surplus dwelling and the remnant agricultural lot that is intended to be the *APO lot*, must front onto or have access to an existing public road that is of a reasonable standard of construction and is generally maintained all year round.
25. The *APO lot* may include an area designated as Escarpment Natural Area, provided the *implementing authority* is satisfied that the Escarpment Natural Area is part of an existing *agricultural use* and the majority of the lands outside the Escarpment Natural Area are actively farmed and it is

6. During development, a screen of appropriate fencing material (e.g., snow fencing) should be established approximately three metres (10 feet) from the crest of the slope in order to prevent any dumping.
7. Development (e.g., ski facilities) should be designed in such a way as to minimize the disturbance and ensure the stability of Escarpment and ravine slopes.

## 2.6 Development Affecting Water Resources

The objective is to ensure that development affecting hydrologic features will have no *negative impacts* on the features or their *hydrologic functions*, or on supporting natural heritage features and functions at the local and watershed level.

Development shall only be permitted where it will ensure the *protection* of vulnerable surface water features and groundwater features from development that may adversely affect the quality and quantity of ground and surface waters in the vicinity of the Escarpment.

The following are key hydrologic features within the meaning of the Plan:

- *permanent and intermittent streams;*
- *lakes (and their littoral zones);*
- *seepage areas and springs; and*
- *wetlands.*

The following policies apply to key hydrologic features throughout the Niagara Escarpment Plan Area:

1. *Development is not permitted in key hydrologic features* with the exception of the following, which may be permitted, subject to compliance with all other relevant development criteria:
  - a) development of a *single dwelling* and *accessory facilities* outside of a *wetland* on an *existing lot of record*, provided there is no *negative impact* to the feature or its functions;
  - b) *forest, fisheries* and *wildlife management*, provided *negative impacts* on the *Escarpment environment* will be minimal;
  - c) *conservation* and flood or erosion control projects, but only after all alternatives have been considered;
  - d) hiking trails or boardwalks on parks and open space lands that are in an approved Niagara Escarpment Parks and Open Space Master/Management Plan; or

contain both undisturbed land and land whose rehabilitation is complete) that,

(a) is at least 1.25 kilometres **wide** in total width, such distance being measured either entirely within the Natural Linkage Area or including areas within the Natural Core Area that is adjacent to the excluded area;

(b) lies outside the active or unrehabilitated portions of the area being used; and

(c) connects parts of the Natural Linkage Area outside the mineral aggregate operation or wayside pit.

(4) Despite subsection 22 (2), an application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,

(a) the key natural heritage feature is a significant woodland and it is occupied by young plantations or early successional habitat; and

**Previously any key Natural Heritage feature could be extracted if it was young or early successional habitat. Now it is limited to just significant woodlands.**

(b) the applicant demonstrates that,

(i) the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored,

(ii) the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation, and

(iii) the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.

(5) In subclause (4) (b) (iii),

"ecological value" means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for **rare**, threatened species and endangered species.

(6) An application for a mineral aggregate operation or wayside pit with respect to land in a landform conservation area (Category 1 or 2) shall not be approved unless the applicant demonstrates,

(a) that the area from which mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent land; and

(b) that the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored.

Comprehensive rehabilitation plans

**36.** Municipalities and the mineral aggregate industry are encouraged to work together to develop and implement comprehensive rehabilitation plans for parts of the Plan Area that are affected by mineral aggregate operations.

Excess soil and fill

**36.1.** Municipalities and industry shall use best practices for the management of excess soil and fill generated during any development or site alteration, including infrastructure development, so as to ensure that,

- v. educational and historical displays that are related to the wine and grape industry; and
- vi. outdoor picnics and barbecues, provided that adequate and appropriate water and sanitary services are available to the satisfaction of the Public Health Department.

## 2.9 Mineral Aggregate Resources

The objective is to minimize the impact of *mineral aggregate operations* and their *accessory uses* on the *Escarpment environment* and to support a variety of approaches to rehabilitation to restore the *Escarpment environment* and provide for re-designation to land use designations *compatible* with the adjacent land uses.

This includes all wetlands regardless of size and ecological function

1. No new *mineral aggregate operation* and no *wayside pits and quarries*, or any *accessory use* thereto, will be permitted in the following key natural heritage features and any *vegetation protection zone* associated therewith:
  - a) *wetlands*; and
  - b) *significant woodlands*, unless the *woodland* is occupied by young plantation or early successional habitat (as defined by the Ministry of Natural Resources and Forestry).
2. No new *mineral aggregate operation* and no *wayside pits and quarries*, or any *accessory use* thereto will be permitted in the any other key natural heritage feature, natural feature or key hydrologic feature, or any *vegetation protection zone* associated therewith, unless it has been demonstrated that there will be no *negative impacts* on the feature or its functions or the *Escarpment environment*.
3. Extractive operations including *wayside pits and quarries* and haul routes shall be required to:
  - a) demonstrate how all other natural heritage features and functions will be protected or enhanced before, during and after extraction;
  - b) demonstrate how *cultural heritage resources* will be *conserved*.
  - c) demonstrate how the Escarpment's *scenic resources* and *open landscape character* will be maintained or enhanced, before, during and after the extraction;
  - d) demonstrate how key hydrological features will be protected or enhanced before, during and after extraction, including the maintenance of the groundwater and surface water quantity and quality;

# **New Policies to Apply to Existing Applications**

- **Promote collaboration among all sectors - government, private and non-profit - and residents to achieve the vision.**
- **General** Protect and enhance natural heritage, hydrologic and landform features and functions.
- Support and enhance the long-term viability of the agricultural sector by protecting *prime agricultural areas* and the *agricultural support network*.
- Conserve and promote *cultural heritage resources* to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient *infrastructure* and moving towards *net-zero communities* by incorporating techniques to reduce greenhouse gas emissions.

### 1.2.2 Legislative Authority

This Plan **for** is issued under the **GGH derives its** authority **from** of section 7 of the Places to Grow Act, 2005. **This Plan is** It was approved through an Order-in-Council made **by the Lieutenant Governor in Council** under that Act. and came into effect on [placeholder for effective date]. This Plan replaces the Growth Plan, 2006 that initially took effect on June 16, 2006 and was amended by Amendment 1 (January 19, 2012) and Amendment 2 (June 17, 2013).

This Plan applies to the **GGH lands** area designated by Ontario Regulation 416/05. All decisions made on or after [placeholder for effective date] in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

### 1.2.3 How to Read this Plan

**This Plan** This Plan informs decision-making regarding growth management and environmental protection in the *GGH*. It consists of policies, schedules, definitions and appendices. It also includes non-policy contextual commentary to provide background and describe the **intent** purpose of the policies. **Terms in italics are defined in the Definitions section of this Plan.**

**This Plan informs decision-making regarding growth management in the GGH. It contains a set of policies for managing growth and development to the year 2041. While certain policies have specific target dates, the goals and policies of this Plan are intended to be achieved within the life of this Plan.**

#### Relationship with the Provincial Policy Statement

##### The PPS

**The land-use planning process within the GGH is governed primarily by the Planning Act and the Government of Ontario's existing planning syst**The Provincial Policy Statement and Provincial Plans

**The Provincial Policy Statement (PPS)** provides overall policy directions on matters of provincial interest related to land use and development in Ontario, and applies to the *GGH*. **This Plan should be read in conjunction with the applicable PPS.** *GGH*, except where this Plan or another provincial plan provides otherwise.