OSSGA
ONTARIO STONE, SAND
& GRAVEL ASSOCIATION

February 15, 2019

Jae Truesdell,
Policy Advisor, Planning, Zoning and Development,
Minister's Office, MMAH
College Park 17th Flr,
777 Bay St,
Toronto, ON
M5G 2E5

Dear Mr. Truesdell

Re: Proposed Changes to the Provincial Policy Statement 2014 and Planning Act

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The Province has requested input from OSSGA on potential changes to the 2014 Provincial Policy Statement and Planning Act.

We are at a critical point and strong provincial leadership is required to ensure that high quality aggregate resources located close to the consumer are available to meet provincial infrastructure and growth requirements. Municipal approaches that restricted access to mineral aggregate resources is the very reason the Province initially declared mineral aggregates a matter of provincial interest and brought forward the first Provincial Policy Statement in 1979.

There is a strong and long standing provincial interest in the protection and availability of mineral aggregates. In 1979 the province released the Mineral Aggregates Policy for Official Plan (10 Point Policy). This document evolved into Mineral Aggregate Resources Policy (MARPP) in 1982, which was adopted in 1986 as the Mineral Aggregate Resources Policy Statement (MARPS). MARPS was replaced by the Comprehensive Set of Policy Statements (CPS) in 1994, which was subsequently superseded by the PPS in 1996, 2005 and 2014.

This long and significant history illustrates that ensuring the availability of mineral aggregates close to the consumer has been a consistent and long standing provincial interest. This is more important today than ever before.

There is a proven gap between the consumption rate of aggregates and the rate of licensing replacement reserves in key market areas. This is not sustainable. A strong commitment from the Province by way of the PPS is needed to continue to acknowledge aggregates as a vital provincial interest or this gap will widen.

The ability to access new aggregate reserves relies on the ability of the PPS to provide a balanced approach in finding solutions to competing land and resource use interests.

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The current policy framework is not working. New mineral aggregate operations in Southern Ontario are taking up to 10 years to complete the process for approval. One of the main contributing factors to the lengthy timelines is that there are too many overlapping policies and inconsistent approaches between the Provincial Plans, Regional Official Plans, Local Official Plans and Conservation Authority policies regarding the management of this essential non-renewable resource. The process has also become too cumbersome for small and independent aggregate producers and this will ultimately result in reduced competition, less supply available and increased costs.

OSSGA has consulted with its members and the unanimous position is that the Provincial Policy Statement and Planning Act needs to provide clear language in the policies to ensure that municipalities are not implementing a restrictive/prohibitory approach regarding the protection, availability and operation of mineral aggregate operations.

In the case of natural heritage resource there is significant overlap with mineral aggregate deposits. The PPS is being interpreted and implemented in a way that treats almost all environmental features on the landscape as provincially significant. Small isolated wetlands in agricultural settings and low quality plantation woodlands are often included as "significant" and a constraint to interim extraction with rehabilitation that enhances the features and creates an overall net gain.

The PPS definitions for these natural features and their significance could be improved to scale back the capture of low quality environments but real improvement will require substantial revisions to the technical criteria that are being used to define the natural features.

The more immediate and necessary solution for availability of close to market aggregate resources is to recognize the distinction between this interim resource use with potential for rehabilitation opportunities and permanent forms of development that have more flexibility in where they can be located.

Ontario's close to market availability of high quality aggregate is at risk given interpretation trends relating to policies designed to protect most natural heritage features regardless of quality. This also puts at risk the Province’s growth and infrastructure objectives.

The PPS and its implementation should refocus on legitimate Provincial interests. As the PPS has evolved over 40 years it has been expanded to include virtually all planning interests and considerations. The policy framework in Ontario must continue to distinguish between provincial interests versus local interests. If this distinction is lost, then the value of a Provincial policy led system is diminished.

Recent changes to LPAT and the Planning Act have limited opportunities for appeals of Municipal Official Plans and have downloaded more responsibility to regional and local governments. While mineral aggregate operations are a needed land use they typically face significant local opposition. As a result it is imperative that the Province improve policies that protect and ensure the availability of this important provincial resource.

Our recommended policy changes will ensure that mineral aggregate operations are operated in a social and environmentally responsible manner while restoring confidence in the aggregate industries ability to invest in the application process to make this resource available.

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Attached please find:

- Securing Access To Stone, Sand & Gravel;
- OSSGA proposed changes to Section 2.5 of the Provincial Policy Statement; and
- OSSGA Proposed Changes to the Planning Act.

We look forward to meeting with the Province to discuss the proposed revisions.

Yours truly,

Norm Cheesman

cc. Kate Manson-Smith, Assistant Deputy Minister, Local Government & Planning Policy Division, MMAH
Ala Boyd, Director, Natural Resources Conservation Policy Branch, MNRF
Jake Sikora, Senior Policy Advisor and Stakeholder Relations, MNRF
Patrick Sackville, Senior Policy Advisor, Office of the Premier

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OSSGA Proposed Changes and Comments on the Planning Act

February 15, 2019

Planning Act Provision	Proposed Change	Rationale / Comments
Purpose of Act		
1.1 The purposes of this Act are, (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act; (b) to provide for a land use planning system led by provincial policy; (c) to integrate matters of provincial interest in provincial and municipal planning decisions; (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient; (e) to encourage co-operation and co-ordination among various interests; (f) to recognize the decision-making authority and accountability of municipal councils in planning.	Add the following purpose: *"(g) to provide leadership on protecting and making resources of provincial interest available;"*	We are at a critical point and strong provincial leadership is required to ensure that the aggregate resources are available to meet provincial infrastructure and growth requirements. Municipal approaches that restricted access to mineral aggregate resources is the very reason the Province declared mineral aggregates a matter of provincial interest and represented the first Provincial Policy Statement in 1979. We have come full circle and provincial leadership is required on this important issue once again.
Provincial Interest		
2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,	Revise the following subsections: "(a) the protection of *significant* ecological systems, including natural areas, features and functions *identified as significant*;"	The proposed change to (a) provides a top-down foundation to the protection of the most important natural features as opposed to the protection of any natural feature regardless of significance which restricts

Planning Act Provision	Proposed Change	Rationale / Comments
(a) the protection of ecological systems, including natural areas, features and functions; (b) the protection of the agricultural resources of the Province; (c) the conservation and management of natural resources and the mineral resource base; (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;…	"(c) the conservation, management, *protection and utilization* of natural resources *including mineral aggregate resources* and the mineral resource base;"	access to aggregate resources which could otherwise be made available. The proposed change to (c) makes it clear that aggregate is included since the PPS defines "mineral resources" differently. It also strengthens the provincial interest in the protection of important resource areas and making them available for future use to accommodate planned growth and development.
Official Plan		
Contents of Official Plan **16** (1) An official plan shall contain, (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization; (a.1) such policies and measures as are practicable to ensure the adequate provision of affordable housing; (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of, (i) proposed amendments to the official plan or proposed revisions of the plan, (ii) proposed zoning by-laws,	Add the following: *"(a.2) such policies and measures as are practical to ensure the protection and utilization of resources of provincial interest as identified in section 2;"*	Requires municipal official plans to include appropriate measures to protect resources of provincial interest.

Planning Act Provision	Proposed Change	Rationale / Comments
(iii) proposed plans of subdivision, and (iv) proposed consents under section 53; and (c) such other matters as may be prescribed.		
No appeal of Minister's Decision **17** (36.5) Despite subsection (36), there is no appeal in respect of a decision of the approval authority under subsection (34), if the approval authority is the Minister.	Remove.	There is no clear rationale for why the Minister's decision on a new Official Plan or Official Plan Amendment is not subject to appeal. Prohibiting such appeals is contrary to due process and meaningful participation.
Two-year Application Moratorium (OPA) **22**(2.1) No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect.	Delete.	Aggregate applications typically require amendments to Official Plans to permit pits or quarries. This provision has effectively barred applicants from proceeding with their application with no logical or sound reason for doing so. Red Tape Reduction: This provision creates unnecessary delays and barriers to making significant aggregate resources available.
Basis for Appeal (OPA) **22**(7.0.0.1) An appeal under subsection (7) may only be made on the basis that, (a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and	Delete (a).	An appeal of a refused Official Plan Amendment application requires that the applicant demonstrate how the part of the existing official plan being amended is inconsistent with provincial policy. As noted above, aggregate applications typically require amendments to Official Plans to permit pits or quarries. Often times the existing land use designation being amended would be rural or agricultural. There is no logical or sound reason for

Planning Act Provision	Proposed Change	Rationale / Comments
(b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.		requiring an appeal to outline why the rural or agricultural designation is inconsistent with provincial policy. The appeal test should be whether the proposal is consistent with provincial policy. This provision creates unnecessary delays and barriers to making significant aggregate resources available.
Notice of Appeal Requirements (OPA) **22**(8) A notice of appeal under subsection (7) shall, (a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment; (a.1) explain how the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; (a.2) explain how the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan; and	Delete (a.1).	An appeal of a refused Official Plan Amendment application requires that the applicant demonstrate how the part of the existing official plan being amended is inconsistent with provincial policy. As noted above, aggregate applications typically require amendments to Official Plans to permit pits or quarries. Often times the existing land use designation being amended would be rural or agricultural. There is no logical or sound reason for requiring an appeal to outline why the rural or agricultural designation is inconsistent with provincial policy. The appeal test should be whether the proposal is consistent with provincial policy. This provision creates unnecessary delays and barriers to making significant aggregate resources available.

Planning Act Provision	Proposed Change	Rationale / Comments
(b) be accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.		
LPAT Referral to Council for New Decision (OPA) **22**(11.0.9) Unless subsection (11.0.10) or (11.0.13) applies, on an appeal under subsection (7), the Tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that, (a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and (b) the requested amendment is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.	Delete including all other related provisions in Subsection 22(11).	Referring LPAT's decision back to council for a new decision adds uncertainty, cost, delays and complexities to the development approvals process. Similar to the old OMB system, LPAT's decision should be final.
Zoning By-law		
Pits and Quarries	Add the following to 34(2): *"By-laws passed under this Act shall not regulate operational matters or*	Municipalities are increasingly regulating aggregate operations through zoning by-laws and development agreements (i.e. hours of

Planning Act Provision	Proposed Change	Rationale / Comments
34 (2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1).	*impose conditions that are addressed under the Aggregate Resources Act for licensed pits and quarries."*	operation, depth of extraction, aggregate recycling, etc.). The regulation of aggregate operations is clearly defined under the Aggregate Resources Act. Municipal overreach on matters with clearly defined Provincial regulation creates unnecessary delays and barriers to making significant aggregate resources available.
Two-year Application Moratorium (Zoning) **34** (10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them.	Delete	Aggregate applications almost always require amendments to Zoning By-laws to permit pits or quarries. It would be extremely rare for a municipality to "pre-zone" pits and quarries. This provision has effectively barred applicants from proceeding with their application with no logical or sound reason for doing so. This provision creates unnecessary delays and barriers to making significant aggregate resources available.
Basis for Appeal (Zoning) **34** (11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and	Delete (a).	An appeal of a refused Zoning By-law application or non-decision requires that the applicant demonstrate how the part of the existing by-law being amended is inconsistent with provincial policy. As noted above, aggregate applications almost always require amendments to Zoning By-laws to permit pits or quarries. Often times the existing zoning being amended would be rural or agricultural. There is no logical or sound reason for

Planning Act Provision	Proposed Change	Rationale / Comments
(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.		requiring an appeal to outline why the rural or agricultural zone is inconsistent with provincial policy. The appeal test should be whether the proposal is consistent with provincial policy. This provision creates unnecessary delays and barriers to making significant aggregate resources available.
Notice of Appeal Requirements (Zoning) **34** (11.0.0.0.4) A notice of appeal under subsection (11) shall, (a) explain how the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) explain how the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.	Delete (a).	An appeal of a refused Zoning By-law application or non-decision requires that the applicant demonstrate how the part of the existing by-law being amended is inconsistent with provincial policy. As noted above, aggregate applications almost always require amendments to Zoning By-laws to permit pits or quarries. Often times the existing zoning being amended would be rural or agricultural. There is no logical or sound reason for requiring an appeal to outline why the rural or agricultural zone is inconsistent with provincial policy. The appeal test should be whether the proposal is consistent with provincial policy. This provision creates unnecessary delays and barriers to making significant aggregate resources available.
LPAT Referral to Council for New Decision (Zoning)	Delete including all other related provisions in Subsection 34(26).	Referring LPAT's decision back to council for a new decision adds uncertainty, cost, delays

Planning Act Provision	Proposed Change	Rationale / Comments
34 (26.1) Unless subsection (26.3), (26.6), (26.7) or (26.9) applies, on an appeal under subsection (11), the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that, (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.		and complexities to the development approvals process. Similar to the old OMB system, LPAT's decision should be final.
Tariff of Fees		
69 (1) The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff.	Add the following: *"(1.1) The council of a municipality or a planning board shall not establish fees for the purposes of reviewing matters that are under the jurisdiction of the Province of Ontario."*	Duplication of review is a significant concern for aggregate applications. Increasingly municipalities are charging exorbitant fees including retaining external experts to review matters already addressed by the Province through MNRF, MECP, etc. (e.g. natural heritage and endangered species, protection of water supply, etc.). Providing clear limits on this authority would reduce costs, delays and complexity for aggregate applications and assist in making significant aggregate

Planning Act Provision	Proposed Change	Rationale / Comments
		resources available to accommodate planned growth and development.
Regulations		
Official Plan Amendments (O. Reg. 543/06) and Zoning By-law Amendments (O. Reg. 545/06)	Add the following to each regulation: *"In determining what information to require for such amendments, municipalities shall not duplicate requirements that are addressed under other provincial legislation including the Aggregate Resources Act."*	Duplication of review is a significant concern for aggregate applications. Increasingly municipalities are requiring additional studies beyond those that are required under the Aggregate Resources Act. Providing clear limits on this authority would reduce costs, delays and complexity for aggregate applications and assist in making significant aggregate resources available to accommodate planned growth and development.

OSSGA Proposed Changes and Rationale on Provincial Policy Statement

February 15, 2019

Provincial Policy Statement	Rationale for Change
2.5 Mineral Aggregate Resources	
Protection of Long-Term Resource Supply	
Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, *deposits of mineral aggregate resources* shall be ~~identified~~ mapped in Official Plans for protection.	Existing Policy 2.5.1 – Modified to require Official Plans to include a map protecting the resource. Without a map the following provincial policies are difficult to implement. Typically this includes selected bedrock resource areas and primary and secondary sand and gravel deposits as mapped by MNRF/ MNDM.
Mineral aggregate operations shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.	No change recommended. Existing Policy 2.5.2.4 – This is an important policy to ensure that existing operations are protected, particularly when it is so difficult to obtain approvals for a new mineral operation.
In known *deposits of mineral aggregate resources* and on *adjacent lands*, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and c) issues of public health, public safety and environmental	No change recommended. Existing Policy 2.5.2.5 – This is an important policy to ensure that the aggregate resource is not sterilized. It is a non-renewable resource that geologically only exists in certain parts of the Province. It is a finite resource that needs to be protected.

Provincial Policy Statement	Rationale for Change
impact are addressed.	
New Mineral Aggregate Operations	
As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible to minimize social, economic and environmental impacts of transporting the resource to market.	Existing Policy 2.5.2.1 – Modified to articulate the provincial rationale for this policy. Numerous government studies confirm that transporting aggregate further from market has significant impacts. The provincial interest is served by having the resource located as close to the consumer as possible to reduce greenhouse gases, fuel consumption and kilometres travelled on existing roads.
Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.	No change recommended. Existing Policy 2.5.2.1 - This was an important policy added to the 2005 Provincial Policy Statement to end years of litigation with the NEC and regional and local governments. This was also a test that individual applicants could not complete since this information is proprietary and not publically available. An abundant supply of aggregate has benefited the Province by reducing the travel distance to market and ensuring a competitive supply so Ontario can continue to provide high quality of living through cost effective and well built infrastructure.
Mineral aggregate operations may be permitted in significant natural features if off-site ecological enhancements and/or rehabilitation results in an overall net gain to the environment over the long term to the satisfaction of the Province. Applications are also required to be in accordance with provincial and federal requirements for fish habitat and habitat for endangered and threatened species.	This policy allows the economy and natural environment to grow together and will ensure that applications result in a net gain to the environment. There is a high overlap between aggregate areas and natural heritage areas and in certain cases lower quality/easily replicated natural features can be removed and enhanced as part of rehabilitation or off-site ecological enhancements. Red Tape Reduction: MNRF completes its review on natural heritage features and multiple levels of review and sign off should not be required from municipal governments and conservation authorities.
Impacts on sensitive land uses will be minimized by designing the operation to meet Provincial standards, regulations and guidelines for noise, dust and vibration to the satisfaction of the Province.	Red Tape Reduction: Provide clear direction that provincial standards for air, noise and blasting shall be used and municipalities shall not develop their own standards. Multiple levels of review should be not be required since the Province regulates

Provincial Policy Statement	Rationale for Change
	these issues.
Aggregate haul routes are permitted on Provincial and arterial roads including major goods movement facilities and corridors (e.g. Provincial and County roads). Where access to the site is on a local road the route of least impact to access a Provincial or arterial road shall be used. Municipalities are not permitted to impose a fee or charge for the use of roads to transport mineral aggregate resources.	Red Tape Reduction: Provincial direction regarding haul routes is required. Municipalities are developing inconsistent approaches for the use and maintenance of County Roads that only target the aggregate industry whereas other trucks are permitted to use these routes. The provision regarding fees is already located in the Municipal Act (Section 394(1) and is an important clarification since the County of Simcoe is trying to impose a fee for the use of County Roads. These roads have a planned function and are designed to accommodate truck traffic and the aggregate industry are the only trucks that are being targeted by the County.
Private wells including municipal drinking wells shall be protected to the satisfaction of the Province.	Red Tape Reduction: The Province regulates water management through PTTW and ECA and require that wells are protected as part of these permits. Multiple levels of review should not be required since the Province regulates these issues.
Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.	No change recommended. Existing Policy 2.5.2.2.
Aggregate Resource Conservation	
Mineral aggregate recycling and blending of aggregates shall be permitted within active mineral aggregate operations without the need for an Official Plan Amendment, rezoning or development permit under the Planning Act to promote *mineral aggregate resource* conservation.	Red Tape Reduction: Recycling and blending as much aggregate as possible is in the public interest to conserve and maximize the use of aggregate reserves. Requiring Planning Act approvals to permit this use in existing aggregate operations is a barrier to recycling. Mineral aggregate operations already have the truck routes, scales, processing equipment and storage area to facilitate aggregate recycling. It does not add a new use or impact and the Province has prescribed conditions on the storage requirements to ensure water resources and the environment are protected.
~~Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.~~	Replaced with proposed policy.

Provincial Policy Statement	Rationale for Change
Extraction in Prime Agricultural Areas	
In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*.	No change recommended. Existing Policy 2.5.4.1 – This is an important policy since aggregate areas are either overlaid with natural heritage features or agricultural lands. Other Provincial policy prohibits or restricts development so this clarification is important.
Complete rehabilitation to an *agricultural condition* is not required if: a) outside of a *specialty crop area*, there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre- extraction agricultural capability unfeasible; b) in a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre- extraction agricultural capability unfeasible; ~~c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 lands; and~~ c) agricultural rehabilitation in remaining areas is maximized.	Red Tape Reduction: This study is not necessary. Mineral aggregate resources are either overlaid by natural heritage features or prime agricultural lands. Studies have shown in Southern Ontario only 0.7% of prime agricultural land contains a mineral aggregate operation and many of these studies are being rehabilitated back to agricultural.

Provincial Policy Statement	Rationale for Change
Rehabilitation	
Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.	No change recommended. Existing policy 2.5.3.1
Clean fill may be permitted in progressive and final rehabilitation to improve landscape, ecological or agricultural conditions.	In 2015, there was 26 million cubic metres of excess soil generated in Ontario and on average each load travelled 65 km for disposal or reuse. The majority of this excess soil is from urban areas within the GGH. The Province needs approved receiving sites and aggregate operations are close to urban areas, fill can significantly improve rehabilitation of a site and the sites already have the necessary infrastructure (e.g. truck routes, scales, machinery etc.). This would include soil that meets MECP excess soil regulations including soil that meets background conditions on-site or on adjacent lands.
Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.	No change recommended. Existing policy 2.5.3.1
In parts of the Province not designated under the *Aggregate Resources Act*, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.	No change recommended. Existing policy 2.5.3.3
Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	
Wayside pits and quarries, *portable asphalt plants* and *portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all	No change recommended. Existing Policy 2.5.5.1 – This policy is important to ensure public authority contracts can be completed in a timely manner and the necessary processing plants and resource is available to supply them.

Provincial Policy Statement	Rationale for Change
areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.	
Portable Asphalt Plants and *Portable Concrete Plants* shall be permitted, without the need for an Official Plan amendment, rezoning, or development permit under the Planning Act in existing mineral aggregate operations subject to the requirements of the Province.	Red Tape Reduction: Mineral aggregate operations are a logical location for these required plants and the plants are required to operate in accordance with an MECP ECA to ensure surrounding land uses are protected.
Implementation	
Municipal Official Plans are required to implement the policies of 2.5 and shall not contain provisions that are more restrictive.	Other Provincial Plans (e.g. Greenbelt and ORMCP) include this requirement to ensure the Provincial interest in aggregates is properly implemented in regional and local Official Plans. This change would provide clear direction and eliminate Official Plans trying to pass policies to prohibit and restrict protection and access to the resource.
Municipalities in Ontario that are designated areas under the Aggregate Resources Act are not permitted to pass By-laws under the Municipal Act to regulate mineral aggregate operations.	This provision is already located in the Municipal Act (Section 124) and is an important clarification since municipalities are still trying to pass/enforce By-laws to regulate mineral aggregate operations which are regulated by the Province.
Definitions	
Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include: a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;	

Provincial Policy Statement	Rationale for Change
b) works subject to the *Drainage Act*; or c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a). d) Mineral aggregate operations that are subject to the provisions of the Aggregate Resources Act.	
Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site, but does not include mineral aggregate operations since these uses are governed by Section 2.5 of the Provincial Policy Statement. For the purposes of policy 2.1.4(a), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas* of *mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).	Mineral aggregate operations are an interim land use and rehabilitation is required to restore and enhance the natural environment or return the site to agriculture. The proposed revisions to Section 2.5 include the required policies to govern mineral aggregate operations and certain policies in the Provincial Policy Statement subject to these definitions should not apply to this use.
Negative impacts: means a) in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact	

Provincial Policy Statement	Rationale for Change
assessments, in accordance with provincial standards; b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; c) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and d) in regard to Earth Science ANSI, any permanent alteration of an Earth Science ANSI shall be appropriately studied and documented for scientific purposes. ~~d~~e) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.	Earth Science ANSI's do not contain important ecological features and are created by geological formations which are also important aggregate areas. Extraction should not be prohibited in these features where they can be appropriately studied and documented.