



Legislative and Planning Services
Planning Services
Halton Region
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October 31, 2022

Lisa Grbinicek, MCIP, RPP
Senior Strategic Advisor
Niagara Escarpment Commission
232 Guelph St.
Georgetown, ON L7G 4B1

(delivered by email)

Dear Ms. Grbinicek:

**RE: Proposed Niagara Escarpment Plan Amendment PH 224 21 and
Niagara Escarpment Development Permit Application H/E/2021-2022/859
Dufferin Aggregates, a division of CRH Canada Group Inc.
Regional File #RQ66A**

Halton Region is in receipt of the request for comments regarding the proposed Niagara Escarpment Plan Amendment (PH 224 21) and Development Permit Application (H/E/2021-2022/859) by Dufferin Aggregates.

Proposal

The proposed amendment and development permit would allow mineral aggregate extraction and the continued use of an office and maintenance buildings, facilities for washing, processing and stockpiling of aggregate, truck washing facility, recycling facilities and the entrance, for the purpose of supporting the extraction of aggregate on the lands proposed to be re-designated to Mineral Resource Extraction Area, and only while the two sites are actively operated by a single licensee, as an integrated operation.

The proposed expansion will require approvals under the *Aggregate Resources Act* and the Planning Act. A Halton Regional Official Plan Amendment and a Town of Halton Hills Official Plan Amendment are also required. Section 24(3) of the *Niagara Escarpment Planning and Development Act* requires that a decision on the Niagara Escarpment Plan amendment application and Development Permit application (issuance of the related Niagara Escarpment Commission Development Permit) which is required to implement the amendment), prior to the issuance of any approvals under the other identified planning regimes. The Niagara Escarpment Commission Development Permit would address the operational aspects of the proposal and the details associated with preparation, extraction and post extraction activities (through Conditions), pursuant to the *Aggregate Resources Act* licence.

Regional Municipality of Halton

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Joint Agency Review Team Approach to Commenting

A Joint Agency Review Team (JART) approach is being used to review this proposal under the auspices of Halton Region's Halton Consolidated – Streamlined Mineral Aggregate Review Protocol. This Protocol was most recently updated by Halton Regional Council in February 2020. The function of JART is to review, analyze and comment on the completeness of the submissions in support of a proposal for new or expanded mineral aggregate extraction operations, and to comment on and analyze the proposal on its technical merits. The JART will provide coordinated technical comments to inform decision-making of the participating parties. Staff from the Region, City of Burlington, Conservation Halton, Niagara Escarpment Commission, and the Ministry of Natural Resources and Forestry all participate in the JART review. All JART members are working with Dufferin Aggregate to discuss these issues.

Objection Letter to the *Aggregate resources act* Licence application

The Region of Halton submitted a letter to the applicant and the Ministry of Northern Development, Mines, Natural Resources, and Forestry objecting to the *Aggregate resources act* licence application on May 6, 2022. These comments were also submitted to ERO posting 019-5928 on September 1, 2022.

The objections contained within that letter also apply to the subject Niagara Escarpment Plan Amendment application as the applicant has not yet addressed or resolved these objections.

Planning Analysis for Niagara Escarpment Plan Amendment PH 224 21

Halton Region is responsible for implementing matters of Provincial and Regional interest, as expressed by the Provincial Policy Statement, the range of Provincial plans, and the Halton Region Official Plan.

Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides a framework for managing and protecting natural resources including the following areas relevant to the subject application: natural heritage, water, agriculture, mineral aggregate resources, and cultural heritage and archaeology. Also, the Provincial Policy Statement requires rehabilitation of mineral aggregate operations. It also requires the rehabilitation of human-made hazards prior to permitting future development on these sites in order to protect public health and safety.

Given the breadth of issues identified through the JART process, the application in its current form has not demonstrated consistency with the Provincial Policy Statement. At a minimum, the applicant has not demonstrated that wetlands, wildlife habitat, and identified natural heritage features and areas both on site and on adjacent lands will not be negatively impacted by the development. The applicant also has not demonstrated that extraction will be undertaken in a manner that minimizes social, economic, and environmental impacts.

Greenbelt Plan (2017)

The subject lands are within the Niagara Escarpment Plan Area under the Greenbelt Plan (2017) as the Greenbelt Plan Area includes the Niagara Escarpment Plan Area. Section 2.2 of the Greenbelt Plan states the policies of the Niagara Escarpment Plan apply within this area

and the Protected Countryside policies of the Greenbelt Plan do not apply with the exception of the policies for Parkland, Open Space and Trails.

The policies of the Niagara Escarpment Plan are the policies of the Greenbelt Plan for the Niagara Escarpment Plan Area except for Section 1.1 (Context); Section 1.2.1 (Vision); and the Open Space and Trails Policies set out in Section 3.3 of the Greenbelt Plan. The planning, construction, and maintenance of parkland, open space, and trails in the Niagara Escarpment Plan Area must also comply with the policies in Section 3.3 of the Greenbelt Plan.

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019) provides policies for growth management and environmental protection. This Plan defers to either the Greenbelt Plan or the Niagara Escarpment Plan where similar or overlapping matters are addressed.

Regional Official Plan, 2009

The proposal includes an application for Regional Official Plan Amendment that involves re-designating lands from Agricultural and Natural Heritage designations to Mineral Resource Extraction Area. It must be demonstrated that the goals, objectives and policies of the Regional Official Plan can be met in order to support the re-designation of the lands.

An amendment to the Region of Halton Official Plan is required to permit the expansion of the mineral aggregate operation. On January 18, 2022, the Region deemed the application to amend the Regional Official Plan complete (under the requirements of the *Planning Act*).

Section 99 (17) of the Official Plan identifies that the objectives of the Agricultural System include providing for the designation of new Mineral Resource Extraction Areas, which can be accommodated in accordance with goals, objectives and policies of, and by amendment to, the Official Plan, and where applicable, the Niagara Escarpment Plan and Greenbelt Plan.

Given the breadth and range of issues raised through the JART review process, the applicant has not demonstrated that the proposal conforms to the Halton Region Official Plan. The guidance provided by Halton Region's Aggregate Resources Reference Manual has not been adequately followed, leaving components of the Regional Official Plan unaddressed and others not adequately addressed. Halton Region's fulsome planning analysis will follow the completion of the technical review.

Part 2 of the Niagara Escarpment Plan (2017) – Technical Comments

The subject lands are located within the Escarpment Natural Area under the Niagara Escarpment Plan. As a Provincial land use plan, the Niagara Escarpment Plan guides land use planning decisions within the Plan area and takes precedence over the Provincial Policy Statement and the Greenbelt Plan to the extent of any conflict. Municipal Official Plan policy must conform with the Niagara Escarpment Plan. No development approvals can be given, including an aggregate license until the Niagara Escarpment Commission has issued a Development Permit.

For the purposes of this review, our comments have been organized under the Development Criteria identified in Part 2 of the Niagara Escarpment Plan. Please note these comments

represent the results of initial review and that Halton Region reserves the right to identify further comments or concerns, to provide more detail and to provide additional recommendations for the resolution of any concerns identified as the review of this application continues.

Part 2.6: Development Affecting Water Resources

The objective of Part 2.6 is to ensure that hydrologic features and functions including the quality, quantity and character of groundwater and surface water, at the local and watershed level, are protected and where possible enhanced. Based on the information provided, Halton Region is not satisfied as the objective has been met. Among other matters:

1. The period of groundwater and surface water monitoring data for the majority of the quarry area from the recently installed monitoring stations is limited and may not reflect representative or average conditions. It is not clear to what extent water levels at the trigger wells have been impacted by the existing quarry operations and whether these are appropriate for use as baseline conditions.
2. There is no discussion regarding the possible reduction or termination of the recharge system or portions of the recharge system under post rehabilitation conditions and the impact this may have on groundwater recharge. Details are lacking to support the conclusion made that the overall groundwater recharge will be maintained or enhanced in the Significant Groundwater Recharge Area as a result of the proposed expansion.
3. There is no discussion of existing down-gradient groundwater or surface water users below the escarpment, the impact the existing Milton Quarry may have had on possible down-gradient groundwater and surface water users and the possible impact the proposed expansion may have on these users.
4. Further monitoring and analysis of groundwater and comparison to recharge water is warranted to assess the dissolution potential of the recharge water and potential impacts on the groundwater system. Long-term dissolution of the dolostone bedrock could adversely impact the long-term functioning of the recharge system.
5. The Adaptive Management Plan does not include water quality/chemistry sampling and monitoring other than that currently underway for recharge water taken from the existing reservoir. The Water Resources Assessment Report specifically notes potential contamination during excavation in the form of elevated turbidity, suspended solids ammonia and bacteria which would warrant ongoing monitoring.

Part 2.7: Development Affecting Natural Heritage

The objective of Part 2.7 is to protect and where possible enhance natural heritage features and functions, in order to maintain the diversity and connectivity of the continuous natural environment. Based on the information provided, Halton Region is not satisfied the objective has been met. Among other matters:

1. Cumulative impacts have been dealt with only in a cursory way. Additional detail of cumulative impact analysis should be provided that examines the potential interaction between the change in groundwater regime, increase in drying winds and ambient light as a result of removal of vegetation and extraction, and invasion of non-native species. These cumulative impacts particularly should be examined for the period between extraction and rehabilitation.
2. It is not clear to what extent mitigative measures for maintaining natural heritage features such as wetlands will be required following quarry operations and lake filling. Perpetual pumping requirements have not been fully addressed in terms of the full

extent to which they are required, and the long-term financial implications to the agency responsible for management of this system.

3. Additional study is required to determine the potential presence of amphibians and the potential occurrence of bat hibernacula.

Part 2.8: Development Affecting Agriculture

The objective of Part 2.8 is to encourage agricultural uses in agricultural areas, especially in prime agricultural areas, to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses. Questions of clarification respecting study methodology and data included in the report await reply, and may address a number of Halton Region's concerns in this area.

Part 2.9: Development Affecting Mineral Aggregate Resources

The objective of Part 2.9 is to ensure that mineral aggregate operations and their accessory uses are compatible with the Escarpment environment and to support a variety of approaches to rehabilitation of the natural environment and provide for re-designation to land use designations compatible with the adjacent land uses. Based on the information provided, Halton Region is not satisfied the objective has been met. Among other matters:

1. Compatibility of the rehabilitation plan with surrounding uses has not been addressed.
2. The rehabilitation plan should be more largely composed of communities consistent with the characteristic vegetation communities of the Niagara Escarpment. Without long-term monitoring of non-native species in place, the forests, islands and wetlands in the proposed rehabilitation plan will become dominated by non-native invasive species, most likely Common Reed, Common and Glossy Buckthorn, and Reed Canary-grass. A long-term monitoring plan should be outlined for all areas that will be restored as well as those that will be rehabilitated.

Other matters that are appropriate to address

1. The broader potential effects of the quarry on human health have not been addressed.
2. The noise report only accounts for the equipment operating within the east extension and not all of the operations on the entire site. The site as a whole is considered the stationary noise source and the sound emissions from the entire site must comply with the guideline limits. Where the report deals with cumulative impacts (presumably from the integrated operation as a whole), it states that it is possible there could be excesses above the noise guideline limits when operations over the entire site are considered. This issue must be addressed.
3. Questions remain as to the inputs and assumptions made within the air quality study and its conclusions may not accurately reflect the air quality impacts to the surrounding community.
4. Traffic concerns remain as the report does not conduct a comparative analysis of the existing and future haul routes and the review is based solely on aerial and street imagery, and should be informed by a site visit to confirm sightlines. Also with the haul route crossing municipal boundaries, the traffic report should mention how the coordination between the various municipal stakeholders will occur.
5. Questions remain as to how the operation of the proposed extraction area will be incorporated into the existing licensed area.

6. The net fiscal impacts of the proposal may have been overstated by overestimating tax revenues, understating the increase in net operating costs, and including the aggregate levy amount equal to, or less than, current revenues. A net impact for Halton Region's fiscal position should be provided and factored into the analysis.
7. Further analysis is required in order to determine the cultural heritage impacts of the proposal.

Development Permit Application H/E/2021-2022/859

Given the breadth and range of issues raised through the JART review process noted above, the applicant has not demonstrated that the proposal conforms to the Halton Region Official Plan. The guidance provided by Halton Region's Aggregate Resources Reference Manual has not been adequately followed, leaving components of the Regional Official Plan unaddressed and others not adequately addressed. Halton Region's fulsome planning analysis will follow the completion of the technical review which currently remains ongoing.

Conclusion

Through initial review of the information contained in the applicant's technical studies, Halton Region has identified a number of concerns with the applications. Halton Region, therefore, objects to the Niagara Escarpment Plan Amendment and the Development Permit applications. Furthermore, consistency with the Provincial Policy Statement and conformity with the Regional Official Plan have not yet been demonstrated. The application in its current form does not have appropriate regard for the development criteria listed in Part 2 of the Niagara Escarpment Plan. The application in its current form does not support the objectives listed in Policy 1.9.1 of the Niagara Escarpment Plan; in particular, objectives #2 and 4. Finally, the Application in its current form does not represent good planning and is not in the public interest—consequently, it should not be approved in its present form.

The proponent has been actively engaging Halton Region and our agency partners through the JART process and has been providing additional and revised information at JART's request in order to address the technical concerns. While the applicant is actively working to address JART's concerns, Halton Region reserves the right to raise further issues and make further recommendations as its review progresses.

Halton Region requests notification of any future meetings or updates on the review of this file.

For further questions and correspondence on this file, please do not hesitate to contact me.

Sincerely,



Janice Hogg, MCIP, RPP
Senior Project Manager (Aggregate)

cc: Greg Macdonald, Town of Halton Hills (by email)
Mollie Kuchma, Town of Milton (by email)
Jessica Bester, Conservation Halton (by email)
Kevin Mitchell, Dufferin Aggregates (by email)
Brian Zeman, MHBC (by email)