



December 20, 2022

Provincial Land Use Plans Branch
13th Flr, 777 Bay St
Toronto, ON
M7A 2J3
Canada

Submitted by email to: growthplanning@ontario.ca

**RE: Review of A Place to Grow and Provincial Policy Statement
ERO number: 019-6177**

Walker Aggregates Inc. (“Walker”) is a division of Walker Industries. Our company operates several mineral aggregate operations across Ontario and provides a full range of crushed limestone and sand and gravel products supplying the asphalt, concrete, construction and landscaping needs of Southern Ontario.

Walker appreciates the opportunity to provide comments on the potential for a new integrated provincial policy instrument, particularly aspects which may have the ability to effect applications for mineral aggregate operations.

More housing and infrastructure means the need for the availability of raw building materials such as sand, gravel and stone and by-products such as concrete and asphalt. Further, the cost of providing these resources is more economical if they are derived close to the consumer. It is encouraging that the Province recognizes this correlation and, in many ways, are making changes that will fundamentally help support this important principle.

Overall the proposed approach of integrating the PPS and Growth Plan is supported by Walker as it is anticipated to reduce policy layers/duplication and, therefore, red tape and undue delay experienced in planning processes.

Walker asks that the Province review the following two submissions which it strongly endorses:

- i) the comments and recommended policy changes submitted by the Ontario Stone, Sand and Gravel Association dated December 19, 2022 (attached to this submission)**



ii) Walker's comments submitted on the "Discussion Paper: Conserving Ontario's Natural Heritage" (ERO 019-6161)

The changes suggested in the attached correspondence will help ensure resources continue to be available to support the Province's target to build 1.5 million housing units over the next 10 years and the infrastructure needed to support that growth.

In addition to the attached comments, we also note the following.

Core Elements of New Policy Instrument

The core elements of the new proposed province-wide policy instrument is anticipated to include approaches regarding Residential Land Supply, Attainable Housing Supply and Mix, Growth Management, Environment and Natural Resources, and a Streamlined Planning Framework.

Overall, Walker is supportive of the approaches outlined for Environment and Natural Resources and Streamlined Planning Framework, which includes aspects such as less prescriptive and simplified policy direction and introducing flexibility in the review process.

Settlement Area Boundary Expansions, Rural Housing and Employment Area Conversions are identified as approaches for the new plan under the topic of Residential Land Supply. **While these aspects may be important in providing much needed housing supply in appropriate locations, maintaining land use compatibility policy and guidelines are vital in protecting existing employment uses, industrial facilities, infrastructure, and resource operations from the encroachment of sensitive land uses.**

The areas of identified mineral aggregate resources and existing industrial facilities required to support growth also need to be protected and taken into account when considering lands for residential development. Given that large quantities of aggregate resources are already sterilized in the Province from urban and protected environmental features, further sterilization of such resources and obstacles posed from the potential encroachment of sensitive land uses could further restrict aggregate supplies and therefore reduce supplies close to market.

Walker appreciates the Province's consideration of our comments and welcomes the opportunity to comment on the legislative changes in support of the *More Homes Built Faster: Ontario's Housing Supply Action Plan*.



Yours truly,

A handwritten signature in black ink, appearing to read 'K. Kehl.', enclosed within a faint, light-colored rectangular border.

KEVIN KEHL
AGGREGATES & CONSTRUCTION DIVISION



December 19, 2022

Provincial Land Use Plans Branch
Ministry of Municipal Affairs & Housing
13th Flr, 777 Bay St
Toronto, ON
M7A 2J3

Sent by email: growthplanning@ontario.ca

**RE: OSSGA Comments on Amendments to A Place to Grow and the Provincial Policy Statement
ERO #019-6177**

The Ontario Stone, Sand & Gravel Association (“OSSGA”) is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of valuable industry products and services. Collectively, OSSGA’s members supply the substantial majority of the more than 160 million tonnes of aggregate consumed each year in the Province. Making available a continued supply of aggregate is crucial to ensuring the objectives of Ontario’s Housing Supply Action Plan are realized.

We appreciate the opportunity to provide comments on the government’s proposal to integrate the A Place to Grow (“Growth Plan”) and the Provincial Policy Statement (“PPS”) into a new province-wide planning policy instrument. As part of the initiative, OSSGA also supports the government’s proposal to streamline and simplify policy direction related to mineral aggregate resources to ensure access to aggregate resources close to where they are needed. We look forward to discussing these comments in conjunction with the other planning proposals the government is currently considering.

Background

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. This continued provincial leadership is required particularly in light of several municipalities within the Greater Golden Horseshoe passing or preparing Interim Control By-laws (ICBLs) to restrict and attempt to redefine the provincial policy approach for making available new or expanded mineral aggregate operations.

The following is a summary of the provincial policy evolution for mineral aggregates in Ontario:

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, 2014 and 2020.

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 and a documented shortage of high quality aggregate within the GTA. This is not sustainable. A strong commitment from the Province by way of integrating the PPS and Growth Plan is needed to streamline and simplify policy direction that ensures access to aggregate resources close to market or this gap will widen.

The ability to access new aggregate reserves relies on the ability of this new province-wide planning policy instrument to provide a balanced approach in finding solutions to competing land and resource use interests.

The current policy framework is not working. New or expanded 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 the new province-wide planning policy instrument 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 resources there is significant overlap with mineral aggregate deposits. The current 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.

Recommended Policy Changes

Below are our recommended policy changes to ensure that mineral aggregate operations are operated in a social and environmentally responsible manner while restoring confidence in the aggregate industry's ability to invest in the application process to make this resource available:

1. To avoid municipal approaches that attempt to undermine provincial policy regarding mineral aggregate resources, the Province included provisions in the current Greenbelt Plan and Oak Ridges Moraine Conservation Plan that does not allow municipalities to include policies related to mineral aggregate resources that are more restrictive than these provincial plans.

A similar provision to the new province wide planning policy instrument should be implemented. The following is a suggested policy that could be included in this document: *"Municipal Official Plans and Zoning By-laws shall not contain provisions related to mineral aggregate resources that are more restrictive than the policies of this Plan."*

2. For the protection of significant woodlands and endangered and threatened species habitat, OSSGA recommends that the policy test of the 2020 PPS should be used and the ill-advised policies of 4.2.8.2 of the Growth Plan that prohibit new mineral aggregate operations within endangered or threatened species habitat and significant woodlands within the Growth Plan Natural Heritage System should be revised.

As the Province is aware, almost all new aggregate sites in the GGH contain habitat of endangered and threatened species as a result of the 171 species listed by the Province and how habitat is defined which results in large areas being mapped. This policy undermines the Province's Endangered Species Act which allows for development subject to providing an overall net benefit to the species.

As the Province is also aware, some woodlands as small as 0.5 ha are deemed "*significant woodlands*" and some woodlands that have limited to no ecological function are deemed "*significant*" based on the size of the woodland alone. Again, these types of features should not prohibit access to the highest quality aggregate resources in the GGH.

See attached excerpts from OSSGA submission to the Province “*Securing Access to Stone, Sand & Gravel – Ensuring Economic Growth and Future Greenspace in the Greater Golden Horseshoe*” to illustrate the issue related to endangered and threatened species habitat and significant woodlands.

The following are suggested changes to 4.2.8.2 of the Growth Plan: “*a) no new mineral aggregate operation and no new wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted in the following key natural heritage features and key hydrologic features:*

ii. habitat of endangered species and threatened species unless there is an overall benefit to the species in accordance with provincial and federal requirements; and

iii. significant woodlands unless it is demonstrated that there will be no negative impact and there is an overall net increase in woodlands.”

3. At a minimum, the mineral aggregate policies outlined in Section 2.5 of the PPS and the land use compatibility policies outlined in Section 1.2.6 of the PPS need to be maintained. These policies have been created based on over 40 years of provincial policy development for mineral aggregate operations. Based on the provincial goal that this new policy document streamline and simplify policy direction to ensure access to aggregate resources close to where they are needed, the following revisions could be considered to the PPS:
 - The first sentence of Section 2.5.2.1 could be revised as follows: “*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.*”
 - A new policy could be added in Section 2.5 which states: “*Mineral aggregate operations may be permitted in significant natural features if 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.*”
 - A new policy could be added in Section 2.5 which states: “*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.*”
 - Section 2.5.2.3 could be revised to read: “*Mineral aggregate recycling and blending of aggregates shall be permitted within existing 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.*”

- A new policy could be added in Section 2.5 which states: *“Excess soils may be utilized in mineral aggregate operations where it is demonstrated that the use of these soils will improve landscape, ecological or agricultural conditions in the long term.”*
- A new subsection could be added to the definition of No Negative Impact since Earth Science ANSI’s are different than the other natural heritage features identified in Section 2.1 of the PPS. This new subsection could read: *“in regard to Earth Science ANSI, any permanent alteration of an Earth Science ANSI shall be appropriately studied and documented for scientific purposes.”*

Other Items for Provincial Consideration

OSSGA also encourages the Province to consider changes to the Niagara Escarpment Planning and Development Act, Niagara Escarpment Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan and Lake Simcoe Protection Plan to streamline and simplify policy direction that ensures access to aggregate resources close to where they are needed. OSSGA would be pleased to meet with the Province to discuss these plans. The following is a summary of the major items of concern:

- Niagara Escarpment Planning and Development Act: Currently there are no timelines required to deem an application complete or an ability for an aggregate producer to appeal a non-decision in the event that NEC staff are prolonging the review of an application. Having timelines similar to the Planning Act would help ensure consistency in the planning process;
- Niagara Escarpment Plan: Currently the Niagara Escarpment Plan prohibits new or expanded mineral aggregate operations in non-significant wetlands and significant woodlands regardless of size. Allowing for extraction within these features subject to providing an overall net environmental gain would provide access to some of the highest quality aggregate resources in Southern Ontario that are located in the Escarpment Rural Area. Environmental features within the Escarpment Natural Area and Escarpment Protection Area would still be protected since new or expanded mineral aggregate operations are prohibited within these designations;
- Greenbelt Plan: The Greenbelt Plan includes the same ill-advised policies of 4.2.8.2 of the Growth Plan and this plan should be updated as recommended above;
- Oak Ridges Moraine Conservation Plan: The Oak Ridges Moraine Conservation Plan prohibits aggregate operations within the Natural Core Area and some of these areas do not include any natural heritage features. Providing for limited extraction within the Natural Core Area with a well defined rehabilitation plan, could significantly improve long term ecological conditions in these areas. Furthermore, the prohibition of mineral aggregate operations in all key natural heritage features



(excluding endangered and threatened species habitat in the Countryside Area) results in the sterilization of mineral aggregate resources that have been identified by the Province for protection and is inconsistent with the provincial approach in other provincial plans; and

- **Lake Simcoe Protection Plan:** The Lake Simcoe Protection Plan was prepared in July 2009 and is significantly outdated as it relates to current provincial policy direction. Furthermore, the Lake Simcoe Protection Plan has the same ill-advised policies of 4.2.8.2 of the Growth Plan and these policies apply within the entire Lake Simcoe Protection Plan boundary.

In closing, OSSGA appreciates the opportunity to comment on this provincial initiative and would be pleased to meet with the Province to discuss these comments in further detail.

Thank you for considering our comments. Should you have any questions or concerns please do not hesitate to contact me at ncheesman@ossqa.com or 647-727-8774.

Sincerely,

ONTARIO STONE, SAND & GRAVEL ASSOCIATION

A handwritten signature in blue ink, appearing to read "Norman Cheesman", is written over a light blue horizontal line.

Norman Cheesman
Executive Director

Attachment

THE FIX:

ENDANGERED AND THREATENED SPECIES (ESA) HABITAT

Within the Growth Plan NHS, Greenbelt NHS and ORMCP Linkage Area

1

Allow aggregate extraction within endangered and threatened species habitat subject to authorization under the *Endangered Species Act*.

- Currently there are 117 endangered and 54 threatened species in Ontario. Due to the number of species, the transient nature of these species and their habitat requirements (i.e. forests, open fields, building structures, etc.) almost all current aggregate applications contain habitat of endangered and threatened species.
- Prohibition within this habitat undermines the *Endangered Species Act* and deters investment from the aggregate industry since new species or habitat could be identified during the approval process that prohibit the application after several years of process and millions of dollars invested.
- The solution is a win for the economy and the environment. The application is allowed to proceed if the Province is satisfied the application will result in an overall benefit for the species.



SITE STATS

This site is located within the Natural Heritage System of the Growth Plan. Potential extraction area being studied: 32 ha (79 ac). Site contains 32 million tonnes of highest quality bedrock in southern Ontario and the site is located within close proximity of the GTA. Due to the location of the identified endangered and threatened species, this site is no longer viable for aggregate extraction.

CONCLUSION

This is a no-win situation. Allowing for the replacement of these species would have provided a net overall benefit to the species while making available significant aggregate resources in a close to market location.

THE FIX:

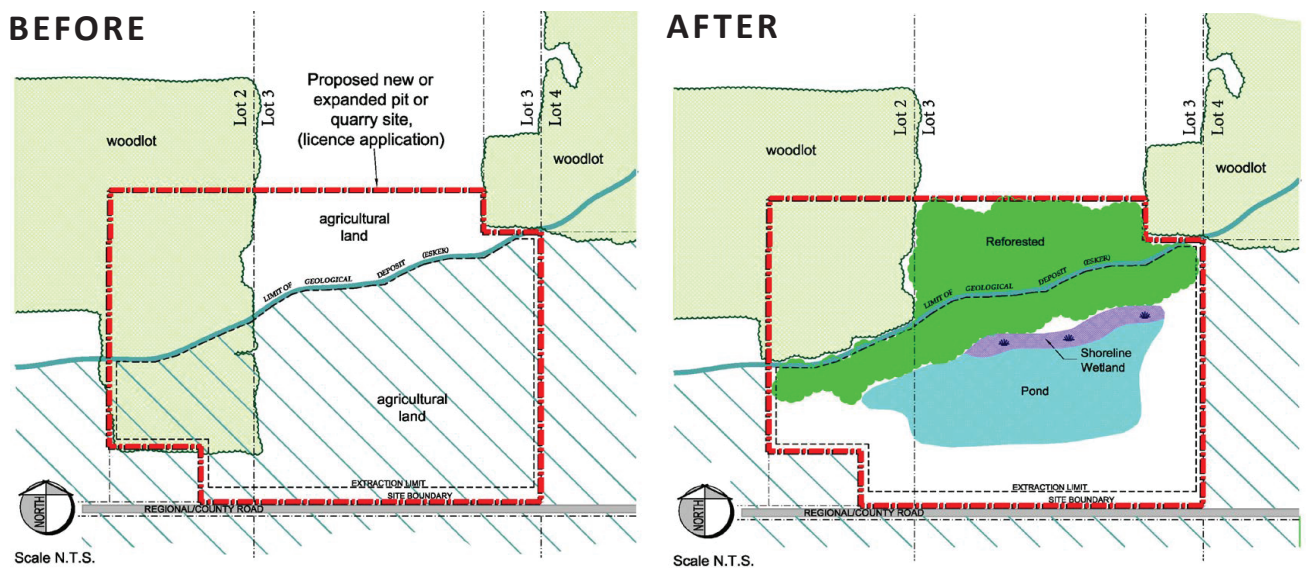
SIGNIFICANT WOODLANDS

Within the Growth Plan NHS, Greenbelt NHS and ORMCP Linkage Area, Countryside Area and NEP Escarpment Area

2

Permit extraction in significant woodlands that can be replaced and enhanced on the landscape subject to demonstration of 'no negative impact.'

- Woodlands are a renewable resource and aggregate resources are a non-renewable resource.
- Currently, woodlands can be deemed significant based on size alone without any consideration to quality or function of the woodland.
- The no negative impact test is a difficult test to achieve and will ensure high quality woodlands with important ecological functions are not extracted.
- The aggregate industry has demonstrated its ability to rehabilitate to woodland conditions and to expand and enhance significant woodlands.



Example of what has been called a significant woodland and sterilized access to the highest quality aggregate in Southern Ontario. This is not effective resource management.

