



August 4<sup>th</sup>, 2023

Submission to ERO: 019-6813

**Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy statement**

Gravel Watch Ontario (GWO) is a province-wide coalition of citizen groups and individuals that acts in the interests of residents and communities to protect the health, safety, quality of life of Ontarians and the natural environment in matters that relate to aggregate resources. Formed in 2003 we have over 20 years of experience assisting both communities and government agencies in matters related to aggregate matters.

Following the recent revision of the Provincial Policy Statement (PPS 2020) and amendments to A Place to Grow Act and Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), the Ontario government is providing further details for how growth planning is to be carried out in the province. We appreciate the opportunity to comment on ERO 019-66813 which proposes changes to form a new Provincial Planning Policy Statement (2023). The following response will elaborate our position not to support this initiative in relation to the significance of the current policies, the likely results of the proposed changes along with specific examples of changes related to aggregate operations that will impact communities and the quality of life for Ontarians.

**GWO General Comments**

GWO's review of this initiative revealed three general underlying goals of the proposed Provincial Planning Statement (2023), i.e.

1. Weakening the Places to Grow legislation/regulations which provides strong provincial guidance on population, employment and location in Central Ontario.
2. Elimination of the Growth Plan for the Greater Golden Horseshoe which identifies density and intensification targets, urban growth centres, strategic employment areas, and settlement area restrictions designed to mitigate negative environmental, economic, and human health impacts associated with sprawling, uncoordinated growth in the region.
3. Weakening municipal land use planning authorities and the general rules supporting good planning as a means to favour raw residential growth markets

On April 6, 2023 the province announced its proposal to apply the Growth Plan policies across the province through a new housing focussed land use policy statement and to eliminate the Greater Golden Horseshoe Plan. This Plan covers a large geographic area in southern Ontario that contains many of the province's significant hydrogeological and ecological natural features. As described in the 2015 Co-ordinated Plan Review,

The Growth Plan has some of Canada's most important fertile soil for productive farmland, has a moderate climate and abundant water resources that support agricultural production that cannot be duplicated elsewhere in the province or anywhere else throughout Canada. The Growth Plan is one of four provincial plans that were established to guide the region's growth while protecting the environment, water resources and addressing climate change. It utilizes a systems based approach that considers agriculture and natural heritage features and establishes conditions specific to the geographic area related to population growth and development.

The intent of the proposed changes to establish the new PPS (2023) are to create a streamlined province-wide land use planning framework to provide greater flexibility for municipalities to approve housing faster and to increase housing supply. However, the proposed 2023 PPS does not incorporate many of the progressive policies contained within the Growth Plan which has been the guiding planning framework for the Greater Golden Horseshoe since 2006 (County of Wellington Committee Report, May 11, 2023). Replacing the Provincial Policy Statement (2020) along with the established social and environmental safeguards contained in The Place to Grow Act and the Growth Plan for the Greater Golden Horseshoe will create a weakened Provincial Planning Statement (2023) solely focussed on increasing the supply of housing.

GWO supports and agrees with the comments which were submitted in December 2022 by Environmental Defense and Ontario Nature related to ERO 019-6177 'Review of A Place to Grow and Provincial Policy Statement'. We choose to quote verbatim from their December 2022 comments since it reflects the same sentiments that are consistently being expressed by our members.

“we would like to express our strong opposition to the proposal to replace the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe with a new policy instrument aimed at accelerating housing development at the expense of other matters of provincial interest such as environmental protection, agriculture and climate change mitigation. The singular focus of the proposed new policy instrument, which would prioritize development at the expense of these other provincial interests, is completely at odds with the purpose of the PPS and the Growth Plan which are intended to provide a comprehensive, integrated, balanced policy direction on land use planning. We urge you not to proceed with replacing these two key policies which have been developed, updated and improved upon over decades based on the experience of municipalities, expertise of planners and through intensive public consultation which are needed to allow Ontario to develop sustainable, resilient, prosperous and healthy communities” (Environmental Defense/Ontario Nature, Dec 30, 2022 retrieved at <https://ero.ontario.ca/notice/019-6177> July 31, 2023)

### **GWO Concerns Related to Aggregate Operations**

GWO is also concerned about negative impacts related to the natural environment, economy and human health due to increased aggregate operations as part of the supply chain to increase housing supply. Replacing the Places to Grow Act and the more focused Growth Plan with an ad hoc residential growth initiative will lead to increased unnecessary land use compatibility conflicts especially in the rural areas. This situation is a step backwards from good planning practices based on principles of long term sustainability and MNRF's public trust responsibilities regarding natural resources.

### **Policy Examples from the Growth Plan not reflected in the Proposed PPS 2023**

The following policy statements are not incorporated in the new PPS (2023) which fails to provide the same level of protection for people and the natural environment.

#### **Conservation**

##### Growth Plan 4.2.8 Mineral Aggregate Resources

1. Municipalities will develop and implement official plan policies and other strategies to conserve mineral aggregate resources, including:
  - a) 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
  - b) The wise use of mineral aggregate resources, including utilization or extraction of on-site mineral resources prior to development occurring.

Conservation of mineral aggregate resources should be promoted. The impacts of reprocessing in pits and quarries are undetermined. Adding ancillary uses to existing aggregate operations intensifies Class III industrial impacts which will exceed those considered at the licensing/zoning stage. GWO proposes that all reprocessing occur at recycling yards in adherence with the Recycled Aggregate Best Practices Guide that include measures to meet the Ministry of Labour's Ontario Provincial Standard Specifications and Ministry of Environment standards.<sup>1</sup> Numerous crusher yards are available for recycling within the GTA and surrounding areas. Most recycling depots are in or near urban centres and close to construction projects and which would eliminate the long-haul distances from remote pits and quarries.<sup>2</sup>

#### **Natural Heritage**

##### Growth Plan 4.2.8 Mineral Aggregate Resources

2. 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:
  - 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 4.2.8.4 b) and c) and 4.2.8.5 c) have been addressed and that they will be met by the operation;

Eliminating this policy, removes the protection and safeguards afforded environmental features which are critical to maintaining ecosystem health.

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<sup>1</sup> See [http://www.ossqa.com/multimedia/10/tarba\\_best\\_practices\\_guide.pdf](http://www.ossqa.com/multimedia/10/tarba_best_practices_guide.pdf)

<sup>2</sup> See <http://www.onasphalt.org/files/Publications/ABCs%20of%20Recycled%20Aggregates.pdf> , Section: Saving Costs and Improving the Environment

## Rehabilitation

### Growth Plan 4.2.8 Mineral Aggregate Resources

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. For rehabilitation of new mineral aggregate operation sites, the following apply:
  - a), b), c), d)
5. Final rehabilitation for new mineral aggregate operations in the Natural Heritage System for The Growth Plan will meet these additional criteria:
  - a), b), c)
6. Except as provided by the policies of this subsection, decisions on planning matters must be consistent with the PPS that pertain to the management of mineral aggregate resources.

Eliminating the above rehabilitation policies puts key systems and vulnerable features of natural heritage, hydrology and agricultural lands at risk for potential long term or irreversible effects.

## Examples of Proposed Shortcomings of PPS 2023 Specific to Aggregate

### Section 3.5 Land Use Compatibility

The wording in the proposed Provincial Planning Statement 3.5 Land Use Compatibility, emphasizes the protection of the long-term viability of existing or planned industrial, manufacturing or other major facilities from encroachment by sensitive land uses. Aggregate extraction is a special case in regards to major facilities as deposits of marketable aggregate cannot be planned for in the same manner as transportation corridors or manufacturing areas. New, or expansion of aggregate strip mines, mainly occur in privately owned, settled landscapes full of sensitive land uses.

The wording of 3.5 Land Use Compatibility, stresses a one-way impact assessment favoring major facilities without emphasizing the need for a reciprocal assessment of sensitive land uses. As per the ruling of Ontario case law *Capital Paving v Wellington (County)* 2010, it is fair to state that there is an incompatibility of a sensitive residential use to locate next to earlier aggregate operations due to the potential impacts to the sensitive land use, and **“that the reverse is also true that a proposed pit may be incompatible with prior residential use”**. This case law should be reflected in all planning documents. The ruling is based on simple logic that does not change due to context. If A=B, then B=A. The issue as well, is one of: what comes first; a major facility or a sensitive land use? As a major facility, the onus is on the applicant and all future Aggregate Resource Act license holders of a new aggregate operation to initially, continually and permanently eliminate or minimize adverse effects to public health and safety regarding open strip mining to all residents and businesses in the adjacent areas. The proposed Provincial Planning Statement 2023 also removes the requirement contained in the 2020 P.P.S. for a proponent of a sensitive land use to demonstrate there is a “need” for the proposed use or to evaluate “alternative locations”. It also removes reference to minimizing and mitigating adverse effects to a proposed sensitive land use. Removing these important tests will lead to increased conflicts amongst land uses, especially in the rural areas.

A sensitive land use may include residences, day care centres, and education and health facilities. The health, safety and well-being of residents in Ontario justifies such provisions

remain in high level policy statements. This policy also encourages mixed use areas which will lead to incompatible and conflicting land uses without fair and equitable safeguards.

#### **Section 4.5.4 Extraction in Prime Agricultural Areas**

Deleted from the PPS 2023 is reference to specialty crop areas and consideration for other alternatives including protection of prime agricultural lands.

Specialty crop areas, in addition to their select soils, exist and are reliant upon specific microclimates, i.e. they exist where nature put them. Prime agricultural lands including specialty crop areas are a finite resource which must be identified and protected for long-term use. In previous planning documents, prime farmland was excluded from below water table extraction. Extracting below the water table is a change in land use which represents a permanent (not interim) loss of prime lands, a permanent reduction in property values (not interim) and exposure to groundwater which has long term (not interim) effects.

In the Greater Golden Horseshoe area, Class 1, 2 and 3 farmland is disappearing at an alarming rate. Existing prime agricultural land and speciality crop areas serve a greater long-term public interest that should not be sacrificed to increase housing supply when land is already available throughout many municipalities to address this need. Furthermore, there should be

- No mineral aggregate extraction in Specialty Crop Areas
- No aggregate extraction in prime agricultural areas
- Full rehabilitation of all lands already within prime agricultural areas
- No aggregate extraction below the water table on Class 1-3 agricultural land
- Regulated commercial fill for pits and quarries through Municipal site approval and MOECC oversight to correlate with other fill operations
- Sunset clauses for ARA licenses
- Defined and enforceable haul routes for all pits and quarries in Ontario taking into consideration noise, dust and the cumulative impacts on residents and communities

GWO also asserts that the changes to the PPS neglect the following:

- The Environmental Bill of Rights, 1993 and in particular the preamble which states “people of Ontario have a right to a healthy environment”
- The Ministry of Municipal Affairs and Housing Statement of Environmental Values
- A Triple Bottom Line (TBL) approach as part of Corporate Social Responsibility to consider social and environmental effects and their related costs along with profits, i.e. to focus equally on people, profit, and the planet (the environment), i.e.
  - **Social Sustainability:** consideration of industry’s impact on the surrounding landscape in relation to socially sensitive land uses (identified above)
  - **Environmental Sustainability:** emphasizes business practices that cause the least amount of damage to the environment, utilize the precautionary principle; as well as the no-go option.
  - **Economic Sustainability:** The economic aspect considers full cost accounting which measures not only financial performance and profitability but also externalities related to social and environmental impacts.

## Conclusion

Replacing the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe with the Provincial Planning Statement 2023 focussed solely on accelerating housing supply is short sighted and maladaptive to deal with the broad scope of issues not only related to affordable housing but also neglects consideration for the public interest and the social and environment aspects inherent in good planning practice. The singular focus of PPS 2023 which prioritizes land development at the expense of other provincial matters concerning the public interest is irresponsible governance. Good planning practice is comprehensive, integrated, and has a balanced policy direction for land use planning which is missing in this ERO. **This proposal needs to be withdrawn in its' entirety.**

We urge you once again to not proceed with the proposal.