# Text  Description automatically generatedNiagara Escarpment Commission

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March 9, 2023

# A3: INITIAL STAFF REPORT

**RE:** **PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PP 226 22**

**Brampton Brick Limited**

## 14504 Mississauga Road

## Part Lots 29 and 30, Concession 5 West of Centre Road (Former Township of Chinguacousy), Town of Caledon, Region of Peel.

APPLICANT: Brampton Brick, Limited

OWNERS: Brampton Brick Limited

AGENT: MacNaughton, Hermson, Britton, Clarkson (MHBC) Planning Ltd.

RECEIVED: October 20, 2022

NEP DESIGNATION: Escarpment Protection Area (existing)

## PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) by redesignating 14.68 ha (36.3 ac) of lands described as Part Lots 29 and 30, Concession 5 West of Centre Road, Town of Caledon, Region of Peel from Escarpment Protection Area to Escarpment Rural Area.

The above amendment is proposed to allow consideration of subsequent applications to amend the Niagara Escarpment Plan (NEP) to redesignate these same lands from Escarpment Rural Area to Mineral Resource Extraction Area (MREA), to apply for a Development Permit to conduct aggregate extraction operations on these same lands, and to redesignate the Phase 3 component of the existing Cheltenham Quarry from MREA to non-extraction land-use designations under the NEP.

## PURPOSE OF THIS REPORT

The purpose of this report is for the Niagara Escarpment Commission (NEC) to determine whether the application should be initiated and circulated under Section 7 and Section 10 of the *Niagara Escarpment Planning and Development Act* (*NEPDA*), or whether the NEC should recommend to the Minister of Natural Resources and Forestry (MNRF), that the application be considered frivolous, vexatious and not in the public interest under Section 6.1(3) of the *NEPDA*.

## STAFF SUMMARY RECOMMENDATION:

That proposed amendment PP 226 22 should be initiated for circulation and notification pursuant to Sections 7 and 10 of the *NEPDA*.

### **BACKGROUND / PROPOSED AMENDMENT OVERVIEW**

The Cheltenham Quarry was licensed in 1989 under the Aggregate Resources Act. A Niagara Escarpment Planning and Development Act Development Permit was issued in 1990 to establish a phased mineral resource extraction operation. The quarry licence consists of approximately 467.67 ha of land with an extraction area of approximately 99.2 ha, divided into three operational phasing areas (Figure 1).

Extraction is completed on the easternmost Phase 1 area, adjacent to Mississauga Road along its eastern boundary. While rehabilitation is largely complete in this phase area, access to the active Phase 2 extraction area is through the Phase 1 area, onto Mississauga Road. Phases 1 and 2 are both located to the north of a rail corridor, now converted to a multi-use trail. Phase 3 forms the westernmost component of the Cheltenham Quarry MREA, bounded to the west by Heritage Road, to the north and east by Escarpment Natural Area and to the south by the property boundary and a short segment of the multi-use trail. The multi-use trail forms the northern boundary of Cheltenham, a Minor Urban Centre within the Niagara Escarpment Plan. Phase 3 is separated from Phase 2 by an Escarpment Natural Area, encompassing the valley of a minor tributary of the Credit River. The Aggregate Resources Act site plan includes a transportation route across this Escarpment Natural Area corridor to access the Phase 3 component of the quarry from the Phase 2 area.

Brampton Brick owns the property abutting the northern boundary of Phase 1, comprised primarily of Escarpment Protection Area encompassing a farmstead building cluster and agricultural operation. A band of forested area at the rear of the property to the west is part of a larger assemblage of Escarpment Natural Area to the north, west and south: a small portion of the rear property boundary adjoins the Terra Cotta Conservation Area.

The application to amend the NEP under consideration in this report is the first of two anticipated amendment applications, based on the stated intent of the applicant to carry out aggregate extraction operations on a portion of the subject property. As detailed below, Part 1.2.2.1 of the NEP identifies only Escarpment Rural Areas as being eligible for consideration of applications to amend the NEP for redesignation as Mineral Resource Extraction Areas. A two-step amendment process is therefore proposed: first this application under consideration to redesignate the subject lands from Escarpment Protection Area to Escarpment Rural Area, then a second application to redesignate the Escarpment Rural to Mineral Resource Extraction Area.

Notwithstanding the above sequence of NEP amendments proposed by the applicant on behalf of the owner, it is noted that a permitted use within Escarpment Rural Area is a new, licensed mineral aggregate operation of up to 20,000 tonnes annually (NEP 1.5.3.17). While this scale of operation still requires a Development Permit to establish the new use, it would preclude the necessity for any further NEP amendments.

In this context, the application is being considered on its own merits: namely, the contention of the applicant that the NEC has been erroneous and inaccurate in its designation of the subject property as Escarpment Protection Area originally in 1985 and confirmed with the most recent NEP review in 2017. However, the analysis and evaluation of this NEP amendment application must also take into consideration the stated intentions of the applicant to establish a mineral aggregate operation within the subject lands: either through:

1. Obtaining a Development Permit for an operation limited to 20,000 tons or less annually; or,
2. Redesignating these same lands from Escarpment Rural Area to Mineral Resource Extraction Area (MREA), to apply for a Development Permit to conduct aggregate extraction operations on these same lands, and to redesignate the Phase 3 component of the existing Cheltenham Quarry from MREA to non-extraction land-use designations under the NEP.

Contingent on approval of the recommendation to initiate the amendment process, NEC staff will circulate the proposed amendment for comment, give full consideration to materials submitted in support of the application, and then produce an NEP amendment summary report with final recommendations on the proposal to the NEC.

### **B. PLANNING DOCUMENTS**

#### *Niagara Escarpment Planning and Development Act (NEPDA)*

Sections 6.1(2.1) and 10(6) of the *NEPDA* require that amendments to the NEP be justified. As identified in Part 1.2.1 of the NEP, the justification for a proposed amendment to the NEP *“means the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment”*. As described later in this report, the applicant has submitted several studies and justification required under NEP Part 1.2.1 in support of the application.

Sections 6.1(2.2) of the *NEPDA* requires that no person or public body shall make an application or request to amend the NEP if the application or request relates to land that is within the land use designation of Escarpment Natural Area, Escarpment Protection Area, Mineral Resource Extraction Area or Escarpment Rural Area of the NEP and the application or request seeks to:

*a) redesignate the land to the land use designation of Minor Urban Centre, Urban Area or Escarpment Recreation Area of the NEP; or,*

*b) make any other amendment to permit urban uses, unless it is during the time of a Plan Review.*

Further discussion and analysis on the requirements of the Act with respect to amendment proposals is found in Section E of this Report below.

#### 2. Niagara Escarpment Plan (NEP, 2017)

The NEP Part 1.2.1 identifies that planning policies and land use designations may be changed by amendment to the Plan, provided that the proposed amendment is consistent with the Purpose and Objectives of the *NEPDA* and the NEP.

The lands subject to this application are within the Niagara Escarpment Development Control Area. The application to amend the NEP will be evaluated against the overall Purpose and Objectives of the NEP, as well as the policies in Part 1.4 (Land Use Policies for Escarpment Protection Area), Part 1.5 (Land Use Policies for Escarpment Rural Area), Part 1.9 (Land Use Policies for Mineral Resource Extraction Area), and all other relevant Part 2 Development Criteria of the NEP.

***NEP Part 1 Land Use Policies***

This section contains land use policies that include policies governing Plan amendments, and how the seven land use designations determine land use throughout the area of the Niagara Escarpment Plan. Each land use designation has a set of objectives and designation criteria, which are used to assign an appropriate land use designation, and on this basis, permitted uses are determined.

*Section 1.2.1 Plan Amendments*

Four provisions apply to applications to amend the Niagara Escarpment Plan:

* Planning policies and land use designations may be changed as long as the Purpose and Objectives of the NEPDA and the NEP are met.
* The NEPDA requires that amendments to the NEP be justified with a rationale for the amendment, and reasons, arguments or evidence in support of the change to the NEP proposed through the amendment.
* The applicant must demonstrate that the proposed amendment and the expected impacts of the proposed amendment do not adversely affect the Purpose and Objectives of the NEPDA. The proposed amendment must be consistent with the Purpose and Objectives of the NEPDA and the NEP and shall be consistent with other relevant provincial policies.
* Development Criteria set out in Part 2 of the NEP will be considered in the assessment of any amendment to the NEP.

Discussion and analysis on the requirements of the NEP with respect to amendment proposals is found in Section E of this report below.

NEP Part 2 Development Criteria

While all applicable Development Criteria set out in Part 2 of the NEP are to be considered in the assessment of an amendment to the NEP, no development is proposed under this NEP Amendment application, and a Development Permit Application has not been submitted. The mere change in designation, in the absence of any proposed physical development, makes it difficult to assess the current proposal against the Development Criteria. Ultimately, the current proposal can only be assessed against the Purpose and Objectives of the NEP as well as the designation criteria for the existing designation (Escarpment Protection Area) and the proposed designation (Escarpment Rural Area).

However, the following Development Criteria will be applicable to future consideration of Brampton Brick’s stated intentions to establish a mineral extraction operation on the subject property north of the existing Cheltenham Quarry under subsequent NEP Amendment and/or Development Permit applications. When one or more such applications are submitted, these Criteria will be assessed by review of submitted technical studies and comments from public agencies, the public, and Indigenous communities.

The Objective of NEP **Part 2.2 General Development Criteria** is to permit the reasonable enjoyment by the owners of all lots that can sustain development. Part 2.2.1 provides that the Escarpment environment shall be protected, restored, and where possible enhanced for the long-term, and having regard to multiple, or successive development that is likely to occur (i.e., cumulative impacts): a Planning Justification Report is required for future applications in the context of this proposed NEP amendment.

The Objective of **Part 2.5 Development Affecting Steep Slopes and Ravines** of the NEP is “to ensure that development affecting steep slopes … and ravines is compatible with the Escarpment environment and does not result in unsafe conditions”. Development is also to be designed in such a way to minimize the disturbance and ensure the stability of the Escarpment. The subject lands are approximately 400 metres from the Escarpment brow and so exceeds the 200 metre setback required by the Plan. A natural hazards assessment will be required for future applications.

The Objective of the NEP **Part 2.6 Development Affecting Water Resources** policies 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. The subject lands are adjacent to, and the subject property encompasses, key hydrologic features: wetlands and permanent and intermittent streams. The areas of the existing Cheltenham Quarry, and the subject lands and property, are encompassed by a recognized area of significant groundwater recharge, also designated as a highly vulnerable aquifer. Future development will be required to demonstrate how key hydrologic features, including both ground and surface water, will be protected and where possible enhanced.

The Objective of the NEP **Part 2.7 Development Affecting Natural Heritage** 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.

Natural heritage features and key natural heritage features identified on, adjacent or in close proximity to the subject lands includewoodlands, wetlands, habitat of endangered, threatened and special concern species, Significant Wildlife Habitat, Areas of Natural and Scientific Interest (ANSI) and fish habitat. Natural environment technical reports and environmental impact studies will be required, and consultation with relevant agencies to determine if applicable policies are met.

**NEP Part 2.7.8** identifies that development within the habitat of endangered and threatened species located with Escarpment Rural Areas, Mineral Resource Extraction Areas…is not permitted unless it is in compliance with the *Endangered Species Act.* The MECP will be consulted with respect to Species at Risk requirements and compliance with the ESA, as the habitat of Endangered and Threatened species has been identified. A permit under the ESA may be required to address destruction of the habitat of threatened and/or endangered species if and when a future application for a mineral resource extraction operation proceeds.

The NEP includes several relevant Objectives and Policies supporting a landscape systems approach. Considering the lands adjacent to the proposed aggregate operation include the sensitive Escarpment Natural Area, including Significant Woodlands and ANSIs, consideration with respect to the assessment of the anticipated expansion on landscape connectivity and wildlife corridors and the identification of any potential impacts to existing corridors as well as opportunities for enhancements through the rehabilitation/ecological enhancement plan will be required.

The Objective of the NEP **Part 2.8 Agriculture** 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. The subject lands have not been identified as being within a prime agricultural area, candidate area or specialty crop area to date, while the Escarpment Rural Area to the east, across Mississauga Road, are prime agricultural area. An agricultural impact assessment (AIA) will be required to identify any potential impacts on surrounding agricultural operations (including cumulative impacts). Consideration of the broader agricultural system should be given, extending beyond the 1km threshold and be regional in scope. Additionally, any potential impacts to agriculture associated with the haul route will be required to be identified and addressed should a future application for aggregate extraction proceed.

The stated objective of NEP **Part 2.9 Mineral Aggregate Resources** 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**. NEP Part 2.9.1** provides that, notwithstanding the policies of Part 2.7, mineral aggregate operations and accessory facilities *may* be permitted in key natural heritage features, except for wetlands and significant woodlands (that are not young plantations or early successional habitat). The area proposed for redesignation does not encompass identified wetlands or significant woodlands but is in close proximity or adjacent to such features. **NEP** **Part 2.9.2** further permits the consideration of mineral aggregate operations in key natural heritage features which is solely the habitat of an endangered species (and not any other key natural heritage feature), provided it is in compliance with the *Endangered Species Act* (2007).

**NEP Part 2.9.3** sets out the general tests for whether a proposal for an aggregate operation can be supported, whether through a NEP Amendment application and/or Development Permit Application, as follows:

1. *demonstrate how key natural heritage features and functions will be protected and where possible enhanced during and after extraction;*
2. *demonstrate how cultural heritage resources will be conserved;*
3. *demonstrate how the Escarpment’s scenic resources and open landscape character will be maintained and where possible enhanced during and after the extraction;*
4. *demonstrate how key hydrologic features will be protected and where possible enhanced during and after extraction, including the maintenance of the groundwater and surface water quantity and quality;*
5. *demonstrate how natural heritage features will be avoided and the connectivity between key natural heritage features and key hydrologic features will be maintained and where possible enhanced during and after the extraction of mineral aggregates;*
6. *in prime agricultural areas, undertake an Agricultural Impact Assessment to determine how to avoid, minimize and mitigate impacts on agricultural lands and operations;*
7. *minimize negative impacts of mineral aggregate operations and their accessory uses on surrounding land uses;*
8. *complete progressive and final rehabilitation of the licensed site to provide equal or greater ecological values, including utilizing native species, in order to accommodate subsequent land use designations compatible with the surrounding land uses;*
9. *within the licensed area but outside of the area of extraction, protect the Escarpment environment during periods of extraction and rehabilitation; and*
10. *minimize negative impacts of mineral aggregate operations and their accessory uses on parks, open space and the existing and optimum routes of the Bruce Trail.*

The Objective of NEP **Part 2.10** **Cultural Heritage** policies is to conserve the Escarpment’s cultural heritage resources, including significant built heritage resources, cultural heritage landscapes, and archaeological resources. The applicant has submitted a cultural heritage evaluation for the subject lands. NEC Staff will review these studies and consult with the Ministry of Citizenship and Multiculturalism (MCM) to ensure all cultural heritage resources are conserved. A cultural heritage impact assessment, and an archaeological assessment, will be required for any subsequent NEP amendment or Development Permit applications.

The Objective of **Part 2.13 Scenic Resources and Landform Conservation** is to ensure that development preserves the natural scenery and maintains Escarpment related landforms and the open landscape character of the Escarpment. The NEC Landscape Evaluation Study (1976) was prepared as background for the NEP in determining its coverage and associated Land Use Designations. The Landscape Evaluation assigns the subject property and adjacent lands with the rank of “Attractive”.

The applicant has submitted a visual impact assessment regarding their proposed change in designation to Escarpment Rural Area, but does not contest the Landscape Evaluation rank; A visual impact assessment in the context of an application for a mineral aggregate extraction operation will be required to more fully address the policies in Part 2.13, with the scope established by terms of reference.

Part 3: Niagara Escarpment Parks and Open Space System (NEPOSS)

The subject lands are adjacent to the Terra Cotta Conservation Area: part of the Niagara Escarpment Parks and Open Space System (NEPOSS). The park agencies (Credit Valley Conservation and Peel Region) will provide input with respect to any potential impacts from any future proposed development on the adjacent NEPOSS lands.

#### Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) is intended to provide direction on matters of provincial interest related to land use and planning. In their decisions on land use planning, all agencies, including the NEC, must be consistent with the policies of the PPS; however, the PPS states that provincial plans take precedence over policies in the PPS to the extent of any conflict. The NEP builds upon the policy foundation provided by the PPS and provides additional land use planning policies in support of the Purpose and Objectives of the NEP. NEC staff will consider the technical submissions of the applicant to evaluate whether the proposed amendment is consistent with the PPS.

The proposed Brampton Brick Cheltenham Quarry NEP Amendment is required to be consistent with the requirements of the PPS, including the following policies:

Part 1.1.4 of the PPS regarding Rural Areas states that healthy, integrated and viable *rural areas* should be supported:

1. *by building upon rural character and leveraging rural amenities and assets;*
2. *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
3. *conserving biodiversity and considering the ecological benefits provided by nature;*

Part 2.0 of the PPS identifies the province’s objectives respecting the long-term protection of natural heritage and water resources for their economic, environmental and social benefits. Part 2.1 requires that natural features and areas shall be protected for the long-term and Part 2.1.2 identifies that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Part 2.2. of the PPS relates to water resources and requires that planning authorities shall protect, improve or restore the quality and quantity of water. The policies under Part 2.2.1 require that the planning authorities should be concerned with the watershed as an appropriate ecological scale to assess potential impacts. This section also speaks to protecting water resources in relation to natural heritage, drinking water, climate change, and stormwater management.

PPS Part 2.3 provides direction to planning authorities in agricultural areas. In general, the PPS provides that, in *prime agricultural areas*, permitted uses are to be agricultural uses, agricultural-related uses, and on-farm diversified uses, although the subject lands are not prime agricultural area. Additionally, all types, sizes and intensities of agricultural uses and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

Part 2.6 of the PPS relates to cultural heritage and archaeology. *Significant built heritage and significant cultural heritage landscapes are required to be conserved.* Staff will review the visual impact assessment and cultural heritage evaluation reports and consult with the appropriate ministry and municipal staff to assess the proposed redesignation and ensure all cultural heritage resources are appropriately identified and conserved. Indigenous communities will also be engaged to ensure their interests are considered.

#### Greenbelt Plan (2017)

The *Greenbelt Act, 2005* authorized the preparation of the Greenbelt Plan, which was approved in February 2005 and updated in 2017 through the 2015 Co-ordinated Land Use Plan Review. The Greenbelt Plan Area includes the NEP Area. The policies of the NEP are the policies of the Greenbelt Plan for the NEP 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 NEP Area must also comply with the policies in Section 3.3 of the Greenbelt Plan.

NEC staff will evaluate the applicant’s submissions to determine whether the proposed amendment is in conformity with the policies of the Greenbelt Plan, as applicable. The application will also be circulated to the Ministry of Municipal Affairs and Housing for comment.

#### 5. Growth Plan for the Greater Golden Horseshoe

The Growth Plan applies to lands within the Greater Golden Horseshoe (GGH), which includes the Town of Caledon and Region of Peel and provides direction on how to manage growth. Emphasis is placed on intensification and redevelopment in existing settlements and built-up areas rather than sprawl or expansion that requires new municipal services (e.g., sewers and water), but does support resource use (2.2.9.3.iii, 4.2.8). The Growth Plan on its Map Schedules also identifies Urban Growth Centres within existing built-up areas.

The Growth Plan and Greenbelt Plan are intended to work together. Areas to be protected in the GGH were established first (in the Greenbelt Plan) and then areas where development could be considered were identified second (the Growth Plan).

Both the Growth Plan (Section 1.4) and its enabling legislation (Places to Grow Act, 2005), indicate that in considering the Growth Plan in relation to other Provincial Plans and Policies (e.g., the NEP), the planning direction to be followed is the one that “provides more protection to the natural environment or human health”. In considering the hierarchy of Provincial Plans and Policies governing this area and the provisions within those documents, the greatest protection to the natural environment and human health (particularly the natural environment), is accomplished most effectively through the policies and appropriate land use designations of the NEP.

#### 6. Regional and Local Planning Context

The NEP Development Criteria are used as minimum standards for assessing the conformity of local Official Plans, secondary plansand, where applicable, zoning by-laws and for administering site-plan control approvals. If an Official Plan, secondary plan, zoning by-law or other planning approval is silent on one or more Development Criteria included in the NEP, the Development Criteria of the NEP still apply.

##### Region of Peel Official Plan

The subject property is within a Core Area of the regional Greenlands System, as identified under Policy 2.14.5 of the Region of Peel’s Official Plan and designated by Schedule C-2. The subject property falls within the Rural System, as identified under Policy 5.7.9 of the Region of Peel’s Official Plan and designated as Rural Land by Schedule D-1, and is also located within the High Potential Mineral Aggregate Resources Areas, as identified on Schedule D-2 on the Region of Peel’s Official Plan.

The Region of Peel will be circulated this application for review and commenting under the framework of its planning authority, regulatory policies and requirements.

**Town of Caledon**

#### The subject property is designated as Environmental Policy Area, and Rural Lands in the Land Use Plan of the Town of Caledon’s Official Plan – Schedule A. Lands immediate adjacent to this lot are designated as Extractive Industrial Area to the south (Cheltenham Quarry), Environmental Policy Area, and Rural Lands, and Settlement Areas (Terra Cotta to the West, Cheltenham to the East).

#### The Town of Caledon will be circulated this application for review and commenting under the framework of its planning authority, regulatory policies and requirements.

#### 7. Conservation Authority Regulation

The existing Cheltenham Quarry and the adjacent subject property proposed for redesignation from Escarpment Protection Area to Escarpment Rural Area are entirely located within the Credit River Watershed: the Credit River is located 600 m to the east at its nearest point. The subject property contains and/or is adjacent to features regulated by Credit Valley Conservation Authority, including tributaries of the Credit River and the flooding and erosion hazards associated with these watercourses.

The Credit Valley Conservation (CVC) Authority will review and comment on this application based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (Parts 3.1.1- 3.1.7).

**8. *Endangered Species Act (ESA)***

It is anticipated that an Overall Benefit Permit under the *ESA* may be required by the MECP for any future approval of a mineral aggregate extraction operation on the subject lands.

### **C. SITE DESCRIPTION AND SURROUNDING LAND USES**

The subject lands are characterized by agricultural fields with a centrally located farmstead building cluster, transected by a watercourse. A forested area and watercourse are at the rear of the property encompassing the subject lands, with another watercourse and wetland at the northeast corner of the property, largely outside of the proposed amendment area. The property rises approximately 20 metres in elevation from south to north and is otherwise gently rolling, with a steeper rise to the rear, approaching the brow of the escarpment to the west – the toe of the escarpment is to the east of the property. The subject lands are adjacent to or in close proximity of potentially hazardous lands in the form of sensitive surface water features (including Provincially Significant Wetlands), habitat of Endangered and Threatened species, and Significant Woodlands. Portions of the study area are mapped as part of the Provincial, Regional and Local Greenlands Systems.

The subject property is located within the Credit River watershed. The lands surrounding and to the rear of the subject property include forested areas that are contiguous with the Terra Cotta Conservation Area, forming part of the Caledon Mountain environmentally significant area within the Peel Natural Area, characterized by mature deciduous forest.

### **D.**  **RELATED NIAGARA ESCARPMENT PLAN AMENDMENT / DEVELOPMENT PERMIT APPLICATIONS**

There are a limited number of NEP amendment applications for redesignation of Escarpment Protection Area to Escarpment Rural Area, or for redesignation of non-Escarpment Rural Area to Mineral Resource Extraction Area. A list of these applications is provided in Appendix 1 attached.

The following NEC applications are directly related to Brampton Brick’s Cheltenham Quarry aggregate extraction operation, immediately south of the subject application:

**NEP Amendment PP 12 866 and PP 15 86:** On December 8, 1988, the Provincial Cabinet confirmed a Minister Decision on the re-designation of portions of the Cheltenham Quarry Lands from Mineral Resource Extraction Area (MREA) to Escarpment Natural, Protection and Rural Areas.The undertaking before the Provincial Cabinet involved removal of a portion of MREA from Brampton Brick’s Cheltenham Quarry property. The matters before the Cabinet included an application from a Non-Governmental Organization and neighbouring property owner to amend the NEP, and the issuance of a Development Permit. The application was to amend the NEP designation from a portion of Mineral Resource Extraction Area to Escarpment Natural, Protection and Rural Areas, and to permit the establishment of a phased licensed quarry within the remaining MREA on Part Lots 29 and 30, Concession 5 West of Centre Road (former Township of Chinguacousy), Town of Caledon, Region of Peel.

**Development Permit Application P/E/22-23/495** is an application in progress to demolish a one storey ±766 m2 (8,245 ft2) detached accessory building (crushing facility for Brampton Brick Limited) with a maximum height-to-peak of ± 14 m (46 ft), and to construct a one storey ± 1,245 m2 (13,401 ft2) detached accessory building (crushing facility) with a maximum height-to-peak of ± 14 m (± 46 ft), on a 99.4 ha (245.8 ac) existing lot that supports a mineral resource extraction use.

**Development Permit P/S/2016-2017/276** was to remove and replace an existing septic treatment system that serves an existing aggregate operation, on a 99.5 ha (245.84 ac) lot and was determined to be exempt as per Paragraph 14 of Section 5 of R.R.O. 1990, Regulation 828.

**Development Permit Application /P/E/09-10/242** was refused by the Commission in July, 2013, to amend the approved progressive rehabilitation plan of a licensed shale extraction operation to permit the importation of fill for the purpose of back-filling the Stage 1 excavation to recreate the pre-quarry topography and drainage regime to support an upland forest, watercourses and wetlands. The decision was upheld by the Niagara Escarpment Hearing Office.

**Development Permit 8077/P/E/02-03/344** was issued by the Commission in April, 2004 to amend the approved site plan for a licensed shale extraction operation (under the ARA), on a 99.5 ha (245.84 ac) existing lot. The proposal involved revising the sequence of operations to allow blending of extracted materials between Stages 1 and 2, addition of retention/settling ponds for Stages 2 and 3, with minor housekeeping modifications.

**Development Permit 7385/P/E/99-00/314** was issued by the Commission in October, 2001 to modify the extraction limit of a licensed quarry by reducing the setback along the northern property boundary and increasing the extraction area to include access to additional clay resources. Two minor watercourses required realignment as a part of the proposal.

**Development Permit 6379/P/E/94-95/184** was issued by the Commission in August, 1998 following a decision by the then Minister of Natural Resources, to replace Development Permit 4257/P/E/81/216 to allow historic restoration of the former Cheltenham Brickworks to be extended to December 20, 1999. All other terms and conditions governing the Brampton Brick Limited quarry operation remained the same. An appeal of the Commission’s decision to approve the application in 1996 was denied.

**Development Permit 4257/P/E/81/216** was issued by the Commission in March, 1990, following appeals and the Minister’s decision in 1989, to allow the establishment of a phased mineral resource extraction operation. The Permit was issued in conjunction with the approval of parts of Niagara Escarpment Plan Amendment No’s. 12 and 15 (see above) by Provincial Cabinet in 1988, to redesignate parts of the property as Escarpment Natural and Protection Areas. The Aggregate Resource Act application was also appealed to the Ontario Municipal Board.

**E. AMENDMENT CONSIDERATIONS**

Matters raised in this preliminary review of the application are noted to assist in coming to a determination if the application should be initiated under S. 6.1(2) of the *NEPDA*, and if so, to also provide the commenting agencies and the public with an initial understanding of the application. The planning considerations and technical information as presented are not a complete review or analysis of the final merits of the application either in terms of the NEP or any other relevant legislation or regulation. In reviewing the amendment there are several key issues that must be considered and addressed by the applicant, including consideration of the proposal against the Purpose and Objectives of the *NEPDA* and the NEP.

***Niagara Escarpment Planning and Development Act* & Niagara Escarpment Plan**

Urban Uses Assessment

Section 6.1(2.2) & (2.3) of the *NEPDA* identifies that no person or public body shall make an application or request to amend the NEP if the application or request relates to land that is within the land use designation of Escarpment Natural Area, Escarpment Protection Area, Mineral Resource Extraction Area or Escarpment Rural Area of the NEP and the application or request seeks to: a) re-designate the land to the land use designation of Minor Urban Centre, Urban Area or Escarpment Recreation Area of the Niagara Escarpment Plan; or b) make any other amendment to permit urban uses, unless it is during the time of a Plan Review.

The proposal to re-designate lands from Escarpment Protection Area to Escarpment Rural Area does not meet the prohibition of urban uses and urban designations under the NEPDA, since the lands are not being proposed for designation as -Urban Area, Escarpment Recreation Area or Minor Urban Centre (the NEPDA specifies these designations to be “urban designations”), nor is the proposal seeking an urban use. Urban uses are defined in a policy adopted by the Commission in 2005.

Therefore, the Commission may consider and initiate proposed amendment PH 262 22 to the NEP at this time.

***Does the proposed amendment satisfy the Purpose and Objectives of the Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan?***

The **Purpose** of the Act and the Plan is: “to *provide for the maintenance of the Niagara Escarpment and land in its vicinity as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment”.*

The **Objectives** of the NEPDA and the NEP are:

1. *To protect unique ecologic and historic areas;*
2. *To maintain and enhance the quality and character of natural streams and water supplies;*
3. *To provide adequate opportunities for outdoor recreation;*
4. *To maintain and enhance the open landscape character of the Niagara Escarpment, in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;*
5. *To ensure that all new development is compatible with the purpose of the Plan;*
6. *To provide for adequate public access to the Niagara Escarpment; and,*
7. *To support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the Planning Act.*

***NEC Staff Comment:*** Brampton Brick’s redesignation proposal must be evaluated with respect to all relevant Objectives. The applicant has submitted an application accompanied with technical studies. Broadly, these studies suggest that the Purpose and Objectives of the *NEPDA* and the NEP will be supported.

#### *Land Use Designations and Designation Criteria*

In addition to the overall NEP Purpose and Objectives, each of the separate land use designations has a set of Objectives, for which land use is determined by the criteria applied in land use mapping, and on this basis and permitted uses policies are stated.

As noted earlier, Section 1.1 of the NEP acknowledges that internal boundaries between designations within the NEP are less definite than the external NEP boundary, except where they are formed by such facilities as roads, railways, and electrical transmission lines. Three sets of land use designation criteria pertain directly to this application.

***Is the proposed amendment consistent with the Objectives of the Designation and the Designation Criteria in the NEP?***

Escarpment Protection Area

Escarpment Protection Areas are important because of their visual prominence and their environmental significance, including increased resilience to climate change through the provision of essential ecosystem services. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment slopes and Escarpment Related Landforms that have been significantly modified by land use activities, such as agriculture or residential development, Lands needed to buffer Escarpment Natural Areas and natural areas of regional significance are also included in this designation.

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

The **Objectives** of the Escarpment Protection Area are as follows:

1. *To maintain and enhance the scenic resources and open landscape character of the Escarpment.*
2. *To provide a buffer to prominent Escarpment features.*
3. *To recognize, protect and where possible enhance the natural heritage system associated with the Niagara Escarpment Plan area and protect natural areas of regional significance.*
4. *To conserve cultural heritage resources, including features and areas of interest to First Nation and Métis communities.*
5. *To encourage forest management, compatible recreation, conservation and educational activities.*
6. *To encourage agriculture and protect agricultural lands and prime agricultural areas.*

***NEC Staff comment:*** Classification of the subject lands as Escarpment Protection, and remaining portions of the subject property as Escarpment Protection and Escarpment Natural Areas, was confirmed at the last NEP review in 2017, and no objections were received to retention of these classifications. Technical studies have been submitted in support of the application, which NEC staff and partner agencies will review in making a determination as to whether the proposal upholds the Objectives of the Escarpment Rural Area designation.

**Part 1.2.2.1** of the NEP as it relates to Plan amendments for MREAs, specifies that lands designated Escarpment Rural Area can be considered as candidate sites for such redesignation. The inference is made that Escarpment Protection and Escarpment Natural Areas are not eligible for redesignation as MREA, whether directly or through a two-step redesignation process. In addition, redesignation as Escarpment Rural Area facilitates consideration of aggregate resource extraction operations of up to 20,000 tonnes annually through a Development Permit Application, not requiring further NEP land use redesignation.

Escarpment Rural Area

Escarpment Rural Areas are an essential component of the Escarpment corridor, including portions of the Escarpment and lands in its vicinity. They provide a buffer to the more ecologically sensitive areas of the Escarpment.

The **Objectives** of the Escarpment Rural Area are as follows:

1. To maintain the scenic resources of lands in the vicinity of the Escarpment and the open landscape character of the Escarpment.
2. To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.
3. To encourage forest management and recreation.
4. To provide for compatible rural land uses.
5. To encourage agriculture and protect agricultural lands and prime agricultural areas.
6. To provide a buffer for ecologically sensitive areas of the Escarpment.
7. To provide for the consideration of new Mineral Resource Extraction Areas which can be accommodated by an amendment to this Plan.

***NEC Staff comment:*** Should the proposed NEP Amendment from Escarpment Protection to Escarpment Rural Area be approved, Objective 7 above would enable a future NEP amendment application to redesignate from Escarpment Rural Area to MREA, or alternatively the submission of a Development Permit Application to conduct aggregate resource extraction operations of up to 20,000 tonnes annually

**Part 1.2.2.1** of the NEP as it relates to Plan amendments for MREAs, specifies that lands designated Escarpment Rural Area can be considered as candidate sites for such redesignation.

#### INITIATING THE AMENDMENT

Section 6.1(3) of the *NEPDA* provides that: “*Where, in the opinion of the Commission, an application for an amendment does not disclose a planning justification for the amendment, is not in the public interest, is without merit, is frivolous or vexatious or is made only for the purposes of delay, the Commission shall inform the Minister of its opinion and, where the Minister concurs in that opinion, the Minister shall inform the applicant in writing of his or her opinion and notify the applicant that unless the applicant makes written representations thereon to the Ministry within such time as the Minister specifies in the notice, not being less than 15 days from the time the notice is given, the provisions of this Act in respect of the considerations of the amendment shall not* apply, and approval of the amendment shall be deemed to be refused.”

#### *Does the application include a planning justification?*

Sections 6.1(2.1) and 10(6) of the *NEPDA* require that amendments to the NEP be justified. As identified in Part 1.2.1 of the NEP, the justification for a proposed amendment to the NEP means that there is a sound and defensible rationale for the amendment, as well as reasons, arguments, or evidence in support of the change to the Plan proposed through the amendment.

The Purpose of the Plan and the Act is, “*to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with the natural environment.”*

The **Objectives** of the Act and the Plan are:

* To protect unique ecologic and historic areas;
* To maintain and enhance the quality and character of natural streams and water supplies;
* To provide adequate opportunities for outdoor recreation;
* To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
* To ensure that all new development is compatible with the purpose of the Act;
* To provide for adequate public access to the Niagara Escarpment; and,
* To support municipalities, within the Niagara Escarpment Plan Area, in their exercise of the planning functions conferred upon them by the *Planning Act*.

***NEC Staff Comment:*** Satisfactory justification of a proposed amendment must be balanced against the potential or identified environmental impacts of the proposal in the manner directed by the requirements of the NEP and the PPS. The acceptability of the application can only be decided once the circulation and comments on the application have been made and considered and the full review of the technical submissions has been undertaken.

In reviewing the proposed amendment there are several key issues that must be addressed. All amendments must be considered against the Purpose and Objectives of the *NEPDA,* and the Objectives and provisions of the NEP, and be consistent with other provincial policies.

The NEP Part 1.2.1 (Plan Amendments) of the NEP set outs the following provisions that apply to all applications to amend the NEP:

* NEP policies and land use designations may be changed as long as the Purpose and Objectives of the *Niagara Escarpment Planning and Development Act* and the Niagara Escarpment Plan are met;
* justification for the proposed amendment is provided, including the rationale for the amendment, as well as reasons, arguments or evidence in support of the amendment;
* it must be demonstrated that the proposed amendment and the expected impacts resulting from the proposed amendment do not adversely affect the Purpose and Objectives of the *NEPDA* and NEP, and shall be consistent with other provincial policies; and
* Development Criteria set out in Part 2 of the NEP will be considered in the assessment of a proposed amendment.

The applicant has provided the following reports as justification in support of the amendment application:

* Planning Justification Report, October 2022 (MHBC Planning)
* Cultural Heritage Screening and Evaluation Report, September 2022 (MHBC Planning)
* Geological Assessment in support of Proposed Niagara Escarpment Plan Redesignation, September 2022 (WSP Golder Associates Ltd.)
* Natural Environment Assessment of the Proposed Amendment to Re-Designate a Portion of the Brampton Brick Cheltenham Quarry Under the Niagara Escarpment Plan, October 2022 (WSP Golder Associates Ltd.)
* Visual Impact Report, August 2022 (MHBC)

The Applicant submits that the proposed amendment is justified on the following basis:

* Conforms to the NEP
* Is consistent with the PPS
* Conforms to the Growth Plan for the Greater Golden Horseshoe

As part of the justification for the amendment, Brampton Brick has suggested that Phase 3 extraction in the existing Cheltenham Quarry may be cancelled if extraction is ultimately approved on the lands subject to this amendment (i.e, a land swap). A subsequent application would be required to redesignate the lands in Phase 3 to Escarpment Natural Area, Escarpment Protection Area, and/or Escarpment Rural Area, based on what land use designation criteria these lands are found to meet. There is no commitment to pursue such an amendment as part of the application that is currently before the Commission.

As staff has previously identified, the technical studies submitted by the applicant will be evaluated by NEC staff, and consideration of comments received through the circulation, and come to a determination as to whether the applicable policies of the NEP and other relevant planning documents have been met.

***Is the proposed Plan amendment application “frivolous or vexatious” pursuant to Subsection 6.1(3) of the NEPDA?***

Consideration of a frivolous application include whether there is merit to the application, and whether it has any reasonable prospect of success. “Without merit” means that the application constitutes a major conflict with the intent of the Act as expressed through the Purpose (Section 2) or the Objectives (Section 8). Vexatious may be interpreted to mean that the application is being made for the purposes of delay or to harass, annoy or cause undue hardship.

There is one amendment application (PH 185 10, Protecting Escarpment Rural Land), where NEC staff recommended that an application be found to be vexatious and not in the public interest. However, the Commission elected not to accept the staff recommendation and directed that a report be brought to a future Commission meeting recommending initiation of the amendment process.

There is only one previous NEP amendment application (Duff 5/H/85) seeking a MREA designation that was referred to the Minister as frivolous by the Commission. This determination was on the basis that the application included the re-designation of a portion of Escarpment Natural Area to MREA (Escarpment Rural Areas are the only identified NEP land use designation for which application for amendment to MREA may be made). Regardless of the Commission’s recommendation on the amendment proposal in that instance, the Minister recommended circulation of the application. The amendment proposal was eventually modified to exclude the Escarpment Natural Area.

***Is the proposed amendment in the public interest?***

Section 6.1(3) of the *NEPDA* requires consideration as to whether the application has been justified and is in the public interest. Public interest is not defined in the NEP but is commonly understood to mean the welfare or well-being of society as a whole. An application could be considered not in the public interest if there was major inherent conflict with the underlying Purpose and Objectives of the *NEPDA* and NEP. An additional consideration in assessing public interest is with respect to public confidence in the planning process. If the facts of a proposed amendment are such that to recommend initiation or identify support for the proposal (in advance of the proper process) would undermine confidence in the planning approvals process, it could be said that the proposal is not in the public interest.

The applicant submits that when all the applicable policies are considered that the proposed redesignation from Escarpment Protection Area to Escarpment Rural Area reflects a more accurate characterization of the NEP area on the subject lands, and will be further in the public interest by making available an unspecified but additional quantity of high-quality aggregate resource from a site that is close to market. The applicant provides that aggregate extraction is an existing and long-standing use in the area and there is existing infrastructure in place to support the continuation of the operation, and the applicant has made the suggestion that the lands subject to this application are more suitable for aggregate extraction than those that are already designated for extraction as part of Phase 3 of the existing Cheltenham Quarry, but there is no guarantee at this point in the process that such an exchange of lands can or will occur, including that the surrender of a licence also requires approval under other legislation (***i.e,*** the Aggregate Resources Act).

As this Report has identified (Appendix 1), there have been several NEP amendment applications made seeking to amend land use designations other than Rural in the NEP (all but one of which were refused or withdrawn), and (Appendix 2) additional NEP amendment applications seeking to establish new or expanded mineral aggregate resource extraction areas within the NEP Rural Area. However, this is the first that NEC staff is aware of that transparently proposes a two-step amendment process intended to circumvent the NEP restriction on redesignating anything other than Escarpment Rural Area to MREA. Given this context, there is a question as to whether this site-specific application is in the public interest. Circulation of the proposal would facilitate a wider consideration of public interest by transparently seeking partner agency and public engagement and input, and a recommendation from the NEC Public Interest Advisory Committee (PIAC).

Even if the proposed amendment is found worthy of consideration at this stage, Staff reminds that this does not reflect an endorsement for approval of the application in whole or in part at this stage, nor does it prevent the Commission from giving further consideration to whether the application is in the public interest.

The NEPDA provides for the opportunity to apply for amendments to the NEP to redesignate land use designations under the NEP. Provided that the application is not deemed to be frivolous or vexatious, without merit, or not in the public interest, the application should be processed under Section 10 (1) of the *NEPDA*.

### **F. CONCLUSION**

In conclusion, Staff finds that there is adequate information and justification provided to warrant the circulation of this application and to allow further consideration of the merits of the proposed NEP amendment. There is no indication that the application, as filed, is without merit, is frivolous or vexatious, or made for the purpose of delay, and the circulation can be framed in that it seeks to also determine the matter of whether it reflects the public interest.

Staff notes that the attached Appendix 1 “Schedule A” proposed amendment map and text is the submission made by the applicant and is subject to revisions recommended by NEC staff pending further review and consideration of the comments received through the circulation.

## RECOMMENDATION

That the Niagara Escarpment Commission instruct staff to prepare proposed amendment PP 226 22 Brampton Brick Cheltenham Quarry redesignation from Escarpment Protection Area to Escarpment Rural Area for circulation and notification pursuant to Sections 7 and 10 of the *NEPDA*.

## Attachments

Figure 1 Cheltenham Quarry Phasing Plan

Map 1 Amendment Location Map/Existing NEP Designations

Map 2 Orthophoto

Map 3 Natural Heritage Features

Map 4 Landscape Evaluation Study

Map 5 Soils

Appendix 1 NEP Natural or Protection to Rural Area amendment applications

Appendix 2 NEP MREA amendment applications

Appendix 3 Proposed Amendment Document & Schedule A

**Prepared By:** **Approved by:**

*Original signed by: Original signed by:*

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Joe Muller, RPP, MCIP Kathy Woeller

Senior Strategic Advisor Director

# Appendix 1: NEP Escarpment Natural or Protection Area to Rural Area

# amendment applications

|  |  |  |
| --- | --- | --- |
| **File number** | **Type of Amendment** | **Status** |
| 16 & 17/S/86 McKean | Quarry expansion into Escarpment Protection Area | approved |
| 18/86 Sydenham | Re-designation from Escarpment Protection Area to Escarpment Rural for subdivision | refused |
| 51/H/89 Cohoon | Re-designation from Escarpment Protection Area to MREA to allow wayside pit | refused |
| 61/89 Gibson | Re-designation change from Protection to Rural for severance | refused |
| 84/91  | Re-designation Change from Natural and Protection to Protection and Rural | withdrawn |

**Appendix 2: List of NEP MREA (and related) amendment applications**

|  |  |  |
| --- | --- | --- |
| **File number** | **Type of Amendment (after use/licence surrendered)** | **Status** |
| 28/H/87 J.C. Duff Ltd | Re-designation from MREA to Escarpment Natural and Protection Area after licence surrender | approved |
| 29/H/87 Duff | Re-designation from MREA to Escarpment Rural Area after licence surrender | File closed |
| 42/H/88 Taro | Re-designation from MREA to Urban | approved |
| 60/H/89 Gori | Re-designation from MREA to Escarpment Natural and Protection Area. | File closed |
| 73/H/90 Fisher | Re-designation from MREA to MUC, Escarpment Protection and Rural Area. | approved |
| PH 186 10 – Milton and Hanson Brick Quarries | Re-designation from MREA to Escarpment Natural and Protection Area after licence surrender, land added to NEPOSS. | approved |
| PH 191 11 Former Lafarge Pit Lands | Re-designation from MREA to Escarpment Natural, Protection and Rural Area after licence surrender. | approved |
| PH 192 11 JC Duff Pit Lands | Re-designation from MREA to Escarpment Natural, Protection and Rural Area after licence surrender. | approved |
| PW 195 12 Coverdale | Re-designation from MREA to Escarpment Natural and Rural Area after licence surrender | approved |
| PC 197 13 Pinchin pit | Re-designation from MREA to Escarpment Natural and Rural Area after licence surrender; add lands to NEPOSS. | File Closed (See file PP 223 21) |
| PS 198 13 MacDonald | Re-designation from MREA to Escarpment Protection Area after licence surrender | approved |
| PD 204 14 Doug’s Haulage | Re-designation from MREA to Escarpment Protection Area after licence surrender. | approved |
| PB 208 15 Rabicki/Municipality of Northern Bruce Peninsula | Re-designation from MREA to Escarpment Natural and Protection Areas after licence surrender with site specific use provisions. | approved |
| **File number** | **Type of Amendment (after use/licence surrendered)** | **Status** |
| PW 209 15 Posavad | Re-designation from MREA to Escarpment Natural and Protection Areas after licence surrender | approved |
| PH 217 Halton Crushed Stone | Re-designation from MREA after licence surrender | not yet initiated |
| PH 221 4000 Campbellville Road | Proposed Re-designation from MREA after licence surrender | In process |
| PH 222 3475 Campbellville Road | Proposed Re-designation from MREA after licence surrender | In process |
| PP 223 21 Pinchin pit | Proposed re-designation from MREA to Escarpment Natural and Rural Area, add lands to NEPOSS | In process |
| UA 03 Walker  | Re-designation from MREA to Urban Area following licence surrender | approved (See PN 210 – balance of property owned by federal government to be re-designated following acquisition by Walker) |
| UA 05 Queenston quarry | Re-designation from MREA to Escarpment Recreation Area to permit commercial and recreational uses | approved |
| **File number** | **Type of Amendment – new pit or quarry** | **Status** |
| 1/P/85 Regan Graham | New aggregate operation | approved |
| 2/S/85 McKean | New aggregate operation | file closed |
| 3/G/85 Sutherland | New aggregate operation | approved |
| 5/H/85 | New aggregate operation | approved |
| 14/H/86 Boss | Wayside pit in Escarpment Protection Area | approved |
| 16 & 17/S/86 McKean | Quarry expansion into Escarpment Protection Area | approved |
| 41/P/88 Caledon Sand & Gravel | Re-designation from Escarpment Rural Area to MREA to permit sand and gravel pit | approved |
| 45/H/88 LAC | Re-designation from Escarpment Rural Area to MREA  | File closed |
| 51/H/89 Cohoon | Re-designation from Escarpment Protection Area to MREA to allow wayside pit | refused |
| 64/P/89 Armbro | Re-designation from Escarpment Rural Area to MREA  | approved |
| 64/P/89 | Re-designation from Escarpment Rural Area to MREA to permit sand and gravel pit | approved |
| 80/H/91 Duff | Re-designation from Escarpment Rural Area to MREA | File closed |
| 91/B/92 Forbes | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area  | refused |
| PP 126 98 Graham Brothers | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area  | approved |
| PG 130 99 Grey County | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area  | approved |
| PN 134 00 Vineland | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area  | approved |
| PH 135 01 Dufferin Milton quarry expansion | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry | approved |
| PH 153 04 Nelson quarry expansion | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry | refused |
| PG 159 05 Sutherland quarry | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry, asphalt and redi-mix plant | File closed (see PG 167) |
| PS 161 05 Walker Aggregates Duntroon quarry expansion | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry | approved |
| PG 167 05 Sutherland | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry, asphalt and redi-mix plant | approved |
| PH 180 09 Dufferin Acton quarry expansion | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area, add lands to NEPOSS to permit a quarry, re-designate a portion of the property to Escarpment Natural Area | approved  |
| PC 213 18 McCormick | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry | Under Review |
| PH 219 Nelson quarry expansion | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry | Under review |
| Dufferin Milton quarry expansion | Proposed re-designation from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry | Application pending |
| **File Number**  | **Type of amendment – Other aggregate related activity** | **Status** |
| PG/101/93 Sutherland | Allow portable asphalt plant in MREA | approved |
| PG/105/94 Miller Paving | Allow portable asphalt plant in MREA | File closed |
| PH/118/97 Joyce | Change permitted uses in MREA to allow a single dwelling | File closed |
| PC/12/197 NEC | Change permitted uses in MREA to allow a single dwelling | approved |
| 134 Vineland | Allow continued use of an asphalt plant after licence surrender | approved |
| PN 171 07 Queenston Quarry | Allow residential, commercial and recreation uses within MUC of St. David’s on land designated MREA | approved |
| PP 190 10 Graham Brothers | Allow processing of aggregate on a licensed site on another lot | approved |