

August 16, 2023

Sandy Dobbyn
Senior Planner
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON | L7G 4B1

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

**Re: Niagara Escarpment Plan Amendment PH 226 22
Brampton Brick Limited, (Cheltenham Quarry)
14504 Mississauga Road, Caledon**

Dear Ms. Sandy Dobbyn,

Thank you for the opportunity to provide input on the proposed Niagara Escarpment Plan Amendment for Brampton Brick Ltd.

Background

Brampton Brick Limited has applied to amend the Niagara Escarpment Plan to change the land use designation of the 14.68 ha (36.3 ha) subject lands from the current Escarpment Protection Area designation to Escarpment Rural Area designation. This amendment is proposed to allow consideration of subsequent applications to amend the Niagara Escarpment Plan to redesignate these same lands from Escarpment Rural Area to Mineral Resource Extraction Area and to apply for a Development Permit to conduct aggregate extraction operations on these same lands. The subject lands are located adjacent to their existing Cheltenham Quarry site in the Region of Peel.

The Cheltenham Quarry immediately to the south of the subject lands was licensed in 1989 under the *Aggregate Resources Act (ARA)*. *Niagara Escarpment Planning and Development Act* development permit # 4257/P/E/81/216 was issued in 1990 to establish a phased mineral resource extraction operation, along with Niagara Escarpment Plan Amendments PP 12 8 and PP 15 86. The quarry licence consists of approximately 99.2 ha subdivided into three operational phase areas: phase one is complete, phase two is in operation, while phase three has not been started. Phase three is located to the west of phase two adjacent to the Terra Cotta Minor Urban Area.

Comments

Region of Peel Planning and Development Services staff have reviewed the above noted application and offer the following comments relating to the policy interests of the Region, and specifically after review of the following submission materials:

- Cheltenham Quarry Phasing Plan prepared by the Niagara Escarpment Commission dated February 2023
- Planning Justification Report prepared by MHBC Planning, Urban Design & Landscape Architecture October 2022

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- Geological Assessment Technical Report prepared by Golder Associates dated September 2022
- Natural Environment Assessment prepared by Golder Associates dated October 2022

Applicable Land Uses

- The entire property, containing the area subject to the Niagara Escarpment Plan Amendment, is designated in the Rural System of the Region of Peel Official Plan (ROP). Core Areas of the Greenlands System (Core Woodlands, Core Escarpment Natural Area and Core Environmentally Sensitive Areas) are designated in the ROP within and adjacent to the subject property along its northwest and southwest boundaries. It is not identified as High Potential Mineral Aggregates Resource Area.

Policy Context

- The policies of the ROP and, in particular, Sections 2.6 Water Resource System and 2.14 Greenlands System apply to the review of the proposed redesignation. If a concurrent or sequential application to redesignate the subject lands to Mineral Aggregate Resource Extraction Area is considered, the policies of Section 3.4 Mineral Aggregate Resources of the ROP also apply.
- The Region's areas of interest with respect to this application reflect the roles and responsibilities of the Region, as set out in the ROP. The Region's interests include, but are not limited to, the following:
 - Consistency with the Provincial Policy Statement and conformity with the Growth Plan, the Niagara Escarpment Plan and Region of Peel Official Plan to ensure that relevant policies are fully considered;
 - Protection, restoration and enhancement of natural environment features and functions, to ensure protection of wetlands, woodlands, watercourses, fish habitat, valley and stream corridors and other components of the Greenlands System;
 - Protection, improvement or restoration of the quality and quantity of water resources for the maintenance of ecosystem integrity;
 - The adequacy, capacity and safety of the proposed transportation haul routes and site entrances intended to serve the proposed use; and,
 - Ensuring that all aggregate extraction uses and associated processing and ancillary uses minimize environmental, community and social impacts.
- The impacts, both positive and negative, to adjacent communities, significant woodlands, including designated Core Areas of the Greenlands System, significant

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valley and stream corridors and wetlands should be considered in a comprehensive and integrated manner.

- While the Region understands the Niagara Escarpment Commission's recommended approach to process the Niagara Escarpment Plan amendments sequentially, it is Regional staff's preference that the amendments be considered concurrently. The Region requests consideration of the amendments concurrently in conjunction with an application to amend the current ARA licence to remove the phase 3 extraction area with the appropriate studies supporting justification to expand the current licence into the subject lands and demonstration that environmental and community impacts are minimized.
- If the applications are not considered concurrently, we respectfully request the NEC consider the objectives and criteria for the current Escarpment Protection Area designation, as identified below, in relation to relevant policy objectives and context of the ROP as noted above:

1. Escarpment Protection Area Criteria for Designation

- Areas of Natural and Scientific Interest (Life Science) (ANSI), or environmentally sensitive or environmentally significant areas identified by municipalities or conservation authorities.

2. Escarpment Rural Area Criteria for Designation

- Lands in the vicinity of the Escarpment which are of ecological importance to the Escarpment environment.
- Lands that have potential for enhanced ecological values through natural succession processes or due to their proximity to other ecologically sensitive lands, areas or features.

If you have any questions or concerns, please contact me at your earliest convenience at 905-791-7800 ext. 4349 or by email at: Chrissy.Pelopidas@peelregion.ca

Yours truly,



Chrissy Pelopidas
Planner, Development Services



August 14, 2023

Sandy Dobbyn
Senior Strategic Advisor
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON
L7G 4B1

(sent via Email only)

Dear Sandy Dobbyn:

**Re: Niagara Escarpment Plan Amendment PH 226 22
Brampton Brick Limited
14504 Mississauga Road
Part Lots 29 and 30, Concession 5 West of Centre Road, Town of Caledon**

In response to your Request for Comments concerning the above-noted application to amend the Niagara Escarpment Plan, the Town of Caledon offers the following information.

The proposed amendments relate to the Cheltenham Quarry, and are proposed to be completed by two amendment applications. This is the first amendment application, which proposes 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, from Escarpment Protection Area to Escarpment Rural Area. The subject property is located on the west side of Mississauga Road, north of the Cheltenham Quarry and the Caledon Trailway.

The subsequent application will redesignate these lands from Escarpment Rural Area to Mineral Resource Extraction Area (MREA), to allow the applicant to apply for a Development Permit to conduct aggregate extraction operations. The applicant also proposes to redesignate Phase Three of the existing Cheltenham Quarry from MREA to non-extraction land-use designations under the NEP.

Comments

Town of Caledon, Planning, Development & Design

Town staff recommend that the current and future applications before the NEC and Town (Local Official Plan Amendment) be reviewed and processed concurrently, instead of the current two phased approach. Staff are unable to support the future expansion of Cheltenham Quarry's operation onto the agricultural lands to the north, or the removal of the phase 3 extraction area,

without reviewing appropriate reports and studies that evaluate the agricultural, environmental, community, and cultural heritage impact of the proposal. By redesignation of the lands to Escarpment Rural Area, the applicant could apply for a Development Permit for an operation limited to 20,000 tons or less annually. The Town would not be supportive of any application for a development permit that proceeds a Town Official Plan Amendment (OPA) application. As such, staff recommend that the applicant apply for a Preliminary (PARC) Meeting with the Town to discuss the proposal and determine submission requirements for the local OPA.

Should the NEC proceed with the current two-phased application, Town staff provide the following comments:

- The subject property is within the Greenbelt and falls within the Escarpment Natural Area and Escarpment Protection Area of the Niagara Escarpment Plan. Only the portion of lands within the Escarpment Protection Area are subject to this application and are proposed to be redesignated to Escarpment Rural Area.
 - The Town will rely on NEC staff to evaluate the proposal against the policies of the NEP.
- The property is designated as Environmental Policy Area (EPA) and Rural Lands in Caledon's Official Plan.
 - The function of the Rural Lands within the Town structure is to protect the open rural character and rural lifestyle of the countryside, protect existing agricultural uses and encourage appropriate new agricultural and appropriate rural economic development uses. Development within this designation are guided by Section 5.2 of Caledon's Official Plan.
 - To permit the next application, the lands will need to be redesignated from Rural Lands to Extractive Industrial Area through a Local Official Plan Amendment application. The applicant is advised to apply for a Preliminary (PARC) Meeting to discuss the proposed application and submission requirements for the future OPA application (i.e. revised Planning Justification Report).
 - It would be appropriate and recommended that the applicant initiate this process sooner than later.
 - The EPA is to the rear of the lands, majority of which is traversed by a significant natural heritage feature (significant woodland).
 - Section 6.6.2 of the Town's Official Plan speaks to minor land use boundary adjustments that do not warrant an Official Plan Amendment. Based on NEC mapping and Peel's Woodlands mapping, it is clear that the EPA is slightly larger than it should be. No Local OPA is required to correct this boundary.
- The Town will require a revised environmental impact study with the OPA application. In addition, Town staff will need to approve the staked dripline of the woodland through a site visit.
- Please contact the undersigned to discuss the scope of this study.

- The property is also identified as High Potential Mineral Aggregate Resource Area (HPMARA), as it is within the 500 metre buffer from a known aggregate (bedrock) extraction operation.
 - The future OPA application will be reviewed for conformity with the Town's Official Plan policies regarding HPMARAs (Section 5.11).
- The future OPA application will need to be supported by an Agricultural Impact Assessment to evaluate the impact the proposed development has on the existing and adjacent agricultural properties.
- A portion of the property is within Credit Valley Conservation Authorities regulated area. A permit may be required from CVC.
- The property is listed as a non-designated property on the Town's Heritage Register. Please see comments from the Town's Heritage planner below.

Town of Caledon, Planning, Heritage

- The subject property is listed as a non-designated property on the Town's Heritage Register for reason of an extant 19th century farmstead.
- Review of the Town's archaeological potential mapping indicates the entire property exhibits archaeological potential.
- Under the NEP, the conservation of cultural heritage resources is an objective of both Environmental Protection Area and Environmental Rural Area designations.
 - Accordingly, the proposed re-designation of the subject property from Environmental Protection Area to Environmental Rural Area would remain compatible with the property's cultural heritage resources.
 - As the proposed re-designation of the property does not entail development, no archaeological assessment would be required.
- Heritage staff have reviewed the Cultural Heritage Screening & Evaluation Report (CHSER), which concludes that the subject property does not have cultural heritage value and does not contain a significant cultural heritage landscape.
 - Heritage staff have concerns with the content and some of the conclusions of the CHSER; detailed comments have been made directly on the report and provided separately.
 - In brief, the CHSER lacks the property research and site documentation needed to adequately evaluate the property's cultural heritage value and substantiate the conclusions drawn.
 - A revised CHSER is required.
 - A site visit is recommended for Town staff, NEC staff and the applicant's consultant as an initial step to better understand the property's cultural heritage resources.

- Any future proposal to redesignate the property from Environmental Rural Area to Mineral Resource Extraction Area would directly impact the property's cultural heritage resources and require both a Heritage Impact Assessment and an archaeological assessment.

Town of Caledon, Planning, Landscape

- The proposed future application to remove the Phase 3 lands as a part of the approval process for the above-mentioned application are supported from a landscape ecology perspective, as it aims to reduce impacts to the natural heritage as well as addressing potential impacts to neighbouring residential areas and properties.
- Please provide an updated Rehabilitation Master Plan that illustrates how the total site will be progressively rehabilitated as part of the larger site rehabilitation, including the proposed new extraction area. As part of the long-term phasing and rehabilitation for this site, it would be desirable to see a long-term options for the redevelopment of the that explore the adaptive reuse of the cultural heritage attributes of the former Cheltenham Brickworks considered in any program of rehabilitation for an interpretive natural heritage and cultural park that would celebrate the vibrancy of our community through the cultural landscape. (see Caledon OP 3.3.3.6.1)
- Cultural heritage features identified through the HIA are to be included in the Landscape Plans as per requirements from Planning, Heritage.
- As part of the proposed NEP Amendment, please consider identifying the cultural heritage precinct for future adaptive reuse.
- Please provide an updated Visual Impact Report to assist with the visual impact assessment. Please include:
 - Viewshed impacts into the site from adjacent locations, such as Mississauga Road and the Caledon Trailway;
 - A conceptual landscape plan for the proposed quarry operation to better understand the potential visual impacts;
 - Visual buffers / screens, which may include vegetated landscape buffers and/or vegetated berms.
- Please provide a Soil Report/Survey in support of the Agricultural Impact Assessment (AIA) is to be referenced in the Landscape Plans to identify how soils will be redistributed for the progressive rehabilitation of the overall site.
- Please provide an Arborist Report and Tree Preservation Plan by a certified ISA arborist as per the Town of Caledon *Terms of Reference for Arborist Reports, Tree Preservation Plans, and Tableland Tree Removal Compensation, 2020*. The Terms of Reference can be found at the following link: <https://www.caledon.ca/en/town-services/landscape-requirements.aspx#Planning-and-Design>
 - Please indicate the work zone limit of disturbance on the Tree Preservation Plan and include any trees within 6m of the limit of disturbance (including construction access and equipment/material storage areas) or that will be impacted by the development.
 - If trees larger than 10cm DBH are proposed to be removed as a part of this project, tree compensation will be required. Please indicate the number of the

trees to be compensated in the arborist report provided and indicated on the Tree Preservation Plan.

Town of Caledon, Planning, Parks

- If a building permit is required on the property, payment in lieu of conveyance of parkland will be required prior to issuance, pursuant to the s.42 of the Planning Act, in accordance with the Town's Parkland Conveyance By-law 2022-042 or any successor thereof.

Town of Caledon, Finance

- Two separate applications for amendments are discussed within NEC PH 226-22. The proposed amendments are to ultimately facilitate an aggregate extraction operation on the subject lands.
- No new or additional floor space is included in the proposals, and therefore, no Development Charges will apply.
- The Development Charges comments and estimates above are as at July 21, 2023, and are based upon information provided to the Town by the applicant, current By-laws in effect and current rates, which are indexed twice a year. For site plan or rezoning applications dated on or after January 1, 2020, Development Charges are calculated at rates applicable on the date when an application is determined to be complete; and are payable at the time of building permit issuance. Interest charges will apply for affected applications. For site plan or rezoning applications dated prior to January 1, 2020, Development Charges are calculated and payable at building permit issuance date. Development Charge by-laws and rates are subject to change. Further, proposed developments may change from the current proposal to the building permit stage. Any estimates provided will be updated based on changes in actual information related to the construction as provided in the building permit application.

Town of Caledon, Development Engineering

- As a preliminary advisory, the below listed documents will be required by Development Engineering in support of an official plan amendment application for 14504 Mississauga Road. All documents are to be completed in conformance with Town of Caledon Development Standards, Policies, and Guidelines. Please note that these reports will need to be peer reviewed.
 - Development Phasing Plan
 - Environmental Site Assessment – Phase 1
 - Erosion and sediment control report
 - Erosion and sediment control plans
 - Geotechnical report
 - Grading plan(s)
 - Noise (and vibration) study

- Hydrogeologic Report
- Slope stability assessment
- Slope map
- Stormwater management report
- Air Quality Assessment report

Town of Caledon, Legal Services

- Instrument No. PR2378750 is an easement agreement registered on June 4, 2013 with the Town of Caledon. The Owner is bound by this agreement.
- Instrument No. RO940484 is a development agreement registered on June 7, 1990 with the Town of Caledon. The Owner is bound by this agreement.

Town of Caledon, Municipal Numbers

- The property address is confirmed as 14504 Mississauga Road
- The proposed development as outlined in the circulation letter will not require the issuance of a municipal number
- In accordance the Municipal Numbering By-law and Guidelines, the municipal number must be posted on a “green” municipal number sign. Based on Google Streetview, the number is posted.

The following departments have no concerns:

- Town of Caledon, Fire Services

The following departments have not provided comments as of the date of this letter:

- Town of Caledon, Planning, Policy

Conclusion

The Town recommends that the proposed changes to the Cheltenham Quarry be reviewed comprehensively by NEC and the Town, through a revised NEC Application and a Town OPA Application.

I trust this information is satisfactory. Please do not hesitate to contact the undersigned at tanjot.bal@caledon.ca should you have any questions.

Yours truly,

Tanjot Bal, MCIP, RPP
Senior Planner

c: Annemarie Bochenek, Niagara Escarpment Commission
Anthony Staniscia, Town of Caledon, Fire & Emergency Services
Brittany Ziegler, Town of Caledon, Legal Services

Sally Drummond, Town of Caledon, Heritage
Gillian McFarlane, Town of Caledon, Development Engineering
Eva Li, Town of Caledon, Parks
Stewart McIntosh, Town of Caledon, Landscape
Jason Elliott, Town of Caledon, Environment
Town of Caledon, Municipal Numbers

**Ministry of Citizenship
and Multiculturalism**

Heritage Planning Unit
Heritage Branch
Citizenship, Inclusion and
Heritage Division
5th Flr, 400 University Ave
Tel.: 416.786.7553

**Ministère des Affaires civiques
et du Multiculturalisme**

Unité de la planification relative au
patrimoine
Direction du patrimoine
Division des affaires civiques, de
l'inclusion et du patrimoine
Tél.: 416.786.7553



August 21, 2023

EMAIL ONLY

Annemarie Bochenek
Financial & Commission Services Coordinator
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B2
ginny.hang@ontario.ca

MCM File : **0019568**
NEC File : **PH 226 22**
Applicant : **Brampton Brick Ltd.**
Location : **Part Lots 29 and 30, Concession 5 West of Centre Road**
14504 Mississauga Road
Town of Caledon, Region of Peel

Dear Ms. Bochenek:

Thank you for providing the Ministry of Citizenship and Multiculturalism (MCM) with the Request for Comments for the above-referenced project. MCM's interest in this project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- archaeological resources, including land and marine;
- built heritage resources, including bridges and monuments; and
- cultural heritage landscapes.

Policies for the conservation of cultural heritage in the Niagara Escarpment planning and development process are found in Section 2.10 of the Niagara Escarpment Plan (NEP), 2017.

These cultural heritage policies are addressed in the Initial Staff Report through the requirement of a cultural heritage impact assessment and archaeological assessment for subsequent NEP amendments and Development Permit applications, and the prior completion of a Cultural Heritage Screening and Evaluation Report. This being the case we have no concerns at this time, and look forward to reviewing future cultural heritage technical studies associated with the site's development.

Thank you for consulting MCM on this project and please continue to do so throughout the planning process. If you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

Dan Minkin
Heritage Planner
Dan.Minkin@Ontario.ca

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their application is accurate. The Ministry of Citizenship and Multiculturalism (MCM) makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the application process, and in no way shall MCM be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with *Ontario Regulation 30/11* the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified (at archaeology@ontario.ca) to ensure that the archaeological site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.