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August 2, 2022

Shannon VanDalen
Manager, Planning & Development
Haldimand County
53 Thorburn Street South
Hagersville, ON N0A 1H0

Dear Shannon:

**RE: Lafarge Canada Inc. Comments on Haldimand County Official Plan Update Phase 2
OUR FILE 9526JB**

On behalf of our client, Lafarge Canada Inc. ('Lafarge'), we are pleased to provide the following comments on the draft Official Plan Amendment for the County's Official Plan Update Phase 2.

As of the date of writing this letter, the draft schedule identifying aggregate resources was not available for review (Schedule N). We would kindly request that sufficient time is afforded to review the aggregate mapping before the County brings forward the draft Official Plan Amendment for Council's consideration.

It is our understanding that the County proposes to replace the existing Mineral Aggregate Resources Areas designation with an overlay to be identified on Schedule N, and that existing licences are to be designated Licensed Aggregate Area. We request confirmation from the County that Lafarge's Hagersville Quarry (ARA Licence No. 4443 & 607801) will be designated as a 'Licensed Aggregate Area' and appropriately identified on Schedule N. It is not clear from the draft amendment documents whether this is the case.

Section 2.A.7. (Natural Environment Policies)

This draft policy requires a minimum 30 m vegetation management zone from Natural Environment Areas. Section 4.2.4.1 of the Growth Plan does not permit development and site alteration within vegetation protection zones except for specific uses described in Section 4.2.3.1 including mineral aggregate operations. Therefore we recommend that an exception be provided for mineral aggregate operations in accordance with the Growth Plan.

Section 2.A.1)1. (Significant Natural Environment Areas)

It appears this draft policy does not permit aggregate extraction within significant woodlands, fish habitat, and habitat of endangered and threatened species. Per Section 4.2.8.2 of the Growth Plan,

new aggregate operations are prohibited in significant woodlands and habitat of endangered and threatened species only within the Growth Plan Natural Heritage System.

For new aggregate operations outside the Growth Plan Natural Heritage System, the policies should recognize the required tests in Sections 2.1.5, 2.1.6 and 2.1.7 of the Provincial Policy Statement for significant woodlands, fish habitat, and habitat of endangered and threatened species, respectively e.g. no negative impacts test or in accordance with provincial and federal requirements.

Section 2.A.1)8. (Significant Woodlands) of the draft Official Plan Amendment should conversely be revised to reflect such change e.g. for aggregate operations, the PPS no negative impacts test should apply outside of the Growth Plan NHS.

Further, Section 2.A.3)10. of the draft Official Plan Amendment specifically permits mineral aggregate operations in Significant Natural Environment Areas in the Natural Heritage System. This same policy exemption should apply to Significant Natural Environment Areas outside of the Natural Heritage System.

Section 2.A.2)1. (Supporting Natural Environment Areas)

It appears that Supporting Natural Environment Areas includes locally significant or other natural features. Specific permitted uses are identified within these areas which does not include aggregate extraction. If such exceptions are provided within Significant Natural Environment Areas, this should also apply to Supporting Natural Environment Areas.

Section 2.A.3)2. (Natural Heritage System)

This policy states that the County has made minor refinements to the Growth Plan Natural Heritage System. Please provide mapping illustrating the proposed refinements.

Section 2.A.3)5. (Natural Heritage System)

The draft policy states that minor refinements to the Haldimand Natural Heritage System may be permitted without amendment to the Official Plan, and that larger modifications will require an amendment to the Official Plan.

We recommend that the County provide greater flexibility for refinement to the Haldimand Natural Heritage System subject to appropriate site-specific study. For example, an amendment to the Official Plan should not be required where it has been demonstrated that a specific area does not contain natural features or ecological functions for which the Natural Heritage System is intended to apply.

Section 3.A.1)6. (Agriculture)

Since aggregate extraction is permitted in prime agricultural areas in accordance with Section 3.A.2) of the County's Official Plan as well as the PPS and Growth Plan, we recommend that this section identify mineral aggregate operations as a permitted use.

Sections 3.A.2)8. & 3.A.2)10 (Mineral Aggregate Resources)

These draft policies outline the specific tests for aggregate applications within and outside Mineral Aggregate Resource Areas. We have comments on the following tests:

a) The feasibility of proposed aggregate extraction;

We are unclear on what feasibility of proposed aggregate extraction means and how it would be assessed. We would note the following policy in the PPS which states demonstrating need for mineral aggregate resources shall not be required:

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere (Section 2.5.2.1).

e) Consideration of alternative locations on lower quality agricultural soils;

The consideration of other alternatives should only apply where below water extraction is proposed in prime agricultural areas on prime agricultural lands in accordance with Section 2.5.4.1 c) of the PPS.

h) Whether licence approval will be granted under the Aggregate Resources Act.

A licence cannot be issued under the Aggregate Resources Act unless the zoning allows such use (please refer to Section 12.1 of the Aggregate Resources Act). Therefore it would be challenging to satisfy this requirement as a decision is required on a zoning by-law amendment to allow a pit or quarry prior to a licence being issued under the Aggregate Resources Act.

Section 3.A.2)9. & Section 3.A.2)11. (Mineral Aggregate Resources)

These draft policies state that new mineral aggregate operations and expansions thereto are not permitted in significant wetlands, significant woodlands and habitat of threatened and endangered species. As previously noted, this prohibition from the Growth Plan only applies to new aggregate operations within the Growth Plan Natural Heritage System (see Section 4.2.8.2). We recommend the following revision to these draft policies:

Within the Growth Plan Natural Heritage System, new mineral aggregate operations and new wayside pits and quarries shall not be permitted in Provincially Significant Wetlands, Significant Woodlands unless the woodland is occupied by young plantation or early successional habitat, and the Habitat of Threatened and Endangered Species.

Thank you for the opportunity to provide comments on the draft Official Plan Amendment. As previously noted, we would recommend the County delay consideration of the amendment until sufficient time is afforded to review the draft aggregate mapping that is associated with this amendment.

We would be pleased to meet with the County to discuss our comments in further detail. Please notify us of any future meetings or decisions regarding the draft Official Plan Amendment.

Yours truly,
MHBC

A handwritten signature in black ink, appearing to read 'NDR', with a long horizontal stroke extending to the right.

Neal DeRuyter, BES, MCIP, RPP

cc. *Mike Evers, Haldimand County*
Alisha Cull, Haldimand County
Erick Boyd, MMAH
David Stubbs, MMAH
Erin Cotnam, MNRF
Carol Siemiginowski, Lafarge