

Chapter 4: Competitive Region

Below is a summary of written comments received on [PDS 17-2021](#) between May 2021 and July 15, 2021, related specifically to the Agricultural System, Employment Areas, and Mineral Aggregate Resources.

Where text is bolded under 'Regional response', revisions will be occurring to draft policy. Where the 'Regional response' box is highlighted in blue, revisions will be considered.

Comments received verbally through municipal meetings and Public Information Centres (PIC) are not summarized below. Video recordings, presentations, as well as Regional responses to comments not addressed at the June PICs can be found at the Region's website: Niagara Official Plan (<https://www.niagararegion.ca/official-plan/public-information-centres.aspx>)

Detailed comments of the submissions below are available at the Region's website: Niagara Official Plan (<https://www.niagararegion.ca/official-plan/>)

Commenter	Participant Type	Municipality of Residence	Chapter Subsection	Summary of Comments	Regional Response
Marco Marchionda (Marcasda Homes Inc.)	Stakeholder	Grimsby	4.1	Question about removing Greenbelt designation for lands between Kelson and Oak Road on Main Street W as the lands are not actively farmed.	Land cannot be redesignated in the Greenbelt Plan area.
Ellen Qualls	Public	NOTL	4.1	Request for limits on agricultural pesticides and more education on organic and no till farming practices	Thank you for your comments.
Susan Murphy	Public	NOTL	4.1	What Regional policies are available to protect prime agricultural lands? How is the loss of agricultural lands	Thank you for your comments. Section 4.1.1 specifically protects prime agricultural areas in accordance with

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				weighed when considering new greenfield development?	the policies throughout Section 4.1 Agricultural System.
Town of Lincoln	PA Circulated Agency		4.1	Town staff note that minor changes may need to be undertaken to the Agricultural Land Base map should minor urban boundary changes be made for technical reasons. Should these revisions be required, the Town would also have to undertake minor mapping exercises to conform with the Region and Province's maps.	No action required.
Town of Lincoln	PA Circulated Agency		4.1.10.2-4.1.10.4	Sections 4.1.10.2 – 4.1.10.4 require the completion of an agricultural impact assessment for any expansion of a legal non-conforming use or the conversion of a legal use to a non-conforming use in the Specialty Crop Area. The wording for this should be changed to state that one may be required depending on the context of the property and the nature of the use being expanded.	Thank you for your suggestion. Staff will not be revising this policy. No exemptions for agricultural impact assessments (AIAs) will be allowed for this section.

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Town of Lincoln	PA Circulated Agency		4.1.11.12 f)	Section 4.1.11.12(f) states that short-term accommodations shall not exceed 6 bedrooms. Regional staff have expressed support for short-term accommodations on farms and wineries in the range of 10 – 12 guest rooms provided that they meet other policy requirements for on-farm and Agri-tourism uses. Town staff feel that the number of potential allowable guest rooms should be increased slightly to account the economies of scale needed to make such accommodations viable for bonafide farmers, provided that items such as private service are possible.	The requirement of not exceeding 6 bedrooms comes from the Ontario Building Code and Fire Code. Staff will not be revising this policy.
Town of Lincoln	PA Circulated Agency		4.1.4-4.1.6	Policies for consents in Prime Agricultural Area appear to be more stringent. For example, consents related to Agricultural land uses must submit a Planning Justification Report to the Region to justify the proposed lot size even if it meets the Town's OP policies for such applications. Town staff feel that this requirement is too stringent and the wording should be	Thank you for your comment. Staff will review and consider revisions.

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				relaxed to account for applications that meet the general intent of the Town and Region's OP policies and whose sizes may be deficient in a minor nature.	
Town of Lincoln	PA Circulated Agency		4.1.4.2	The wording of this policy seems to indicate that the Region will not permit any lot severances or existing lots of record, to connect to municipal infrastructure if it runs in front of the newly created lot. While the vast majority of rural properties in Lincoln do not have municipal water and/or sanitary services, those that do may be unable to hook up to such infrastructure in future consent applications. This is not consistent with the Town's Official Plan as staff's position is that if infrastructure is available across a property's frontage, then a lateral connection is permitted and does not constitute an extension of a service outside the urban boundaries which is not permitted under the Greenbelt Plan.	The Niagara Official Plan will maintain existing policy direction on servicing outside the urban boundary. This policy reflects Greenbelt Plan policy 4.2.2.2.

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City of Welland	PA Circulated Agency		4.1.6.1 b) iii.	Why would an agricultural impact assessment be required for a consent for an agriculture-related use? Consider more flexibility for the requirement of an agricultural impact assessment ("may require").	Staff will review policy and consider revisions.
City of Welland	PA Circulated Agency		4.1.11.2	The City will consider policies in its Zoning and OP where necessary that are in adherence to the requirements of Provincial Policy.	Local Official Plans must comply with both Regional and Provincial Policy where relevant.
Niagara Escarpment Commission	PA Circulated Agency		4.1.8.2 e)	We note that proposed policy 4.1.8.2 (e) would allow cemeteries on rural lands. Cemeteries in the NEP Area are included in the definition of institutional uses and include governmental, religious, charitable or other similar uses for a public or social purpose to serve the immediate community. Institutional uses are Permitted Uses in the Escarpment Protection and Rural Areas but not in the Escarpment Natural Area. Large-scale commercial cemeteries and associated facilities would most likely require an amendment to the NEP to be a Permitted Use. We request that	The new Niagara Official Plan will reference the NEP and that NEP policies apply.

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				the Region consider these NEP land use restrictions in relation to the proposed cemetery policy in the ROP.	
Niagara Escarpment Commission	PA Circulated Agency		4.1.11.12 g)	We advise that events within the NEP Area must be accessory to a Permitted Use on the property where the event is to be held. Depending on the scale and nature of the event, a Development Permit may be required. NEC staff are developing Guidance Material with respect to special events. A recent staff report on this topic (May 19, 2021) is available from our website.	The new Niagara Official Plan will reference the NEP and that NEP policies apply.
Grape Growers of Ontario	Stakeholder		4.1	We are pleased that the importance of agriculture, and the continued operation and expansion of agricultural infrastructure including irrigation systems, are recognized in the Agriculture System Chapter 4 of the Consolidated Policy Report.	Thank you for your comments.

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Preservation of Agricultural Land Society (PALS)	Stakeholder		4.1	Comments that PALS is pleased to see a larger agricultural area proposed in the new plan. Comments that the Rural designation encourages estate lot residential development and dry industrial uses and may be land use conflicts with livestock operations. Comments on how rural estate development negatively impacts the environment. PALS believes consents are bad land use planning.	The policies comply to Provincial policy, which limits rural estate residential development to 3 lots and reviewed against minimum distance separation (MDS). The area where this is permitted has been limited in the new plan.
City of Thorold	PA Circulated Agency		4.1.2.3	Secondary uses' should be noted in a separate policy, as they are not the same thing as agricultural uses.	Thank you for your comment. This policy complies with Provincial policy.
City of Thorold	PA Circulated Agency		4.1.5.1 a)	It should be clarified that the minimum of 16 ha applies to both the severed and retained lots. Is a dwelling also a permitted use for the severed and retained lots?	Staff have revised policy to include that it applies to both the severed and retained lots.
City of Thorold	PA Circulated Agency		4.1.5.1 b)	Does the retained lot need to be 16 ha in this case?	Yes.

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City of Thorold	PA Circulated Agency		4.1.7	This section should be moved ahead closer to the beginning of this section of the ROP.	Staff will consider this revision.
City of Thorold	PA Circulated Agency		4.1.9.3 (c,d,e)	These are really matters that should be addressed through site plan control rather than OP policy. Do they need an amendment to the ROP if they don't meet these policies? Perhaps the directive should be that rural non-farm residential development should be subject to local site plan control to address such items described in the policy?	Staff are satisfied with current policy.
City of Thorold	PA Circulated Agency		4.1.10.2	A sidebar with examples of expansions that bring a use more into conformity would be useful to augment these requirements.	Staff will consider adding a side bar with examples.
City of Thorold	PA Circulated Agency		4.1.11.1	Doesn't this direction come from the MOE? The City has a site alteration by-law in place already.	Staff will consider revising this policy.
City of Thorold	PA Circulated Agency		4.1.11.5	could be added to policy 4.1.2.2 (existing ag uses)	Thank you for your suggestion. Staff will review and consider.

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City of Thorold	PA Circulated Agency		4.1	The proposed Agricultural designation of the Port Robinson East Special Policy Area is not consistent with the City's Official Plan and does not reflect the actual built form and land use of this area. Staff have discussed this issue with Regional staff and will continue to work with them to find a solution.	Thank you, comments received.
George Trifunovic	Public	Grimsby	4.1	Provides a number of comments with respect to being supportive of the Livingston Avenue Extension and wishes to see land removed from the specialty crop area of the Greenbelt Plan area.	Changes to the specialty crop area mapping has to be completed by the Province. The Region has supported local municipal requests twice to change the specialty crop area designation. Staff do not anticipate changes to the specialty crop area mapping in time for the completion of the Niagara Official Plan.
Town of Fort Erie	PA Circulated Agency		4.1	Staff have had the opportunity to review the Draft Agricultural Policies and have no comments or concerns. Council on August 10, 2020, through PDS-34-2020, endorsed in principal the proposed Regional Agricultural Systems Mapping for the Town and	Thank you, comments received.

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				<p>Staff can confirm that Schedule E maintains what was endorsed by Council through that report.</p> <p>Council on March 22, 2021, through PDS-24-2021, approved OPA 51, a housekeeping amendment to the Official Plan that included adding Value Added Agricultural uses as part of the secondary uses section of the Town's Official Plan and updated Appendix A: Glossary of Terms to include a definition of Value Added. These policies are in keeping with the farm diversification policies that the Region has developed and ensure a broad range of flexible uses are permitted in the agricultural area to maintain viability.</p>	
City of Welland	PA Circulated Agency		4.2.5.19 b)	<p>What is this policy intended to mean? Are 'virtual work arrangements' intended to function as satellite offices? How is this different than something that would be normally permitted in this designation?</p>	Staff are reviewing for possible modifications

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City of Welland	PA Circulated Agency		4.2.12.1 d)	It should say that these policies shall be included where applicable at the municipal level. The City of Welland does not have an airport, so it's not necessary for these policies to be included.	Staff have revised this policy.
City of Thorold	PA Circulated Agency		4.2	<p>Comment on excess lands. Since Thorold's Employment Areas are not in the Designated Greenfield Areas, it is our opinion that they are not 'excess lands' as defined by the Growth Plan. Can you please confirm your understanding of this definition and advise how these 56 ha of employment area land will be addressed going forward in the ROP?</p> <p>Comment on tools for excess lands and that this is one of Thorold's major concerns as they don't want to see existing land use designations change.</p>	Staff are reviewing for possible modifications and will continue to work with City of Thorold staff.
City of Thorold	PA Circulated Agency		4.2	Comment on 680 jobs within Employment Areas in City of Thorold quite low given the City is within the	The Province provided employment numbers, which represent

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				Niagara Economic Centre, proximity to canal and major highways.	minimums. Staff will work with City of Thorold staff to revise.
City of Thorold	PA Circulated Agency		4.2	The difference between 'employment areas' and 'employment lands' should be provided in the ROP for clarity. Policies need to be rearranged to sort out the differences up front in the document. Employment lands are typically the lands within the Community Area where non-employment area "jobs" are located.	Staff are reviewing for possible modifications.
City of Thorold	PA Circulated Agency		4.2.2	This policy needs to implement the Growth Plan and should be removed, as it is talking about institutional uses not employment areas. It is not until you read policy 4.2.2.11 where you understand what is prohibited from employment areas. Overall, staff find this section confusing and suggest revision.	Staff are reviewing for possible modifications.

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City of Thorold	PA Circulated Agency		4.2.5.5	Employment areas: the Growth Plan directs major office and major institution out of employment areas (see policy 2.2.5(2)). The Knowledge and Innovation designation shouldn't be within an Employment Area, they are directed to downtowns (UGC) and other strategic areas which are within Community lands not employment areas. Employment Areas should be Prestige Industrial and General Industrial designation. Supporting retail and commercial uses as noted previously and office associated with the industrial use is what the Growth Plan envisions for Employment Areas.	Staff are reviewing for possible modifications.
City of Thorold	PA Circulated Agency		4.2.5.6	Density targets: concerned with how high the density targets are for THO-1, THO-2 and THO-3. A new standalone industrial use in the Brock District would have an extremely difficult time meeting 81 jobs/ha. True industrial uses have more lower densities in the area of 25 j/ha.	Staff will discuss with City of Thorold staff.

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City of Thorold	PA Circulated Agency		4.2.5.12	We were advised that brownfields were not included in the LNA, so why are they a priority for redevelopment? Also, brownfields typically don't get remediated if they are going to be used for continued industrial uses. Only remediated to allow a more sensitive land use like commercial, residential, open space, which are not employment uses.	Staff are reviewing for possible modifications.
City of Thorold	PA Circulated Agency		4.2.5.19	The components of this policy are not the responsibility of the City. Many of the elements in this policy are up to the business and City/Region can't require it. This section, Knowledge and Innovation EA, should be removed. For Brock District, this should be a Strategic Growth Area designation separate for Employment.	Staff are reviewing for possible modifications.
City of Thorold	PA Circulated Agency		4.2.9	This section needs to be clarified. It is unclear if this is the identification of lands outside of a current settlement boundary. If so, only an LNA can determine how much future employment will be needed based on projections beyond 2051. Does this	Staff are reviewing to clarify.

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				relate to our surplus of employment area lands if not DGA?	
City of Thorold	PA Circulated Agency		4.2.11.4	This policy is not an OP policy but a Regional issue.	Comment received.
City of Thorold	PA Circulated Agency		4.2.12.1	Much of this policy is duplication of policies already in this section.	Staff are reviewing the comments and will be considering modifications where appropriate.
Rankin Construction (MHBC Planning)	Stakeholder		4.2	Martindale Employment Conversion Request from MHBC Planning on behalf of Rankin Construction for 218, 222, 250 Martindale Rd & 20, 25,75 Corporate Park Dr in St.Catharines.	Staff responded to MHBC that we are in receipt of this request.
Owner (Bousfields Inc.)	Stakeholder		4.2	Employment land conversion request for 4431 Victoria Ave in Niagara Falls.	The property is not within an Employment Area as set out by the Region. Employment Land change in land use is a locally led initiative. Staff will review Niagara Falls policies as they relate to MTSA and SGA to determine if additional discussion is required with City in respect of this request.

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Zoran Cocov (MHBC Planning)	Stakeholder		4.2	Employment conversion request from MHBC Planning for client (owner) Mr. Zoran Cocov for 4620 and 4415 Buttrey Street, Niagara Falls	The property is not within an Employment Area as set out by the Region. Employment Land change in land use is a locally led initiative. Staff will review Niagara Falls policies as they relate to MTSA and SGA to determine if additional discussion is required with City in respect of this request.
Mr. Albanese	Public		4.2	Spoke to Dave Heyworth on the phone and inquiring whether his land (55 Fares St., Port Colborne) would be impacted by the Niagara Official Plan work going on (specifically the draft employment area)	Staff have corresponded with Mr. Albanese explaining his lands are not shown as being within an Employment Area and any changes to designation or zoning impacting his lands is a city matter.
Town of Fort Erie	PA Circulated Agency		4.2.5.14	Fort Erie has 3 identified Employment Areas (FE1- Stevensville Industrial Cell with a min density target of 13 jobs/ha; FE2- Interational Peace Bridge Trade Hub with a min density target of 13 jobs/ha; FE3-Bridgeburg Rail Zone with a min density target of 11 jobs/ha. While the Town generally meets or exceeds these targets, Staff have concerns about the repercussions if a development does	The Growth Plan requires density targets be established for Employment Areas (2.2.5.13). The target densities are the result of observed densities of existing sites and through consultation with local planning staff. While density targets are minimums, the expectation that target density be achieved is not unrealistic given the target is only slightly higher than observed in these locations for Fort Erie.

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				not meet the minimum density target and requests clarification.	<p>The Region will be seeking the target densities be identified in the local OP through conformity and expect the Town to do its upmost to promote higher density. It can be noted the target applies to the entirety of individual Employment Areas, so while some sites might be slightly less, others may be slightly higher. While repercussions are not a focus, promoting intensified development of industrial lands both from a local and regional perspective is good planning.</p> <p>The Region will be monitoring as part of its ongoing measure to inform on any potential changes for subsequent review of the new NOP.</p>
Town of Fort Erie	PA Circulated Agency		4.2	As noted, Town Staff have forwarded the results of the Urban Boundary Expansion study to the Region. This study prioritized Employment Lands for inclusion in the Urban Boundary. Staff anticipate that Schedule F will be	Ultimately, any additions to the urban settlement areas as a result of the SABR process that are support by Regional Council will be displayed in the draft Niagara Official Plan at the time of adoption, whether community or employment in purpose.

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				updated accordingly, if new lands are included in the UAB.	
Town of Fort Erie	PA Circulated Agency		4.2	The proposed study requirements in Section 4.2.5.14 seem onerous and extensive for dry industrial uses. Staff recommend scaling back the requirements, or allowing for scoping based on individual proposals.	Staff will consider the request to review the studies associated with this type of development.
Town of Fort Erie	PA Circulated Agency		4.2	Staff requests that FE1 (Stevensville Industrial Cell) be included in the Niagara Gateway Economic Zone, so that future development can leverage the 10-year tax increment-based grant as opposed to the 5-year grant currently available.	<p>The Region is currently reviewing its incentive programs and reporting to Committee of the Whole in August 2021.</p> <p>The Town can expect consultation in the near future respecting outcomes related to Gateway CIP programs and how that may impact on the nature of this request. Regional staff responsible for incentives will be reaching out to municipalities in near future.</p>

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Jack Hellinga	Public	Port Colborne	4.3.3.3 4.3.3.4	<p>These clauses are vague, and can and will be interpreted in different ways by different readers. They should be clear and concise as to what is allowed and what is not. If these clauses refer to setbacks, than it should say so. It should be recognized that there is more at stake than transportation when aggregate operations impinge on road allowances.</p> <p>Quote from the Ministry of Environment, Conservation, and Parks (MECP) Statement of Environmental Values regarding cumulative effects</p> <p>The MECP's responsibility extends to the Region for these considerations and protection.</p>	<p>In order to minimize impacts and to ensure the efficient use of the resource there are range of factors that need to be considered. In the case of adjacent operations, or operations that are separated by a Regional road there are a number of site specific factors that will need to be considered. These policies are not specifically related to setbacks.</p> <p>Staff have reviewed the proposed wording of the policies and are satisfied that they are appropriate policies for inclusion in the Niagara Official Plan.</p>

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Rankin Construction	Stakeholder	St Catharines	4.3 Executive Overview	Under the Summary, it provides a brief but helpful discussion on aggregates in general and definitions for pits and quarries. However, it does not provide any explanation for wayside pits and wayside quarries nor accessory uses such as portable asphalt plants and portable concrete plants. I acknowledge that there are definitions provided under 4.3.8, but I'm wondering if some additional text in the Executive Overview would be helpful as well.	The Executive Overview is part of the PDS 17-2021 report and will not be included as part of the policy set.
Rankin Construction	Stakeholder	St Catharines	4.3.4.3	This policy provides a listing of the information that will be required for new aggregate applications and I) states; "Potential geotechnical consideration as appropriate". I don't know what this means or what technical implications it would involve.	Geotechnical considerations would be reviewed on a site-specific basis, it is not anticipated to apply to all applications in the Region.

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Rankin Construction	Stakeholder	St Catharines	4.3.4.9	<p>This policy related to agricultural impact seems to be a one-off and unsure why it is not just included as part of general listing of issues to be reviewed under Policy 4.3.4.3.</p> <p>Furthermore, the policy does stipulate that an AIA is to be undertaken “in accordance with Provincial guidance”, and then that is followed by a statement that the AIA “shall provide guidance on how to maintain or improve connectivity of the agricultural system”. Is this latter report requirement an expectation above and beyond the provincial guidance or is it not already part of the AIA review.</p> <p>Lastly, pertaining to the AIA, this is the only study that the Policy states it is to be “completed by a qualified professional” I might suggest that the expectation for professional authors be part of Policy 4.3.4.3 so that it pertains to all the land use matters listed. It might be good to have Sean Colville comment on this as well?</p>	<p>Thank you for your comment. A stand alone policy for agricultural impact assessments was included to ensure conformance with Growth Plan policy 4.2.8.3. It is the policy of the Region that an AIA must be completed by a qualified professional.</p>

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Rankin Construction	Stakeholder	St Catharines	4.3.5.2	<p>Suggestion to forward proposed policy to consultant that conducted commenter's Traffic Impact Study. Concerned about c) where the TIS (which is already a highly technical document) and assesses all traffic users, they have introduced an expectation to specifically look at "potential mix with residential traffic, school buses, agricultural vehicles, pedestrians, cyclists, and other sensitive road users". It just feels like a rabbit-hole where we would never be able to satisfy with a valid technical response.</p> <p>As well, under d) "Social and environmental impacts and any mitigation measures". How does a TIS respond to social issues? Once again it feels like a slimy policy that you could never satisfy if we had the wrong Regional planner at the helm reviewing the reports.</p>	Staff have reviewed and are comfortable that the proposed policy is appropriate and can be implemented.

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Rankin Construction	Stakeholder	St Catharines	4.3.5.3	This policy deals with external haul routes and I need to check with our consultants to better understand where the changes to the ARA landed on this. I know there was a LPAT decision a few years ago (near Uxbridge) where the Municipality won the ability to assign maintenance costs, but I'm not sure they ever hammered out a nuts and bolts of the deal as to what it looks like.	Staff are aware that there have been ongoing discussions regarding this issue and the ARA. The policy specifically includes a note "in accordance with the ARA".
Rankin Construction	Stakeholder	St Catharines	4.3.5.6	I think you just need to better define the term 'shipping routes" although I suspect you mean by ship.	Yes, by ship is correct.
Rankin Construction	Stakeholder	St Catharines	4.3.6.2	Regarding Progressive and Final Rehabilitation, and the need to achieve the following; d) states "Mitigate negative impacts to the extent possible". I don't understand the practical context of what this statement means in terms of rehabilitation.	The intent of the policy is that applications must be supported by rehabilitation plans. The rehabilitation plans must consider the negative impacts of the operation and of the rehabilitation plan, and demonstrate how they are being rehabilitated.

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Rankin Construction	Stakeholder	St Catharines	4.3.6.8	This policy is directed toward sites where the final rehabilitation is proposed to be recreation, natural area or open space and the last line of this policy says, "...the Region supports safe public access" and "Opportunities for public ownership should explored where feasible and desirable". My concern is that this sounds like a socialist public body looking for a free land grab. I'm not sure what your position on the matter is, but to me, they wouldn't ask this of any other land owner.	Thank you for your comment.
Rankin Construction	Stakeholder	St Catharines	4.3.7.1	The over-arching support for recycling is commendable but this policy is actually hollow since the policy says nothing about supporting the activity within an ARA license which is the key focus of PPS 2.5.2.3 which states; "Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever" feasible.	Thank you for your comment.

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City of Thorold	PA Circulated Agency		4.3.2.3	Would this limit the City from requiring Site Plan Approval for new or expanded buildings, structures, or ancillary facilities? Clarification should be provided on whether this reference pertains to local Official plans, Regional OP, or both.	This policy is related to existing licenced facilities. Changes to existing licenced facilities require an amendment to the ARA site plan.
City of Thorold	PA Circulated Agency		4.3.4.10	Clarify what is meant by ARA.	ARA stands for Aggregate Resources Act as noted in the text box on the first page of the policies.
Ed Lamb	Public	Welland	4.3	Comments on transportation related to heavy truck traffic utilizing local roads, specifically references Niagara Escarpment Crossing to QEW corridor. Has provided a drawing of potential route locations that could be utilized, such as, the possible uninterrupted traffic flow that connects to Hwy #3 at Canboro to take into consideration the potential for a provincial loop should this be determined to be the best solution. This also provides a route for transporting materials to support the	Official Plan Team confirms receipt of comments and attached PDF.

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				forecasted growth along the southern shores of Lake Erie.	
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3 Introduction	OSSGA would like to see a statement in the introduction highlighting that mineral aggregate resources are essential to the economy and to a number of sectors (e.g. the construction industry) and to be made available in the Region.	The introduction includes a statement on the importance of mineral aggregate resources.
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.3.3	Requested that wording be kept as what was contained in previous draft (Policy C.3) worded as follows: where two ore more mineral aggregate operations are separated by a Regional road, allowing the operators to temporarily re-route and then replace the road at a lower elevation will be considered, as appropriate, to enable operators to efficiently remove viable material between operations. OSSGA would also like to refer to Policy 2.5.2.1 contained within the PPS which states 'as much of the mineral aggregate resources as is realistically possible shall be made	Staff have reviewed and are satisfied with the policy as currently written. This issue would be considered on a site-specific basis.

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				available close to markets as possible...'	
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.4.3 d)	“Social impact” is addressed through a combination of more specific studies including noise, air quality, vibration, traffic, visual, cultural heritage, archaeology, water quality and natural environment. Policies, standards and guidelines are established to measure impact more specifically for these more ‘tangible’ impacts. By including the terms “social” and “health”, there is ambiguity on what additional ‘impacts’ need to be addressed by including these terms. OSSGA therefore requests that terms “social” and “health” be removed from this policy if this policy is intended to be the basis for deterring the extent of technical studies needed to support a mineral aggregate application.	This language is consistent with Provincial Policy. PPS policy 2.5.2.2 specifically references social impacts.

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Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.4.4	<p>Comments that this policy needs to be implemented so its not more restrictive than the Growth Plan (Policy 4.2.8.2). In order to be consistent with Policy 4.2.8.2 of the Growth Plan, the proposed policy 4.3.4.4 in the Region's OP must only be relative to the "Natural Heritage System for the Growth Plan". This is a critical change that must be reflected in the Region's OP.</p> <p>Requested that the wording "to the satisfaction of the Region" be removed from this policy or, at a minimum, be changed to "to the satisfaction of the approval authority". In the case that applications are appealed to a different approval authority, it may not be possible or reasonable to require satisfying the Region if Council is opposed to the application.</p>	<p>The term provincial natural heritage system is intended to include both the Growth Plan natural heritage system and Greenbelt Plan natural heritage system. Staff will italicize the definition to ensure it is clear.</p> <p>Staff will change references to approval authority in the policy set.</p>

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Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.4.5	It is requested that the wording included in Part b) of policy 4.3.4.5 stating “on another part of the site or on adjacent lands within the same sub-watershed;” be revised. Although OSSGA is generally accepting that such features which are lost or significantly altered are required to be replaced, the wording “on adjacent lands within the same sub-watershed;” is deemed to be restrictive on applicants in replacing key natural heritage features and key hydrologic features as such lands may not be readily available or suitable to accommodate such features. Furthermore, obtaining such lands may pose an obstacle which could possibly hinder future mineral aggregates proposals from a financial and timing perspective.	The policy has been updated in alignment with the policies of the Growth Plan.

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Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.4.8	It is requested that Draft Policy 4.3.4.8 be revised so that the wording “avoided first and mitigated where avoidance is not possible” is removed and replaced with the word “mitigated”. Applications for mineral aggregate operations frequently include extraction below the water table and therefore impacts on both water quality and quantity are generally unavoidable. It should also be noted that proposed mineral aggregate operations are dependent on the location of mineral resources and therefore are limited in alternative site location options without hindering extraction quantities. Furthermore, proposed mineral aggregate operations are subject to Provincial Standards of Ontario which outline standards regarding ground and surface water resources.	Staff are satisfied with the proposed policy. The policy as written does not preclude the use of mitigation, the proposed policy simply states the importance of attempting to avoid impacts first, before looking to opportunities to mitigate.

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Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.4.10	<p>It is requested that Draft Policy 4.3.4.10 be revised so that the wording “avoided first and mitigated where avoidance in not possible” is removed and replaced with the word “mitigated”. Requested that part c) of this policy be removed.</p> <p>The specific wording “type of licence” implies the depth of extraction relating to mineral aggregate operation applications. In this instance OSSGA would like to refer to PPS policy 2.5.2.4 which outlines that where the Aggregate Resources Act applies, those ARA processes shall address the depth of extraction. This builds on present provisions of the Aggregate Resources Act and Municipal Act to help confirm the ARA as the primary regulatory tool. This reduces instances where two levels of government are attempting to regulate the same thing. PPS policy 2.5.2.4 states that 'where the ARA applies, only processes under the ARA shall address the depth of extraction of new</p>	The policy does not read the depth of extraction. Staff are aware of PPS policy 2.5.2.4.

Commenter	Participant Type	Municipality of Residence	Chapter Subsection	Summary of Comments	Regional Response
				or existing mineral aggregate operations'.	
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.5.1	Truck traffic, including mineral aggregate truck traffic, will need to serve and travel into settlement areas where the market is (i.e. growth / construction / road projects).	Thank you for your comment. It is understood that truck traffic will eventually need to enter into settlement areas. The purpose of the policy is that truck traffic should be directed away from settlement areas on route to the final destination.
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.5.2	Requested that parts c) and d) be removed from this policy. With respect to (c), a number of uses generate truck traffic that 'mix with residential traffic, school buses, agricultural vehicles, pedestrians, cyclists and other sensitive road users'. While safety is important, this policy wrongfully targets aggregate trucks. This policy should be a general	Thank you for your comment, it is Staff's position that the policy should remain as written.

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				transportation policy for all types of truck traffic and not specific to mineral aggregate truck traffic. Policy (d) seems to be redundant with proposed Policy 4.3.4.3(d) and should be removed for the reasons identified in our response to Policy 4.3.4.3(d).	
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.5.3	This policy is unnecessary and goes beyond what should be a clear and reasonable test for new mineral aggregate operations. If trucks are using appropriate roads then such industry-specific considerations are redundant (see submission for more detail).	Thank you for your comment, it is Staff's position that the policy should remain as written.
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.5.4 4.3.5.5	In response to Policies 4.3.5.4 and 4.3.5.5, approval of truck routes by the Region should not be specific to mineral aggregate operations. See response to 4.3.5.3 above.	Thank you for your comment, it is Staff's position that the policy should remain as written.

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Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.6.1 4.3.6.2 4.3.6.3	<p>The above draft policies (4.3.6.1, 4.3.6.2 and 4.3.6.3) are not necessary as the ARA requires detailed rehabilitation plans as a component of an ARA licence application, which must meet Provincial requirements. As a commenting agency, the Region is circulated licence applications including detailed ARA Site Plans proposed by the applicant.</p> <p>For draft policy 4.3.6.3, the word “required” should be replaced with the word “encouraged” to be consistent with the PPS. Official Plans cannot be more restrictive than Provincial Plan rehabilitation requirements.</p>	<p>Policy 2.3.5 of the PPS deals with rehabilitation of mineral aggregate operations. Rehabilitation is also a land use matter.</p> <p>The Niagara Official Plan can use the word required and still be consistent with the PPS.</p>
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.6.4	Given that this policy is primarily derived from section 4.2.8.4 of the Growth Plan, OSSGA requests that the wording, terminology and definitions referred to in policy 4.3.6.4 in the Official Plan be verbatim to policy 4.2.8.4 in the Growth Plan to ensure consistency.	The Regional Official Plan is not required to be verbatim of the Growth Plan.

Commenter	Participant Type	Municipality of Residence	Chapter Subsection	Summary of Comments	Regional Response
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.6.5	Given that this policy is primarily derived from section 4.2.8.5 of the Growth Plan, OSSGA requests that the wording terminology and definitions referred to in policy 4.3.6.5 in the draft Official Plan be verbatim to policy 4.2.8.5 in the Growth Plan. For example, the term "Provincial Natural Heritage System" should be replaced and similarly defined as "Natural Heritage System for the Growth Plan", as defined in the Growth Plan.	The Regional Official Plan is not required to be verbatim of the Growth Plan.
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.6.6	In order to be consistent with the PPS, the wording in the above policy "prime agricultural area or on prime agricultural lands" should be changed to "prime agricultural areas, on prime agricultural land". The current wording used is not consistent with PPS as it applies to prime land or prime area whereas PPS applies requirement for agricultural rehabilitation in prime areas on prime land (i.e. both not either). Furthermore, given that this policy is	Staff have revised policy to clarify. As noted above, Staff will make references to the approval authority.

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				obtained from the PPS, OSSGA requests that the wording “to the satisfaction of the Region” in part c) be removed from this policy or, at a minimum, be changed to “to the satisfaction of the approval authority” for the reason identified earlier.	
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3.9.2	<p>Given that this policy is primarily derived from section 4.3.2.5 of the Greenbelt Plan, OSSGA requests that the wording terminology and definitions referred to in policy 4.3.9.2 in the draft Official Plan be verbatim to policy 4.3.2.5 in the Greenbelt Plan.</p> <p>Furthermore, given that this policy is obtained from the Greenbelt Plan, OSSGA requests that the wording “to the satisfaction of the Region” in part d) be removed from this policy or, at a minimum, be changed to “to the satisfaction of the approval authority” for the reason identified earlier.</p>	<p>The Regional Official Plan is not required to be verbatim of the Growth Plan.</p> <p>As noted above, Staff will make references to the approval authority.</p>
Ontario Stone, Sand	Stakeholder		4.3.11.1	These policies should ensure that the upper and lower tier policy	Thank you for your comment.

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& Gravel Association (OSSGA)				frameworks are complimentary and addressing different matters or levels of detail rather than duplicating each other. In all cases, policies must be consistent with Provincial Plan policy and not more restrictive when it comes to mineral aggregate applications.	
Ontario Stone, Sand & Gravel Association (OSSGA)	Stakeholder		4.3	Cover letter expressing concerns with: 1) consistency with PPS and Growth Plan 2) Need for Official Plan Amendment 3) Two-year Moratorium 4) Section 4.3.5- Define Haul Routes and Manage Aggregate Truck Traffic 5) Draft Schedules/Mapping Comments 6) Additional comments on the update (see letter for more information)	Thank you, comments received.
Walk Aggregates Inc.	Stakeholder		4.3	Very similar comments as OSSGA (See above comments and letter from Walker)	Thank you, comments received.

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Waterford Group	Stakeholder		4.3.2.1 4.3.2.4 4.3.4.2	<p>The "Possible Aggregate Area" mapping that is currently included on Schedule D4 of the Region's Official Plan should also be included on Schedule G3 and should carry forward the policies in the current Official Plan that <u>do not</u> require an Official Plan Amendment for expansions in identified in Possible Aggregate Areas. The removal of this designation effectively eliminates existing development rights.</p> <p>Request the Region consider eliminating the requirement for an ROPA for new or expanded mineral aggregate operations (see letter)</p>	It is Staff's position that a Regional Official Plan Amendment (ROPA) is required for new or expanded mineral aggregate operations.
Waterford Group	Stakeholder		4.3.4.9	The wording of this policy should be revised to align with the requirements of the ARA, Growth Plan, and Greenbelt Plan	It is the position of Staff that the policy aligns with the requirements of the Growth Plan and Greenbelt Plan.

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Waterford Group	Stakeholder		4.3.5.2 4.3.5.3 4.3.5.4 4.3.5.6	<p>Requirements outlined in proposed draft 4.3.5.2 and 4.3.5.3 are unreasonable and go above what is required for non-aggregate urban development in Niagara (i.e. large warehouse or factory). Unfairly targets the aggregate industry which is only a small portion of heavy truck traffic in the region.</p> <p>Concerns within draft policy 4.3.5.3 (Haul Route Agreement requirements), potential scope, and ability of Regional staff to administer these agreements. This proposed policy requirement is contrary to the Aggregate Resources Act and is unwarranted as each Licence pays an annual tonnage levy fee to both the Region and the local municipality. A haul route map should not be included as an appendix in the OP.</p>	Staff disagree that the policy is contrary to the ARA, in fact proposed policy 4.3.5.3 includes the statement "in accordance with the ARA".
Waterford Group	Stakeholder		4.3.6.1 4.3.6.3 4.3.6.4	The language in these policies should be revised to reflect the language verbatim in the PPS and Provincial Plans.	The Regional Official Plan is not required to be verbatim of the Provincial Plans.

Commenter	Participant Type	Municipality of Residence	Chapter Subsection	Summary of Comments	Regional Response
			4.3.6.5 4.3.6.6		
Waterford Group	Stakeholder		4.3.7.3	On-site overburden and soil management is addressed through ARA process. There is no requirement in the ARA to prepare a plan for off-site excess soil use and management. The Official Plan should encourage the beneficial re-use of excess soils where additional soil can be imported to improve a final rehabilitated landform.	Staff have removed reference to the ARA in the policy.
Waterford Group	Stakeholder		4.3	Looking for information on the approach the Region intends to take in order to transition active applications. For example, applications that started under the old Official Plan but remain active or are appealed can lose their status when the new Official Plan comes into effect if not properly addressed in the Repeal By-law.	Thank you for your comment, we are considering the issue of transition this as it could potentially impact a range of applications.

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Nelson Aggregates Co.	Stakeholder		4.3	Very similar comments as OSSGA (See above comments and letter from Nelson Aggregate Co.)	Thank you, comments received.
Town of Fort Erie	PA Circulated Agency		4.3	<p>The Town currently has one active quarry operation – Ridgemount Quarries (Walker Aggregates Inc.) east of Stevensville. In operation since 1960s it extracts various rock members to supply the large demand for local road construction projects. This location also recycles concrete and asphalt from local infrastructure reconstruction for the purpose of reuse in the market. The proposed policies will not have an impact on the uses or operation of this quarry.</p> <p>Staff have reviewed the proposed policies and mapping and offer no further comments at this time.</p>	Thank you, comments received.
Lafarge Canada Inc.	Stakeholder		4.3	The section 4.3 introductory paragraphs should include an objective that mineral aggregate resources must be made available from close to market locations. The readily available supply of close to	Staff have revised introduction to reflect comment.

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				market aggregates will be required to take into account the planned growth for the Region, the Province's goal of tackling infrastructure deficit and aggregate consumption in the Greater Golden Horseshoe (GGH). This would be consistent with the PPS.	
Lafarge Canada Inc.	Stakeholder		4.3	The mechanisms by which mineral aggregate resources will be made available need to be further reviewed and discussed with stakeholders. The current framework of requiring two Official Plan Amendments (upper and lower tier) in addition to rezoning and Aggregate Resources Act (ARA) licence is cumbersome and duplicative and should be removed.	It is Region staff position that a ROPA is required. Through draft policy 4.3.10.2, a JART process is recommended in an attempt to streamline the application process.
Lafarge Canada Inc.	Stakeholder		4.3	The current Regional Official Plan includes "Possible Aggregate Areas" adjacent to our Fonthill Pit. This is a good example of a mechanism that can be used to more effectively and proactively plan for the continued availability of aggregates close to market, which is essential to meet the specific growth needs of the Region.	It is Region's staff position that a ROPA is required for a mineral aggregate operation.

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				Lafarge objects to the removal of this possible aggregate area and encourages the Region to expand these areas to correspond with areas where aggregate is identified and Provincial Plans permit its extraction. No Official Plan Amendment should be required in these areas.	
Lafarge Canada Inc.	Stakeholder		4.3	Where (if) an Official Plan Amendment is required, the policies need to address that these applications will be permitted during the two-year period following the approval of the Official Plan. If mineral aggregate resources are to be made available only by OPA, then an exception to the Planning Act moratorium would have to be set out in the policies of the OP. The same should be required for Zoning by-law amendments where new comprehensive zoning by-laws are going to be required to implement the OP.	It is Region's staff position that an exemption to the 2 year moratorium should not be included in the policy, but should be considered on a site specific basis by Regional Council.
Lafarge Canada Inc.	Stakeholder		4.3.3	Lafarge generally supports the policies regarding efficient extraction of resources. We would like to see the	Local roads are a local planning matter and are not addressed through the

Commenter	Participant Type	Municipality of Residence	Chapter Subsection	Summary of Comments	Regional Response
				policy for maximizing extraction in the vicinity of Regional Roads also include local roads and more specifically encourage access to road allowance aggregate between licenced operations as has been provided for in the recent updates to the ARA.	Regional Official Plan in regards to mineral aggregate operations.
Lafarge Canada Inc.	Stakeholder		4.3	Concerns with the economic and financial matters are addressed by the ARA licence fee distribution and should not be included in site specific application requirements. It is not clear what geotechnical considerations are to be addressed.	There is a range of economic and financial matters that go beyond the ARA licence fee distribution. It is Region's staff position that it is appropriate to consider on a site-specific application. Geotechnical considerations do not apply to all individual sites. The need for a geotechnical study would be considered as part of the pre-consultation process.
Lafarge Canada Inc.	Stakeholder		4.3.4.4	Policy 4.3.4.4 addresses requirements of the Provincial Growth Plan. We are looking for confirmation that the "Provincial Natural Heritage System" in the OP is the same area as identified in the Growth Plan. To conform with the Growth Plan it	The Provincial natural heritage system is intended to include both the Growth Plan natural heritage system and Greenbelt Plan natural heritage system. The issue of new vs. expanded is clearly explained as part of the draft policy.

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				should also be made very clear that these policies only apply to new mineral aggregate operations (not expansions).	
Lafarge Canada Inc.	Stakeholder		4.3.4	These policies should not include the requirement that provincial plan policies be addressed to the "satisfaction of the Region". It goes without saying that the Region must be satisfied and conformity is achieved before a planning approval is granted. The "to the satisfaction of the Region" is redundant, unclear and sets up potential for conflict with Provincial reviews as well as interpretations of policy that provide little comfort or certainty to aggregate operators.	As noted within the draft policies, some of the Provincial policies apply to new operations and some apply to expanded operations.
Lafarge Canada Inc.	Stakeholder		4.3.4.5	This policy does not conform with the Growth Plan policy that it intends to implement. The wording has been altered to add additional requirements that do not conform.	Revisions have been made to policy 4.3.4.5.

Commenter	Participant Type	Municipality of Residence	Chapter Subsection	Summary of Comments	Regional Response
Lafarge Canada Inc.	Stakeholder		4.3.4.8	This policy needs to be revised to be consistent with the PPS. The same standard of protection and mitigation should apply for the above and below water table extraction. The suggestion of avoidance first is not consistent with the PPS and could unreasonably constrain availability of important below water aggregate resources.	Region staff have reviewed and are satisfied that the policy is consistent with the PPS. The policy states where avoidance is not possible, the test of mitigation applies.
Lafarge Canada Inc.	Stakeholder		4.3.4.9	The Agricultural policies (4.3.4.9 and Appendix 9.2) need to be revised to specifically permit mineral aggregate operations in prime agricultural areas and specialty crop areas in accordance with the PPS and Provincial Plan policies. The draft Agricultural policies should be consistent with the PPS, which permits aggregate extraction in prime ag areas and specialty crop areas subject to certain criteria. The draft policies within the agriculture appendix go beyond this, and intend to "restrict" non-agricultural uses (which includes mineral aggregate	Policy 4.3.4.9 requires an agricultural impact assessment (AIA) to be completed when there is an application in prime agricultural areas.

Commenter	Participant Type	Municipality of Residence	Chapter Subsection	Summary of Comments	Regional Response
				operations) in prime agricultural areas and specialty crop areas.	
Lafarge Canada Inc.	Stakeholder		4.3.6.6	<p>This policy is not consistent with the PPS because it applies to prime land or prime area, whereas the PPS applies the requirement for agricultural rehabilitation in prime areas on prime land (i.e both not either).</p> <p>C) should be revised to be consistent with the PPS. The alternatives are to be considered and the suitability judged by the applicant not "to the satisfaction of the Region".</p>	Thank you for the comment, we have corrected the discrepancy between prime agricultural land and prime agricultural area. As the application would require an amendment to the Regional Official Plan, Region planning staff and Regional Council need to be satisfied that the tests set out in all policies have been met.
Lafarge Canada Inc.	Stakeholder		4.3.4.10	Concerns that this policy regarding source water protection may go beyond provincial legislated requirements.	Part 3 of the PPS states that policies represent minimum standards.

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Lafarge Canada Inc.	Stakeholder		4.3.5	<p>These policies are generally unacceptable:</p> <ol style="list-style-type: none"> 1) mineral aggregate truck traffic should be directed into settlement areas where the market is (not away) 2) potential for adverse impacts, safety and social and environmental considerations are matters to be considered in infrastructure planning not the responsibility of one specific truck generating industry 3) proposed policies requiring applicants to enter into a Haul Route Agreement should be removed. It is contrary to the ARA and unwarranted as each Licencee already pays an annual tonnage levy fee to both the Region and local municipality. 4) approval of truck routes by the Region should not be specific to mineral aggregate operations or decided on a case by case basis. Movement of goods is addressed in the transportation policies. 5) The consideration of alternative transport modes is not necessarily an opportunity that the Region should be 	Thank you for your comment, it is Staff's position that these policies should remain as written.

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				supporting. Trucks deliver aggregate to job sites- the requirement for individual applicants to address alternative modes should be removed.	
Lafarge Canada Inc.	Stakeholder		4.3.6.1	It is not clear what the Region is looking for in Policy 4.3.6.1. If the Region proposes a different standard than what is required by the Province then that would need to be identified in the policy. As proposed, the policy does not state what requirements might have to be met.	The requirements of the Region are set out in the policies of the official plan.
Lafarge Canada Inc.	Stakeholder		4.3	Comprehensive rehabilitation could be encouraged but not required. This would be consistent with the PPS and typically only pursued where there are larger concentrations of pits or quarries in different ownerships. If there are not any known circumstances where the Region proposes to complete comprehensive rehabilitation planning then it may be	It is the position of Region staff that comprehensive rehabilitation planning is essential for ensuring appropriate long term land use. It is the position of Region staff that comprehensive rehabilitation planning be a requirement.

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				better to remove this expectation from the OP. If there are areas where comprehensive rehabilitation is proposed, these should be identified, and open for discussion.	
Lafarge Canada Inc.	Stakeholder		4.3.7.3	There should be a policy in addition to this one that supports the use of imported excess soil for rehabilitation in all circumstances where the additional soil can improve the rehabilitated landform for its intended purpose. On-site overburden and soil management is addressed through the ARA process. An additional requirement to provide an "excess soil" plan to the Region is redundant.	Region staff have considered the comment and are of the position that importing fill would be an issue to be addressed as part of the ARA licence.
Lafarge Canada Inc.	Stakeholder		4.3.9.3 c)	This policy should only be applied to the new mineral aggregate operations.	Thank you for your comment, please see text box next to policy 4.3.4.6.

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Lafarge Canada Inc.	Stakeholder		4.3	For peer reviews, the policy should recognize that costs over and above the application fee may be the applicants' responsibility subject to agreement of the applicant. Peer review costs must be reasonable. Peer reviews should not duplicate where gov't agencies have the expertise to review the same subject matters. The Cost Acknowledgement Agreement should not be required as part of a complete application.	Thank you for the comment, Region staff have reviewed and of are the position that the policy should remain as written. It is Region staff's position that the cost acknowledgement agreement should be required as part of a complete application.