

THOMSON ROGERS

LAWYERS

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SENT BY EMAIL

June 14, 2022

Ms. Diana Huson, Chair
Planning and Economic Development Committee
Region of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, Ontario
L2V 4T7

Dear Chair Huson:

Re: Proposed Niagara Official Plan
PDS 17-2022, Planning and Development Committee
Port Colborne Quarries Inc.
Our File No. 500725

We are the solicitors for Port Colborne Quarries Inc. (“PCQ”) which operates the Port Colborne Quarry in the City of Port Colborne. On behalf of our client, we are writing to make submissions on the proposed Niagara Official Plan (“NOP”).

PCQ is the proponent of active applications to expand the Port Colborne Quarries. These applications were deemed complete some time ago. Therefore, we understand, pursuant to Policy 7.12.2.5 of the NOP, that PCQ’s applications will be processed and decisions made under the Local and Regional Official Plan policies, as well as Provincial policies that existed when the application was deemed complete. We submit that this is appropriate.

Nonetheless, PCQ and its planning consultants have reviewed the proposed NOP, and in particular those policies that pertain to aggregate extraction and related matters. As a result of that review, we wish to provide comments on a number of specific policies:

Policy 3.3.2.6 – this policy should contain an exception for facilities that are governed by an environmental compliance approval, or other provincial approval. In our view, provincial regulations, where they apply, ought to provide a complete code for the regulation of larger scale stormwater management undertakings. It is not in the public interest to duplicate regulatory functions already provided by Provincial agencies.

Policy 4.3.5.1 – the planned function of Regional Roads is to carry heavy truck traffic. On that basis, this policy should be clarified to provide that all Regional roads can be used as haul routes and that local roads can be used as haul routes to/from the Regional road network where necessary, as well as for local deliveries.

4.3.5.3 – this policy should be amended to delete the reference to "additional maintenance", as this is contrary to s. 12(1.1) of the *Aggregate Resources Act*. Also, in keeping with the principle that Regional Roads are intended for use by heavy trucks, the policy should be clarified by adding the following to the end of the currently proposed text: "...recognizing that Regional Roads have been constructed to accommodate heavy Truck Traffic and therefore, only intersection improvements to Regional Roads may be required, as appropriate."

Schedule C2 – to aid interpretation, an overlay of Regional and local roads should be added to this schedule.

In keeping with the Policies of the 2020 PPS and the importance of making aggregate resources available as close to market as possible, together with the significance of PCQ's ongoing operations, we request that the above-mentioned changes be made to the proposed NOP.

We respectfully request notice of the adoption of the NOP and that a copy of this correspondence be forwarded to the Ministry of Municipal Affairs and Housing. Notice should be provided to the undersigned, as well as to PCQ and its planning consultant Mr. Sisco at the following addresses:

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We thank the Committee for its consideration of this letter and PCQ's requests.

Yours very truly,



David N. Germain

DNG/dng

cc: Ann-Marie Norio, Regional Clerk
Michelle Sergi, Commissioner of Planning and Development Services
Shawn Tylee, PCQ
David Sisco, IBI Group