

 Ontario Ministry of Natural Resources / Ministère des Richesses naturelles	<i>Subject:</i> Aggregate Operations in the Niagara Escarpment Plan Area	<i>Policy No.:</i> A.R. 5.00.01	<i>New:</i> Yes
<i>Compiled by – Branch:</i> Lands & Waters	<i>Section:</i> Aggregate & Petroleum Resources	<i>Date Issued:</i> March 15, 2006	

Guiding Principle

The Niagara Escarpment Planning and Development Act along with the Niagara Escarpment Plan identify a number of additional requirements for aggregate operations within the Mineral Resource Extraction Area Designation to ensure compatibility with the natural environment.

Policy

New Mineral Resource Extraction Areas are permitted within the Niagara Escarpment Plan Area in areas designated Escarpment Rural Areas only. Applications for new licensed pits or quarries producing more than 20,000 tonnes annually require an amendment to the Niagara Escarpment Plan. District/Area staff and/or consultants should refer to the *Niagara Escarpment Plan Development Act* (NEPDA) and the Plan to determine the tests for NEP amendments. A Development Permit is required under NEPDA for all development within the Plan Area. Section 1.5 – Development Policies for Mineral Extraction, Section 1.9 Mineral Resource Extraction Area and Part 2 of the NEP particularly Section 2.11 – Mineral Resources has policies governing the review and establishment of Mineral Resource Extraction Areas and the rehabilitation of those areas. Part of Section 2.11 refers specifically to Wayside Pits and Quarries.

A Processing Guide is available from the Niagara Escarpment Commission (NEC) for assistance in preparing applications to request an amendment to the Plan and for the consideration of new wayside pits and quarries. It does not change the legal requirements for evaluating those applications under the NEPDA or the Plan.

Section 1.9 of the Plan states accessory buildings and facilities normally associated with the mineral extraction operation such as small scale offices serving the subject site, signage or crushing and washing facilities are permitted uses. Asphalt plants, concrete plants and brick manufacturing plants and other similar manufacturing uses are not permitted uses within the Mineral Resource Extraction Area Designation, unless a plan amendment has been approved. The Plan further establishes that after uses shall require an amendment to the Plan and such after uses shall be in conformity with the objectives and permitted uses of the applicable designation.

All applications within the Plan Area must be circulated to the NEC and the local municipality to ensure compliance with the Plan and the NEPDA and the local municipal Official Plan and Zoning by-law.

NEC has indicated that if an application is being referred for a hearing, they would appreciate an opportunity to discuss the application with MNR staff with respect to any of MNR’s resolved or outstanding objections to the application.

With respect to site plan amendments, adding, deleting or varying a licence condition, splitting of a licence and/or amalgamation of a licence, must be circulated to the NEC to determine if a development permit and/or a plan amendment is required before MNR approves the request,

Section 5, subsection 19 of Ontario Regulation 828/90 under the NEPDA, states that the following classes of development, if listed as permitted use under the land use policies established in the Niagara Escarpment Plan and not in conflict with a development permit issued under the Act, are exempt from the requirement of obtaining a development permit, where:

the production of aggregate from land that was licensed for a pit or quarry on June 10, 1975 under the Pits and Quarries Control Act, 1971 and that has been licensed for a pit or quarry continuously since that date under the Aggregate Resources Act or a predecessor of the Aggregate Resources Act, including the removal and stockpiling of overburden, the construction of berms and the blasting, excavation, crushing, washing, stockpiling and hauling of aggregate from the licensed site, but not including,

- *dewatering, the taking of water or the discharge of water or sewage, unless the dewatering, taking or discharge was authorized under a permit or approval obtained under the Ontario Water Resources Act before Ontario Regulation 469/96 came into force,*
- *the construction of a building, structure or facility, other than a berm,*
- *any activity related to the production of aggregate that was excavated elsewhere, or*
- *any activity related to an asphalt or concrete batch plant or a brick or cement block manufacturing plant.*