

Proposed Burlington Quarry Expansion

JART COMMENT SUMMARY TABLE – Visual Impact

Please accept the following as feedback from the Burlington Quarry Joint Agency Review Team (JART). Fully addressing each comment below will help expedite the potential for resolutions of the consolidated JART objections and individual agency objections. **Additional, new comments may be provided once a response has been prepared to the comments raised below and additional information provided.**

	NEC Comment on behalf of JART (December 2020)	Applicant Response (June 2021)	NEC Response on behalf of JART (December 2021)	Applicant Response (June 2022)	JART Response (June 2023)
1.	<ul style="list-style-type: none"> Photo Methodology: Detailed methodology for photography was not provided. The following information is required: <ul style="list-style-type: none"> o camera lens o camera height o panorama production (i.e. photo overlap, angle of view) 	<p>Section 3.0 (Methodology) has been updated explaining the camera specs and photo methodology.</p> <p>See updated report dated June 2021.</p>	<p>The detailed methodology is generally satisfactory, however, 180 degree panoramic photos are not ideal as they provide a distorted representation of the view in the field, for example, straight roads appear to bend behind the viewer. New photographs may be needed for the production of photo simulations to ensure the greatest possible accuracy is achieved.</p>	<p>New photos were taken in order to perform the photo simulations. See updated methodology section.</p> <p>See updated report dated May 2022.</p>	<p>Photo methodology comment has been addressed.</p> <p>Photo simulations comments are provided below.</p>
2.	<ul style="list-style-type: none"> Policy: NEP Policies are noted in the Background Section but there are some errors in the formatting of policy excerpts (see report section 2.4.3, 2.4.4, 2.6). Report should also reference NEP 2.9.3 j), which was not included. Reference should also be made to NEP Definitions relating to visual impact assessment as outlined in the 2019 Draft VIA Technical Criteria. 	<p>Updated formatting of referenced policy sections. Added Section 2.9.3. Added definitions to report appendix and made reference to definitions in Section 1.0.</p> <p>See updated report dated June 2021.</p>	<p>The NEC VIA Technical Criteria document referred to in VIA Section 1.0 and Appendix A was finalized in November 2020 and is available on the NEC website. Please update the references to this document and ensure that any definitions in the VIA are taken directly from the Niagara Escarpment Plan (NEP) not the Technical Criteria.</p> <p>Add the NEP definition of <i>open landscape character</i> to the list of Definitions.</p>	<p>Definitions have been taken directly from the NEP. Open landscape character definition has been added. See Appendix A</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p>
3.	<ul style="list-style-type: none"> Landscape Character: A more detailed description of existing landscape character is required. Provide this descriptive detail in the Photo Record and/or provide an additional map to document the landscape features that are referred to in the text. Findings from related reports (i.e. Cultural Heritage Impact Assessment Report) should be considered when describing the landscape character. 	<p>Added section on existing landscape character (Section 6.1)</p> <p>See updated report dated June 2021.</p>	<p>Section 6.1 provides a description of “existing landscape character and context” but there is no specific reference to <i>open landscape character</i>. Build in references to open landscape character in this section of the VIA.</p>	<p>Specific references to landscape open landscape character in relation to the provided definitions have been added to section 6.1 and various other sections throughout the report (7.3, 7.7, 8.0, and 10.0).</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p>

4.	<ul style="list-style-type: none"> Summary of Visual Impacts: Identifying and evaluating the physical changes resulting from development is a critical aspect of visual impact assessment. Table 1 summarizes visual impacts in terms of visibility to the subject lands, level of impact, and proposed mitigation but there is insufficient assessment of how the existing views will be changed by the proposed development and quarry operations on the subject lands. For all views with low to high impact, provide further description of the anticipated physical changes (i.e. distant tree line will be removed, vegetation thinned, clubhouse and outbuildings will be removed, proposed noise berm will be visible through roadside vegetation, trees to be planted, etc.). Photos may be further annotated to describe these changes. Furthermore, the VIA must consider any visual impact associated with the development of the proposed water feature near Cedar Springs Road. 	<p>A section on the explanation of the types of impacts has been provided in the table. The properties that may or will be able to view the proposed water feature pond have been noted. As noted in the report, we are of the opinion that this pond can be viewed as a restorative feature in the visual landscape as it is characteristic of the existing golf course water features that runs through approximately half of the existing golf course. By having the pond between the road and extraction area, a semblance of the former landscape can be retained and provide views with a similar visual experience.</p> <p>See updated report dated June 2021.</p>	<p>Comments and questions on VIA findings are detailed below.</p>		<p>Comments below (#13)</p>
5.	<ul style="list-style-type: none"> Analysis: NEP policy was referenced but no analysis has been provided. In addition, scenic ranking per NEC's Landscape Evaluation Study was referenced but there was no analysis of potential impacts on the scenic quality of the landscape unit(s). These analyses are required in the VIA report. 	<p>Section on analysis of the landscape evaluation study has been added in Section 7.6. Section on NEP policy analysis has been provided in Section 7.5.</p> <p>See updated report dated June 2021.</p>	<p>Section 7.5 of the VIA does not clearly address how the proposed quarry and associated mitigation measures conform to the following NEP policies that relate to scenic resources and open landscape character:</p> <p>NEP Purpose and Objectives</p> <p>Escarpment Rural Area Objective 1.5.1.1</p> <p>Mineral Extraction Area Objective 1.9.1.2</p> <p>Mineral Resource Extraction Development Criteria 2.9.3.c, d, and j</p> <p>Scenic Resources and Landform Conservation 2.13 Objective Statement</p>	<p>Section 7.7 has been updated to respond to how the report addresses these policy sections.</p> <p>In addition, clarifications have been provided in relation to various adjectives used to describe the conditions. In particular, it is noted that adjectives describing "maintaining" the visual landscape are related to during quarry operations where adjectives related to enhancing the open landscape character of the area related to post quarry operations through the implementation of the rehabilitation plan.</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p>

			<p>There is some inconsistency between the analysis and the conclusions with respect to open landscape character. For example, open landscape character has been alternatively described as being 'maintained' (pg. 36), 'strengthened and enhanced' (pg. 36), 'enhanced' (pg. 33) and 'changed' (pg. 32). Please clarify VIA findings in the context of relevant policies and NEP terminology including <i>open landscape character</i> and <i>scenic resources</i></p>		
6.	<ul style="list-style-type: none"> Recommendations: Supplementary visual screening is referenced in the recommendations but there is no indication of where small or large species are indicated. Vegetation retention is referenced but there is limited detail provided on the extent of tree protection. Future landscape plans and vegetation protection plans will be required to reflect the findings of the VIA. 	<p>Areas for large and small plantings has been clarified on the Mitigation Plan.</p> <p>See updated report dated June 2021.</p>	<p>This comment has not been sufficiently addressed. Section 9.0 discusses recommended mitigation measures which include retention of existing vegetation, berms and planting but there is insufficient information on how and where existing vegetation will be protected, monitored and managed during berm construction and quarry operation.</p> <p>Existing vegetation along Sideroad 2, Cedars Springs Road, and Colling Road is providing an important screening function. Should that vegetation be damaged by construction activities or otherwise impacted by disease, pests, storms, etc., the effectiveness of this screening may be impacted.</p> <p>Per NEP 2.9 policies, screen plantings should be properly maintained to ensure continued survival and good growth rates and natural screening is to be protected. How will this be addressed during implementation and in the long term? Detailed</p>	<p>Additional notes have been added to the mitigation plan and further clarifications have been provided in Section 9.0 "Recommendations".</p> <p>The revised recommendations include:</p> <ul style="list-style-type: none"> A schematic planting layout to complement the existing planting recommendations (See Planting Detail Found in Section 9.0) Figure 5A includes additional tree protection fencing. Figure 5B Showing detail mitigation measures at the 2 Side Road crossing. <p>See updated report dated May 2022.</p> <p>The ARA site plans will be updated to reflect these revised recommendations.</p>	<p>Mitigation Plan (Figure 5): Berm planting hatching is not clearly visible. Labels indicate that there are two areas of planting however the report describes mitigation planting on the north side of Sideroad 2 at the proposed quarry entrance and cross sections indicate proposed planting in front of all berms. Clarification is needed on the location of all planting areas and these areas must be shown on this plan.</p> <p>Figure 5A: Recommended tree protection fence layout is conceptual at this scale. Information on fence layout, fence detail, and fence installation and maintenance notes will be required on a detailed landscape and vegetation protection plan that is coordinated with ARA site plans.</p> <p>Figure 5B: Proposed planting is cut off on the left side of the plan. A detailed landscape plan showing a keyed plant layout with plant list, planting details, planting notes, guarantee notes, and maintenance and monitoring notes will be required,</p>

			planting and vegetation protection plans are required for review. It is noted that a recommendation for detailed information is not included in the Natural Environment Report either.		including monitoring plans for areas of existing vegetative screening. Schematic Planting Detail: Figure number is required. Proposed plant sizes and spacings do not meet NEC's minimum plant sizes for screen planting. This figure is not drawn to-scale so plant quantities cannot be verified. Proposed plant species will need to be listed on a detailed landscape plan for NEC review. Note: all tree, shrub and seed mix species are to be native species. Clarification is needed on the intent of this planting – is this intended to screen views of the quarry operation or screen views of the berm? Natural shaping of berms will need to be demonstrated on a grading plan and be coordinated with other site plans/reports and on the ARA site plans.
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<p>7.</p> <ul style="list-style-type: none"> - Methodology has been updated <ul style="list-style-type: none"> o Camera Lens noted as 50mm lens @ F2.8. o 180 degrees panorama not required; no issue with the photos being stitched together so long as original resolution is maintained. o Photos completed during 'leaf-off' conditions as required. - Bruce Trail has not been identified in open landscape character or land use description. 	<p>Sections on the Bruce Trail has been added to Existing land use description (5.4) and Existing Landscape Setting and Context (6.1).</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p>
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8.	<p>NEC Supplementary Comments</p> <p>A comprehensive review of the second VIA submission (June 2021), including the review of some new information that was provided in this submission, has raised further questions and comments which are noted below.</p> <p>Figure 2 needs to be updated to include the overlay of the Minor Urban Centre of Mount Nemo.</p>	<p>Figure 2 has been updated to show the minor urban centre. See updated report dated May 2022.</p>	<p>Addressed.</p>
9.	<p>The VIA refers to an at-grade crossing on Sideroad 2 for the purposes of processing (in Section 4.0) but there is no information provided on what work will be undertaken on the north side of the road to accommodate this crossing. Visual impacts related to the construction of an intersection at this location, including the removal of berm and vegetation on the north side of the road have not been assessed. Further information on the proposed crossing and associated visual impacts is required. Additional photography and photo simulations should be provided for both the north and south side, and amelioration of the visual impact on the southern entrance to the south extension by gradation of berms.</p> <p>There is some lack of clarity in the Planning Justification Report and inconsistency between the PJR and the Traffic Study (2020 and 2021). The Traffic study recommends a crossing of No. 2 Side Road from the south extension to the north side of the road for processing (2020: pages 35, 38). The Planning Justification Report makes similar statements that aggregate from South Extension Phases 1 & 2) will be transported by this crossing, but also makes ambiguous statements (pages 1, 11, Figure 3) that “the extracted aggregate will be transported to the existing Burlington Quarry for processing and shipping to market utilizing the existing entrance/exit...”. This matter needs clarification by the provision of details in the VIA and Site Plan of the work proposed on the north side of No. 2 Sideroad.</p>	<p>Section 7.4 and Figure 5B have been added to the report. This section deals with how the at grade crossing will be treated. It is emphasized that views into the quarry will be limited to being directly in front of the vehicular crossing and is not considered to be of significant impact to the larger open landscape character of the area.</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p> <p>Comments on the at-grade crossing photo simulations below (#13).</p> <p>Comments on the proposed screening planting surrounding the at-grade crossing above (#6).</p>
10.	<p>Please note that any changes to the proposed Site Plan or Operations Plan (including berms, changes in extraction footprint, etc.) may have implications for the VIA. In the event of any changes, the VIA should be reviewed to ensure that conclusions and recommendations remain applicable and that the most current plans are referenced.</p>	<p>The updated Site Plans for the Burlington Quarry Extension (March 2022) have been reviewed. Based on this review and consideration of JART’s comments the recommendation section of the VIA has been updated.</p> <p>See updated report dated May 2022. The ARA site plans will be updated to reflect these revised recommendations.</p>	<p>Noted: when will the ARA site plans be updated to reflect revised recommendations.</p>
11.	<p>The VIA refers to the proposed pond as a restoration of a characteristic feature of the site. As documented in this report and in the archaeology and cultural heritage impact reports, the existing golf course is a relatively recent feature in this Escarpment Rural Area and the creation of a water feature does not appear typical of the escarpment’s open landscape character in the surrounding area. More information is needed on the proposed condition of the pond. Is the pond intended to be a naturalized or will it be a maintained landscape feature? Provide further description in Section 7.3 and illustrate the proposed pond in the photo simulations described below (Photo 22 and 32).</p>	<p>A description as to why the proposed infiltration pond is an acceptable addition to the landscape character of the area has been expanded on in section 7.3.</p> <p>The proposed infiltration pond is shown in the simulations, however given the proposed hydrological berms, the permanent water line is not visible. This is further shown in the proposed sections.</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p>
12.	<p>Table 1 states that the proposed pond may be visible from Colling Road (see Photo 43, 57 and 58). This appears to be an error: please clarify</p>	<p>Mention of possible views has been removed.</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p>

13.	<p>Several viewpoints were assessed in the VIA as being moderately or highly impacted by aggregate operations and mitigation was recommended (see Table 1, Photo 13, 17, 22-23, 28-33, 43, 50, 57-58). Visual impact assessment must assess any physical changes including berming and rehabilitation, not just extraction operations.</p> <p>Further study is required to fully understand visual impacts associated with proposed mitigation measures (pond and berm) and changes to the open landscape character for several key views of concern. Please provide photo simulations for these representative viewpoints and address these outstanding issues with further analysis in the VIA:</p> <ul style="list-style-type: none"> • View from Cedar Springs Road to hilly terrain and vegetation (Photo 22 - shown below with JART mark-up) – What are the visual impacts associated with constructing a pond here? How will existing landform be altered? What vegetation will be lost? Will the proposed berm be visible beyond the pond? Is a pond really needed here to mitigate visual impacts? • View from Cedar Springs Road to golf course and forests beyond (Photo 32 - shown below with JART mark-up) – What are the visual impacts of constructing a berm and pond here? What will the pond look like? How will the berm be screened from view? • View from Colling Road southwest across wetland towards golf course (Photo 43 right side - shown below with JART mark-up) – What is the impact to open landscape character? What is the visual impact associated with constructing a berm here? How will the berm be screened from view? • View from No. 2 Sideroad south to quarry entrance (Photo 50 - shown below with JART mark-up) – What is the visual impact of constructing such large berms so close to the road? How will proposed vegetation mitigate the impacts? What will the large opening between berms look like? Does it need to be that large? What visual impacts will be associated with a crossing? What will the north side of the road look like? <p>Note: Some photos may need to be re-shot or cropped for use in the production of photo simulations to ensure technical accuracy. A terms of reference outlining the detailed methodology for the production of photo simulations will be required for NEC review prior to a re-submission. NEC has prepared a redline of key photos to accompany this request for photo simulations as attached. Refer to the redline for areas of interest to target in the photo simulations.</p>	<p>Expected changes to views as a result of implementing the rehabilitation plan has been added.</p> <p>Photo simulations have been provided to show proposed mitigation measures. Photos have been re-taken to correct the accuracy issues resulting from the panoramic photo bases.</p> <p>It is noted that the infiltration pond is not being proposed for visual mitigation purposes, but for hydrological purposes. Due to the berms around the pond, it will be screened from view. See sections and photo simulations.</p> <p>See updated report dated May 2022.</p>	<p>Photo simulations require accompanying photos of existing conditions and a key map showing the precise photo location and direction of view.</p>
14.	<p>There are a few technical issues with the cross sections provided in the VIA:</p> <ul style="list-style-type: none"> • The accuracy of the Section H sight line is not reliable as shown. A section break has been used to fit the long section onto the page but it does not appear to have been similarly applied to the sight line. Please demonstrate that the berm is effective at blocking sight lines into the quarry without a break in the section line. • Section C and Section D are not correctly located on the key plan, and the road in Section D is mislabeled as Cedar Springs Road but appears to be No. 2 Sideroad. • Section E, F, G, H do not sufficiently illustrate proposed changes to the subject lands, which include landform alteration and the construction of a pond. 	<p>The scale of the section has been changed to allow for it to be fully shown on the drawing. Labels have also been updated. In addition the infiltration pond and pond berming has been added to the sections.</p> <p>See updated report dated May 2022.</p>	<p>Addressed.</p>
15.	<p>The VIA describes future rehabilitation as including the removal of visual and noise berms and re-establishment of views into the quarried lands with a goal to 'enhance the existing open landscape character of the area' (see Section 8.0). Further study is required to demonstrate how this will be achieved. Please provide photo simulations showing proposed rehabilitation conditions for views of concern (Photo 22, 32, 43, and 50 - shown below with JART mark-up).</p>	<p>Photo simulations showing the conditions at the four locations for the proposed rehabilitation plan have been added. See updated report dated May 2022.</p>	<p>Noted. Comments on photo simulations provided above (#13)</p>