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MTE File No.: 42067-130

Craig Linton  
Highland Ridge Land Corporation  
301-100 Wellington Street  
London, Ontario N6B 2K6

Dear Craig:

## **RE: Preliminary Review of the Draft Byron Gravel Pits Secondary Plan**

### **INTRODUCTION**

The Highland Ridge Land Corporation is currently preparing a Zoning By-law Amendment and Draft Plan of Subdivision Application for a residential development a 947 Longworth Road in the City of London. A portion of this property is designated for residential development according to *The London Plan* (i.e., Neighbourhood and Future Community Growth Place Types), however the parcel is directly bordered by the Byron Gravel Pit to the north and west, and therefore the future plans for the Pit and property are closely entwined. The ability to complete activities within the property, particularly in the north, is highly dependent on the resolution of the Byron Gravel Pit rehabilitation, including slope stability and Species at Risk (SAR) management. Therefore, the objectives and outcomes of the Draft Byron Gravel Pits Secondary Plan (City of London, July 2023) are important for understanding how development on the 947 Longworth Road property may proceed.

To assist in the review of the Draft Byron Gravel Pits Secondary Plan, MTE Consultants Inc. has been retained by the Highland Ridge Land Corporation (hereafter Highland Ridge) to review the Draft Secondary Plan and provide comments from an environmental perspective. This review will focus on identifying areas of the Draft Secondary Plan that could be revised to provide additional clarification, especially in relation to understanding implications for adjacent development.

### **DRAFT BYRON GRAVEL PITS SECONDARY PLAN REVIEW**

The Byron Gravel Pits Secondary Plan outlines broad objectives within the planning area. Policy areas are clearly delineated and the general vision for these areas are provided. However, there is a lack of detail regarding the actual next steps for the Byron Gravel Pit. There are also a few sections where additional clarification could be provided to better define planning goals and help adjacent landowners understand how their lands may be affected and plan for future applications. The following sections will address specific aspects of the plan and suggest revisions where possible. MTE's review is focused on environmental factors and therefore other elements of the Secondary Plan (e.g., servicing, built forms, development requirements) will not be addressed.

## Subject Lands Status Report Requirement

The Draft Secondary Plan should provide clarification on when or why a Subject Lands Status Report (SLSR) is required for new developments or site alterations within the planning area. Section 3.2.1(i) states an SLSR and Environmental Impact Statement (EIS) will be required, and Section 5.8 lists an SLSR as a possible requirement, with the City to confirm the need for different studies on an application by application basis. However, *The London Plan Policy 1425\_* states, “Where a secondary plan has not been completed the City may require the preparation of a subject lands status report”. So, with the completion of this secondary plan, an SLSR should not be required.

Specific to the 947 Longworth Road property, a scoping meeting has already been completed for an EIS, and the Environmental Study Scoping Checklist (ESSC) has been approved by the City. The application for this parcel is therefore moving towards completion of an EIS, not an SLSR.

## Slope Stability and Pit Rehabilitation

As noted in Section 1.2 of the Draft Secondary Plan, the complexity of ownerships and interests in the area of the pit requires a significant level of cooperation and coordination as the various licensed areas are rehabilitated. It was Highland Ridge’s expectation that one of the primary goals of the City-led secondary plan was to be this complex issue of extraction and rehabilitation addressed in greater detail. Important items, such as incorporating the current approved rehabilitation plans for Byron Pit to estimate future appropriate land uses in the pit area and the adjacent lands have not been included. Currently the south limits of the pit have not undergone rehabilitation and the slopes are very high and steep resulting in hazardous conditions for both lands at both the top and toe of slope. This is true next to the Highland Ridge lands as well as next to Colonel Talbot Road. It is understood that these slopes were to be stabilized as part of a rehabilitation plan to allow the intended uses in and out of the pit to move forward. Since these required rehabilitation processes will significantly change the Byron Pit lands as well as those lands surrounding the pit, there are substantial implications which can affect previously approved land uses and development limits, alter surrounding natural heritage features and/or wildlife habitat, and redefine the areas appropriate for public pathways. The pit rehabilitation and slope work are major elements to be considered in this planning area, but many aspects of the process have not been discussed in detail. It is recommended that the secondary plan be revised to discuss the current status of the different areas of the pit, describe the approved rehabilitation plans, and provide more detailed objectives for the areas where slopes are still unstable. This will present a clearer vision for the future of the pit and assist adjacent landowners in planning for next steps.

## Multi-Use Pathway Alignments

The intention of the multi-use pathway network proposed in the Draft Secondary Plan is well described and recommended alignments are clearly shown on Schedules 2 (Community Structure Plan) and 4 (Mobility Network). However, as discussed above, the pit rehabilitation has not yet been implemented in some areas and the City proposed pathways (and existing road alignments) are shown on unstable and unsafe areas. Additional discussion on how pathways along currently unstable slopes would be constructed is entirely missing in this plan. As mentioned above, the current state of the pit and its future following stabilization work is not directly addressed in the Draft Secondary Plan, and this complicates the planning for the pathway network. The pathways shown bordering Highland Ridge Land Corporation’s property

shown on Schedule 4 are currently impossible due to the hazardous slopes, and it is not clear whether the paths are intended to be above or below the future stabilized slope. If below, it is unclear how safe connections would be made from the top to the bottom of the stabilized slope. Further evaluation of the slope stabilization limits and elevations are needed in this area to better inform a realistic future recreational multi-use pathway network.

### Bank Swallow Habitat Protection and Enhancement

As discussed in the Draft Secondary Plan, there is indeed a large colony of Bank Swallows nesting annually within the Byron Pit. This species is protected under the *Endangered Species Act* as a threatened species, and it is agreed that the individuals and habitat of this species must be protected and dealt with through the appropriate process with the Ministry of the Environment, Conservation, and Parks (MECP).

If available, additional details should be added to the Draft Secondary Plan to highlight the primary nesting areas within the pit to help understand the main areas being targeted for habitat protection and/or enhancement. Currently the discussion of SAR in the Draft Secondary Plan is very general, and the future of this colony is limited to a general idea of maintaining and/or improving their habitat. Consideration of how the slope stabilization and rehabilitation works will be completed while also prioritizing habitat protection would be beneficial, such as identification of potential areas for artificial habitat creation or discussion on how SAR habitat could be created/integrated with the intended recreational uses of the pit. It is currently unclear how Bank Swallow habitat is expected to be able to be retained while also meeting the Ontario Ministry of Labour's requirements for stable slopes with no vertical faces, as well as being able to provide a safe recreational area below the toe of slope. The Draft Secondary Plan is the best document to help guide these integrated goals.

### CONCLUSION

This letter has reviewed the Draft Byron Gravel Pits Secondary Plan (City of London, July 2023) and identified several sections that need to be revised for clarification. Clarity is needed on the issue of slope stability within the pit as it relates to SAR and the anticipated multi-use pathway network. Recommendations are focused on more specific details regarding the rehabilitation plans for the pit and future of the adjacent lands. Without these additional details, it will be difficult to achieve the intended goals of the Draft Byron Gravel Pits Secondary Plan. Should you wish to clarify any questions or require additional information, please do not hesitate to contact us.

Yours truly,

**MTE Consultants Inc.**

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