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Sent via E-mail to matherm@northumberlandcounty.ca and Delivered by Courier

Maddison Mather
County Clerk
Northumberland County
555 Courthouse Road
Cobourg, ON K9A 5J6

Dear Ms. Mather:

**Re: Appeal Pursuant to subsection 22(7) of the *Planning Act*
Official Plan Amendment Application File No. D09 2020-01
Part of Lot 2, Concession 8 and Part of Lot 36, Concession 6,
Municipality of Brighton**

We are counsel for CBM Aggregates, a division of St. Marys Cement Inc. (Canada) (“**CBM**”). CBM is the owner of the lands located in the Municipality of Brighton, Northumberland County (“**County**”) which are known as Part Lot 2, Concession 8 and Part Lot 36, Concession 6, in and adjacent to the Hamlet of Codrington, in the Municipality of Brighton (“**Subject Lands**”).

On September 15, 2020, CBM applied for an amendment to the County’s Official Plan (the “**Application**”) to facilitate the minor rounding out of the Hamlet of Codrington. The Application was deemed complete on October 15, 2020, and a public meeting was held on November 18, 2020. A decision has not yet been made on the Application. On behalf of CBM, we hereby appeal from the failure of the Council of the County to adopt the requested amendment within the time frame prescribed by the *Planning Act*.

The Proposal & Background

An existing portion of the Subject Lands is designated “Hamlet” in the County Official Plan, a designation intended to support future residential growth in Codrington. However, the portion of the Subject Lands designated “Hamlet” does not have any municipal road frontage and is effectively landlocked.

The Application proposes a minor rounding out of the Codrington Settlement Area and would amend the land use designation of the Subject Lands from “Agricultural Area” to “Rural Settlement Area” on Schedule A – Land Use Map of the County Official Plan, as well as extend the “Rural Settlement Area” boundary on Schedule B - Resource Areas and on Schedule C - Transportation Map.



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The Application is intended to expand the settlement area boundary, to provide access to the landlocked portion of the settlement area and to enable the planned function to be realized on the Subject Lands.

Reasons for Appeal

CBM hereby appeals to the Ontario Land Tribunal (“**Tribunal**”) pursuant to subsections 22(7) and 22(7.0.2) of the *Planning Act*, on the basis that Council for the County has failed to adopt the requested amendment within 120 days of receiving the request.

CBM is entitled to appeal the Council's failure to adopt the requested amendment, since the Application does not involve expanding into the Greenbelt Area or establishing a new settlement area. As such, the appeal restriction in subsection 22(7.2) does not apply.

The appeal is made on the basis that the Application is consistent with the *Provincial Planning Statement, 2024* (“PPS”), conforms to the Northumberland County Official Plan, and represents good planning.

In particular, the Application:

- Is consistent with the PPS, including but not limited to policies directing settlement areas to be the focus of growth and development, the provision of a range and mix of housing options, efficient use of land, and settlement area boundary expansions; and
- Conforms to the Northumberland County Official Plan, including policies related to residential growth in rural settlement areas, the provision of housing supply, the protection of prime agricultural areas by minimizing their fragmentation and loss, and the protection of natural heritage features.

Enclosures

In support of this appeal, please find enclosed the completed Appellant Form (A1), and our firm's cheque in the amount of \$1,100.00 made payable to the Minister of Finance, representing the Tribunal's appeal filing fee.

We request a copy of the municipal record that will be submitted to the Tribunal.

Yours very truly,

WOOD BULL LLP



Kim Mullin

KM/MM

Encls.

c. Client