

Media Release

Ontario Land Tribunal Sets First Hearing Date for Rezoning Appeal Regarding Proposed Asphalt Plant in Napanee

August 30, 2022

Town of Greater Napanee – The Ontario Land Tribunal has recently issued a public [notice](#) that it will hold a Case Management Conference (CMC) to discuss next steps in the *Planning Act* appeal by R.W. Tomlinson Limited against the decision of the Town of Greater Napanee that refused to grant rezoning for a hot-mix asphalt plant within the municipality.

According to the Tribunal notice, the CMC will be held via videoconference on September 20, 2022 at 10:00 a.m. The purpose of the CMC is to identify parties, discuss the issues in dispute, set the start date and duration of the appeal hearing, and establish a timeline for the parties' exchange of witness statements and expert reports.

Additional information on the Tribunal's hearing process – including how interested persons may apply to participate in the Tomlinson appeal – is available at the Tribunal [website](#).

“The lawyers representing Keep Napanee Great (KNG) will be attending the CMC in order to present our request for party status in the appeal hearing,” said Vicki Stewart, Vice-President of KNG. “Our group participated extensively in the land use planning process for this proposal, and we have concerns about the plant's potential impacts to the environment and area residents' health and safety.”

In the meantime, the public comment period closed on August 20, 2022 in relation to Tomlinson's application to the Ministry of the Environment, Conservation and Parks for an Environmental Compliance Approval (Air & Noise) under the *Environmental Protection Act (EPA)* for the proposed asphalt plant. Prior to the deadline, KNG, its lawyers, and other residents filed submissions that requested the Ministry to refuse the requested approval for the asphalt plant.

“In our client's view, the air and noise reports filed by Tomlinson are inadequate, incomplete, and unacceptable for the purposes of granting *EPA* approval for the proposed asphalt plant,” said Richard Lindgren, one of the lawyers at Canadian Environmental Law Association who represents KNG. “Therefore, KNG submits that the Ministry should just say no to Tomlinson's application.”

At present, it is unknown when the Ministry will make its decision to grant or refuse the *EPA* approval.

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For more information, or to arrange an interview, please contact:

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