

RECEIVED: February 06, 2026

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

TO: The Island Regulatory and Appeals Commission
 National Bank Tower, Suite 501, 134 Kent Street
 P.O. Box 577, Charlottetown PE C1A 7L1
 Telephone: 902-892-3501 Toll free: 1-800-501-6268
 Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
 Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of Minister of Housing, Land (name of City, Town or Community) on the 20 day of January, 2026, wherein the Minister/Community Council made a decision to deny an application for a change of use from Resource (agriculture) use to Industrial (excavation pit) use on PID 940288, located in Brackley Beach

(attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, the grounds for this appeal are as follows: (use separate page(s) if necessary)
 Please see Schedule "A"

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, I/we seek the following relief: (use separate page(s) if necessary)
 Please see Schedule "A"

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): Patrick Shea/Shea's Bulldozing L
 Please Print

Signature(s) of Appellant(s):



Mailing Address: c/o Cox & Palmer - 600-97 Queen St

City/Town: Charlottetown

Province: PE

Postal Code: C1A 4A9

Email Address: mmckenna@coxandpalmer.com

Telephone: (902) 628-1033

Dated this 6 day of February, 2026.
 day month year

IMPORTANT

Under Section 28.(6) of the **Planning Act**, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the **Planning Act** and will be used by the Commission in processing this appeal.
 For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

SCHEDULE A - NOTICE OF APPEAL (continued)
Pursuant to section 28 of the Planning Act

TAKE NOTICE that Shea's Bulldozing Ltd., as represented by Patrick Shea, hereby appeals the decision of the Minister of Housing, Land & Communities ("Minister") on the 20th day of January, 2026 denying the Change of Use Application from Resource (Agriculture) Use to Industrial (Excavation pit) Use on PID 940288, located in Brackley Beach (the "Property")

AND FURTHER TAKE NOTICE that in accordance with section 28(5) of the *Planning Act*, the grounds for this appeal are as follows:

- The Minister failed to abide by the processes and procedures as set out in the applicable legislation, including, but not limited to, the *Planning Act*, RSPEI 1988, c P-8 and the *Planning Act* Subdivision and Development Regulations;
- The Minister failed to make a decision in accordance with sound planning principles;
- The Minister failed to make a decision in accordance with the principles of natural justice and procedural fairness; and
- Such further or other grounds as may be revealed upon review of the full record produced by the Minister.

AND FURTHER TAKE NOTICE that in accordance with section 28(5) of the *Planning Act*, the Appellant seeks the following relief:

- the Appellant requests that the Commission allow this appeal, set aside the decision of Minister and order approval of the Change of Use Application submitted by the Appellant from Resource (agriculture) use to Industrial (excavation pit) use on PID 940288.

DATED this 6th day of February, 2026.



31 Gordon Drive
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

Housing, Land
and Communities

Logement, Terres
et Communautés



31, promenade Gordon
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

January 20, 2026

Patrick Shea
Shea's Bulldozing Ltd
16 Victory Lane
Brackley Beach, PE C1E 2Y1

Dear Mr. Shea:

Subject:	Application to establish an Industrial (excavation pit) use on a Resource (agriculture) use lot.
Property ID #:	940288
Property Location:	Brackley Point Road, Brackley Beach, Queens County
Our File References:	CU-2025-051

The Department of Housing, Land and Communities has reviewed your application to establish an Industrial (excavation pit) use on a Resource (agriculture) use lot application received on October 3rd, 2025, Property #940288, located in Brackley Beach.

A. The Application

Change of Use: The Subject Property is currently used for Resource (agriculture) use. The application was submitted to change the use of the parcel to Industrial with access off the Brackley Point Road.

B. Decision

The Subject Property is within a geographic area where land use and development is not regulated by a local official plan or zoning by-law. Therefore, the Subject Property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act* Subdivision and Development Regulations and other provincial laws and regulations.

Pursuant to clause 6(c) of the *Planning Act* and subsections 3.(2)(a)(d) and 29.(2) of the *Planning Act* Subdivision and Development Regulations, the above noted application is Denied. The reasons for this decision are explained in detail below.

C. Reasons

The *Planning Act* Subdivision and Development Regulations provide provisions for change of use under Section 29 and 31 of the *Planning Act* Subdivision and Development Regulations. Property # 940288 is a 48.8-acre Resource use lot. It has been determined that this proposal would have a detrimental impact on public safety and surrounding land uses.

Public safety: The excavation pit would primarily be in use during the summer months; this is when tourism is at its peak. Heavy machinery would be accessing the excavation pit from the Brackley Point Road, making it unsafe for the seasonal increase in traffic on the road.

Surrounding land uses: The community of Brackley Beach mainly consists of Resource, Residential and Commercial Tourism uses. While there is an existing Industrial use 0.5km from the proposal, the addition of another Industrial use could increase the detrimental impact on surrounding land uses. Establishing an excavation pit on the property would take active agricultural land out of production. This would contribute to the loss of quality farmland in the province.

Please refer to the *Planning Act* Subdivision and Development Regulations sections 3.(2)(a)(d) and 29.(2).

***Planning Act* Subdivision and Development Regulations**

(f.3) “detrimental impact” means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to

- (i) real property value;
- (ii) competition with existing businesses;
- (iii) viewscales; or
- (iv) development approved pursuant to subsection 9(1) of the Environmental Protection Act

3.(2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would

- (a) not conform to these regulations or any other regulations made pursuant to the Act;
- (d) have a detrimental impact;

29.(2) Where a change of use application has been made, the Minister, in reviewing the application for a change of use, may take into consideration any written submissions received from the owners of lots within 330 feet (100 metres) of the lot to which the application applies.

D. Right of Appeal

Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing "PEI Planning Decisions" into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.irac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regards to this decision, contact me at (902) 569-0573 or smacvarish@gov.pe.ca.

Sincerely,



Sarah MacVarish
Senior Development Officer