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Provincial Planning Policy Branch
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Re: Essex Region Conservation Authority's comments on the Provincial Policy Statement Review –
Proposed Policies (ERO 019-0279)

Thank you for the opportunity to provide comments on the five-year review of the Provincial Policy Statement. The Essex Region Conservation Authority has reviewed the proposal summary as available online at the Environmental Registry (<https://ero.ontario.ca/notice/019-0279>) along with the PPS Proposed Policies PDF. In addition, staff from ERCA have participated in provincial meetings discussing the proposed policy changes. Our comments note several areas where we recommend that the Province develop technical guidance. ERCA would be pleased to provide input or comment into the development of technical guidance materials noted.

The following comments and recommendations are provided for your consideration:

Consultation Questions	Comments
1. Do the proposed policies effectively support goals related to increasing housing supply, creating and maintaining jobs, and red tape reduction while continuing to protect the environment, farmland, and public health and safety? Regarding	
2. Do the proposed policies strike the right balance? Why or why not?	
3. How do these policies take into consideration the views of Ontario communities?	
4. Are there any other policy changes that are needed to support key priorities for housing, job creation,	

Consultation Questions	Comments
and streamlining of development approvals?	
5. Are there other tools that are needed to help implement the proposed policies?	<p>ERCA recommends that the province provide clarification on the specific comprehensive list of provincial guidelines available to support the PPS. This list of supporting guidelines should be made readily available on the provincial website. Currently the technical guides developed for natural hazards are only available for purchase from the Watershed Science Centre at Trent University. As these guides are intended for use by the land use planning authorities it is recommended that they be made publicly available for free as is the case for other provincial guidelines.</p> <p>The natural hazards Technical Guides are in dire need of being updated to reflect current situations. Updates to these guidelines are needed to more accurately reflect the current public safety directives as outlined in the Gilmore Case (i.e., as it relates to safe access and public safety).</p> <p>ERCA recommends that the following guidelines to support land use planning authorities be updated and made publicly available: a) climate change, b) watershed planning, c) Natural Heritage Reference Manual, and d)</p> <ul style="list-style-type: none"> • Understanding Natural Hazards (2001), which provides planning concepts for addressing natural hazards; • Technical Guide River & Stream Systems: Flooding Hazard Limit (2002), which provides flood event standards and describes hydrologic and hydraulic work needed to conduct flood plain analysis and delineate flood prone areas; and • Technical Guide River & Stream Systems: Erosion Hazard Limit (2002), which provides technical direction related to hazards associated with erosion and unstable slopes. • Great Lakes – St. Lawrence River System and Large Inland Lakes (2001), which provides assistance to planning authorities addressing hazardous lands and hazardous sites in accordance with the natural hazards policies 3.1 of the PPS.

The following comments are provided making reference to the section of the PPS along with proposed comments and proposed policy changes.

Section	Proposed Policy	ERCA comment
Part 1	Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement.	ERCA is concerned that the shift of the sections from the 2014 PPS related to "...coordinate cross-boundary matters to complement the actions..." to the Preamble may reduce the weight and value that this section has. ERCA recommends that the PPS provide additional clarity regarding the intent that the shift of these sections to the preamble and how the information in the preamble should be interpreted by users of the PPS. If this reduces the value and intent of watershed-based considerations, and other important sections and content that has been shifted to the preamble, in Planning Act applications, ERCA recommends that additional context and direction be provided in the specific policies of the PPS.
Part IV	Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.	Proposed modification: Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions <u>and responses to the impacts of a changing climate.</u> The proposed modification increases and elevates the importance of climate change considerations as a high-level challenge that Ontario is facing. It also recognizes that different areas may face different impacts from climate change depending on the specific nature of the community. This section should address both 'greenfield' and 'brownfield' issues related to intensification, redevelopment and associated mitigation/adaptation needs, noting as well that increasing density in hazardous areas, for example, will exacerbate risks.
1.1.3.2	Land use patterns within <i>settlement areas</i> shall be based on densities and a mix of land uses which: c) minimize negative impacts to air quality and climate change, and promote energy efficiency;	Proposed modification: <u>"do not negatively</u> impacts to air <u>or water</u> quality, <u>or exacerbate</u> climate change, and promote energy efficiency;

1.1.3.3	<p>The following policy is proposed to be removed:</p> <p>Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</p>	<p>ERCA is concerned with the proposed removal of the second part of the policy – specifically the section “Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. The rationale for the removal should be provided as a component of the background from the province. This is very concerning as it suggests that the consideration of natural heritage, water resources and natural hazards is not important or should be downplayed completely. Further, climate change measures will benefit from these key components being addressed in a fulsome manner in the PPS for intensification and redevelopment opportunities.</p> <p>ERCA recommend that clarity on the intent be sought from the province or recommend that the policy from 2014 be reinserted:</p> <p><u>Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</u></p>
1.1.3.8	<p>A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:</p>	<p>ERCA recommends that natural hazards be considered and included in the policy requirements for settlement area boundary expansion. In our region, the completion of floodplain mapping as a key component of land use changes has not typically been included as a requirement of an expansion. Reflecting public safety considerations in this section would be beneficial to planning authorities to consider at a comprehensive review stage.</p> <p>ERCA encourages the province to raise this with the Special Advisor on Flooding to have this important natural hazard concern reflected in another program area.</p> <p>ERCA also recommends that <u>the statement:</u></p> <p><u>In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</u></p> <p>Remain in the PPS. Expansion should take into consideration health and safety, and wise use of resources.</p>

1.1.3.8	This policy has been proposed to be removed from section 1.1.3.8 of the PPS: In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.	The proposed policy from 2014 has been removed from the section of the PPS. ERCA recommends that this comment be addressed in a similar manner to other comments provided. In summary, ERCA recommends that this policy deletion be rescinded to the policy language used in the 2014 PPS to emphasize the importance of Section 2 and Section 3 to be considered during settlement boundary adjustments.
1.1.3.9	Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:	ERCA recommends that an assessment of the impacts on natural heritage and natural hazards be added as a criterion for consideration of adjustments of settlement area boundaries. This would be consistent with policy direction provided in Sections 2 and 3 of the PPS.
1.2	Coordination A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards, including:	ERCA recommends that additional information regarding climate change be reflected in this section of the PPS. ERCA recommends that climate change is a significant issue to be addressed and it is important to identify this to be considered at the initial stage of the PPS. As climate change is the defining issue of our time it only stands to reason that it should receive forceful treatment and priority to be addressed at this stage of the PPS – that is, "...within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards...".
1.2	c) managing natural heritage, water, agricultural, mineral and archaeological resources	ERCA recommends that the statement include both managing and <u>protecting</u> natural heritage, water, agricultural...

1.2	e) ecosystem, shoreline, watershed, and Great Lakes related issues;	<p>ERCA recommends the addition of <u>conservation of biodiversity</u> in the policy. This would better align with the language provided in Section 2.0: "...and social well-being depend on <u>conserving biodiversity</u>, protecting the health... as well as within PPS policy 2.1.2: "...and the long-term ecological function and <u>biodiversity</u> of natural heritage systems, ...". In addition, the addition of the term conservation of biodiversity would reinforce the importance of this concept and requirement that is mentioned in PPS policy 1.1.1 h): "promoting development and land use patterns that <u>conserve biodiversity</u>; and".</p> <p>Proposed modification: "ecosystem, shoreline, watershed, <u>conservation of biodiversity</u>, and Great Lakes related issues;</p>
1.2.2	Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.	ERCA supports the strengthening of the language in this policy and recommend that provincial guidelines be developed to provide support and guidance to the land use planning authorities on appropriate methods of engagement.
1.2.3	Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.	<p>ERCA recommends the following policy modification:</p> <p>Planning authorities should shall coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.</p> <p>The importance of the linkage between emergency planning and natural hazards and climate resilient communities cannot be overstated. In our region, the development and integration of emergency planning processes is importance to provide a fundamental connection between the land use planning process and the emergency management planning process. The development of emergency management processes and plans that fully integrate the natural hazard considerations will result in better opportunities for planning authorities to support resilient and efficient communities.</p>

1.6.6.7	<p>Planning for stormwater management shall:</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective use of stormwater;</p>	<p>ERCA recommends the addition of the following term to the proposed policy: c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater <u>as a component of water resource systems</u>;</p> <p>ERCA recognizes the importance of considering regional stormwater management solutions in concert within a broader watershed approach to integrated watershed management. The reflection of the addition of the policy language in this section would reflect the importance of stormwater management solutions to be developed within a broader framework that will enable the other policy sections of 1.6.6.7 to be achieved in an efficient and effective manner.</p> <p>ERCA also recommends that the policy references and promotes the value, function, and benefits of natural and green infrastructure.</p>
1.6.6.7	<p>d) mitigate risks to human health, safety, property and the environment;</p>	<p>The proposed policy presents the following change:</p> <p>PPS 2014 c) not increase risks to human health , safety, property damage; to</p> <p>PPS 2019 d) mitigate risks to human health, safety, property and the environment</p> <p>ERCA does not support the change in terminology from 'not increase' to 'mitigate'. This suggests that development may increase risk, to health and safety provided those risks are mitigated. PPS should maintain the principle that any increase in risk associated with hazard levels is prohibited. ERCA recommends that 'not increase' be maintained in PPS.</p> <p>Additional clarification should be provided to land use planning authorities on the scope and scale of the policy and additional guidance on how this proposed change is anticipated on being implemented. ERCA advocates for a watershed planning approach to the development of plans that can be planned for in consideration of other watershed specific considerations as outlined in Section 3 of the PPS.</p>

1.6.6.7	i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.	<p>ERCA recommends the proposed modification: "ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces, <u>and minimize changes in water balance.</u></p> <p>This change would be consistent with policy 1.6.6.7 c) minimize erosion and changes in water balance, ... ERCA agrees that the changes to water balance should be minimized when undertaking stormwater management planning.</p>
1.6.8.6	When planning for corridors and rights-of-way for significant transportation, electricity transmission, and infrastructure facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.	<p>ERCA agrees with this policy and recommends the following modification to reflect the importance of protecting public health and safety:</p> <p>When planning for corridors and rights-of-way for significant transportation, electricity transmission, and <i>infrastructure facilities</i>, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources <u>and Section 3: Protecting Public Health and Safety.</u></p>
1.7.1	e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including <i>built heritage resources</i> and <i>cultural heritage landscapes</i> ;	<p>ERCA supports this policy and recommends the following modification to recognize the integrated components that many communities are supporting through comprehensive natural heritage features and natural heritage systems policies:</p> <p>encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including <i>built heritage resources</i>, <u>natural heritage resources</u> and <i>cultural heritage landscapes</i>;</p> <p>ERCA recognizes that achieving the provincial policy direction of Wise Use and Management of Resources cannot be done in isolation from other important considerations associated with a 'sense of place' along with cultural and built heritage.</p>

1.8.1	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for impacts of a changing climate change adaptation through land use and development patterns which:	<p>ERCA recommends the addition of the following policy to be added to this section:</p> <p>h) Direct development away from areas that are identified as high risk or vulnerable areas susceptible to the impacts of a changing climate (e.g., flooding, wildfires).</p> <p>ERCA recommends this as there is a need to include avoidance of high risk or vulnerable areas to ensure the appropriate consideration of natural hazards in the development of appropriate land use and development patterns. This policy addition would be consistent with Section 3.0 of the PPS.</p>
2.0	Wise Use and Management of Resources	ERCA recommends that the 'preamble' section include reference to "...prepare for the impacts of a changing climate....". In this section of the PPS the impacts of a changing climate is not identified as a separate policy. However, there is abundant evidence that the changes to natural heritage systems and water and water resources will be significantly affected by the impacts of a changing climate.
2.1.2	The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.	<p>ERCA recommends that the policy be changed to:</p> <p>The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should shall be maintained, restored or, ...</p> <p>This would reflect the importance that natural heritage systems play towards the intent identified in the preamble to Section 2.0 and in policy 2.1.1 and 2.1.3. Specifically, the change from should to shall in this section maintains a higher level of requirement for land use planning authorities to recognize the importance of natural heritage systems planning approaches outside of provincial plans where these requirements are for the most part in place. Section 2.2.1 also reflects the long term protection intent through the requirement that planning authorities shall protect, improve or restore the quality and quantity of water by</p>

2.1.10	Municipalities may choose to manage wetlands not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province.-	<p>ERCA requests additional information on the intent of this policy. ERCA acknowledges that the management of wetlands is important and that nothing to this point has precluded wetlands from having appropriate management undertaken by agencies in the past. ERCA recommends that the guidelines be developed in consultation with conservation authorities and other agencies and provide specific advice and direction on the scope and definition of management intended by this policy. The loss of wetlands in the southwestern Ontario region has been well documented by a multitude of studies and in Ontario's Wetland Strategy which calls for a net gain in wetlands in areas where wetland loss has been extensive. ERCA does not support any management activities that would potentially risk the long-term integrity of wetlands. Without a supporting guideline to review from the province this policy is challenging to review in its entirety.</p> <p>ERCA also recommends that the province include the key wetland management experts in the development of the guideline as in many cases, these organizations will be involved in the delivery of appropriate wetland management on the ground (e.g., Ducks Unlimited Canada, conservation authorities, federal government agencies, etc.).</p>
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water by:	<p>ERCA recommends that the province reflect the important role that conservation authorities play in the development of collaborative approaches to integrated watershed management in this section. Specifically, ERCA recommends that the province include requirements that the planning authority collaborate with respective conservation authorities when undertaking initiatives related to watershed planning and water resources systems management as identified in this section of the PPS.</p>

2.2.1	c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;	<p>ERCA supports the addition of this policy. ERCA further recommends that policy be supported by provincial guidance related to watershed planning. The previous "Watershed Planning in Ontario Guidance for land-use planning authorities" has not been finalized and approved for use by land use planning authorities and would be appropriate to incorporate additional detail and guidance related to this policy.</p> <p>ERCA encourages the province to prepare specific guidance materials on how to incorporate climate change considerations into watershed planning guidance. Further, ERCA supports the provincial approach to develop this guidance by continuing to engage and collaborate with conservation authorities among other important partners.</p>
2.2.1	<p>f) implementing necessary restrictions on development and site alteration to:</p> <ol style="list-style-type: none"> 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; 	<p>ERCA recommends that this policy section would benefit from a clarification of the relationship to the <i>Clean Water Act</i>. In our region, there is a need to clarify that point f) 2. Has been underdeveloped in local Official Plans due in part to the fact that the Source Water Protection Plans and associated <i>Clean Water Act</i> processes have attracted so much attention from the planning authorities that the 'regular' surface and ground water protection mechanisms have not afforded the same degree of attention through policy development.</p> <p>ERCA recommends including clarification about the relationship between the CWA and municipal sources of drinking water to assist in upper- and lower-tier planning authorities address these policies appropriately.</p>
2.3	Agriculture	ERCA supports the inclusion of directive climate change policies in this section of the PPS. For example, ERCA would support a policy in this section of the PPS that states: "Planning authorities consider the impacts of a changing climate on".
2.3.2	Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.	ERCA expresses support for this type of an approach to be encouraged for use but also expresses caution that the absence of provincial direction through existing provincial plans or supporting guidance materials may hinder the uptake of this policy. There is a need to have the consistent direction applied across the province for this to be effective. ERCA recommends that provincial guidance be provided to support the implementation of this policy. For example, the "Implementation Procedures for the Agricultural System in Ontario's Greater Golden Horseshoe, published by the Ontario Ministry of Agriculture, Food and Rural Affairs and associated land use planning policy requirements of the respective provincial plans.

2.5.2.2	Outside of the Greenbelt Area, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions.	<p>ERCA recommends that this policy be deleted in its entirety. The proposed addition presents a very high standard that may be unachievable. A proponent cannot demonstrate no negative impacts to significant natural features or ecological functions when extraction may take place over a prolonged term. It does not acknowledge impacts of extraction in the short term on the natural heritage systems and features/functions.</p> <p>This is another policy area where the update to the supporting implementation guideline (NHRM, 2010) needs to be updated to reflect the changes in other program areas including the changes to the federal <i>Fisheries Act</i>, proposed changes to the <i>Endangered Species Act</i> and Species at Risk Compensation Program, biodiversity offsetting and banking options, and the ongoing development of provincial Wetland Policy and associated guidelines, etc.</p> <p>There needs to be specific and tailored guidance materials put into place to ensure that the long term rehabilitation plans are effective and serve the intended purpose. Existing criticism of the framework around the long-term rehabilitation plans that are required under the Aggregate Resources Act suggest that this flexibility provided in this policy must be supported by substantial development of policy implementation support by the province for land use planning authorities.</p>
2.6.5		ERCA recommends that the province prepare supportive indigenous consultation guidelines for land use planning authorities for this section.
3.0		ERCA supports this note and recognizes that the important review by the Province's Special Advisor on flooding may bring changes forward at a later date.

3.1		<p>ERCA recommends that additional emphasis be provided within this section to reflect the growing challenge of addressing existing developments located with hazard lands. ERCA recommends that the province recognize the challenges associated with the implementation of the Gilmore decision related to safe access and the requirement for public safety to be addressed through Section 28 authorizations. The potential conflict with these policies and the intent of the changes with increasing housing may present challenges in areas subject to natural hazards.</p> <p>In particular, there are growing challenges associated with intensification of development that may benefit from additional provincial guidance materials detailing how to address development within existing developed areas (e.g., located in floodprone areas and/or subject to natural hazards). ERCA suggests that this may be done through modifications of the existing provincial Technical Guides or through additional policy language in sections 3.1.2 and 3.1.7.</p> <p>ERCA also acknowledges that the PPS and available existing provincial technical guidelines provide for the ability of planning authorities to revise the regulatory flood standard within a watershed. The technical guidelines provide direction on how a land use planning authority can undertake this process. However, with recent high lake levels and the occurrence of high intensity storm events ERCA believes that there is merit in the province reviewing and clarifying the process for land use planning authorities who may be interested in updating flood standards and standards of development to reflect the additional new information and risk assessments.</p>
3.1.3		ERCA supports this policy change.

3.1.4	<p>ERCA recommends that the province revisit the Special Policy Area guidelines (2009) to recognize the inherent challenges associated with development and intensification in Special Policy Areas and to recognize that in some municipalities the growth pressure is going to need clarification about the process to support intensification.</p> <p>It may be beneficial to have additional language in the guidelines to recognize and support integration of other processes (i.e., Class EA) to achieve solutions that may be implemented through other similar processes.</p> <p>ERCA recommends additional discussion about the undefined term 'minor addition' within 3.1.4 b).</p> <p>This policy remains the same as the 2014 PPS. However, the interpretation and rationale for the wording of this policy may benefit from additional clarity through revisions of the existing Technical Guideline for Natural Hazards. The intent of the policy seems to focus on types of development which 'by their nature' must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. The policy includes elements which are not development (flood and/or erosion control is infrastructure and therefore not subject to the definition of development in the PPS).</p> <p>ERCA suggests three options to address this issue:</p> <p>Option 1: ERCA suggests following up with MNR to clarify the intent and rationale of the policy.</p> <p>Option 2: ERCA recommends the following change (delete 'or minor additions'):</p> <p>Where the development is limited to uses which by their nature must locate within the <i>floodway</i>, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.</p> <p>Option 3: include a definition for the use of <i>minor addition</i> for this policy.</p>
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3.1.5		ERCA notes that re-development and intensification within hazardous lands are becoming more and more frequent. Additional clarification should be provide in the supporting implementation guidelines on how planning authorities should consider minor expansions (site plan control, for example) in hazardous lands and hazardous sites.
4.2		<p>ERCA recommends that the proposed policy 4.2 clarify whether the Preamble is to be considered as part of the PPS. If this is the case and if this is consistent with other recent changes in how provincial plans are written and interpreted, this would be acceptable.</p> <p>The concern with the shifting of the language from a specific policy as is the case with the current 2014 PPS is that the inference is that this is not a 'conformity' test for Planning Act approvals.</p>

We would be pleased to discuss any of the above comments at your convenience. Once again, we thank you for the opportunity to provide comments on the proposed Provincial Policy Statement.

Sincerely,



Michael Nelson, BSc, MSc
Watershed Planner

CC Conservation Ontario