

July 21, 2023

Via Email Only

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
13th Floor, 777 Bay Street
Toronto, ON, M7A 2J3

To Whom it May Concern:

Re: Niagara Peninsula Conservation Authority's Comments on the "Review of proposed policies adapted from *A Place to Grow* and Provincial Policy Statement to form a new provincial planning policy instrument" ERO Number 019-6813

Thank you for the opportunity to provide comments on the "Review of proposed policies adapted from *A Place to Grow* and Provincial Policy Statement to form a new provincial planning policy instrument". It is understood that the Ministry of Municipal Affairs and Housing (MMAH) is seeking input on proposed policies for an integrated, province-wide planning instrument ("proposed planning instrument"). The proposed planning instrument would include policies from the current Provincial Policy Statement ("PPS 2020") as well as *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("Growth Plan"). The Niagara Peninsula Conservation Authority (NPCA) has reviewed the draft PPS and offer the following comments.

Conservation Authorities (CAs) fulfill a critical role in providing expert guidance to planning authorities and to the Province to ensure consistency with provincial natural hazard policies and to identify regulatory concerns under Section 28 of the *Conservation Authorities Act* early in the process. Through the Mandatory Program and Service Regulation (O. Reg. 686/21) made under the *Conservation Authorities Act*, CAs review and comment on applications and other matters made pursuant to the *Planning Act* to help ensure consistency with the natural hazard policies found within policy statements issued under section 3 of the *Planning Act*, as well as protection of drinking water sources.

Both the PPS 2020 and the proposed planning statement provide that the Province, planning authorities, and CAs are required to work together to mitigate potential risk to public health or safety, as well as property damage from natural hazards. The NPCA supports this ongoing collaborative, preventative approach which is recognized for making Ontario a leader in the management of natural hazards. It is acknowledged that this reference to "working together" is proposed to be moved from the preamble of Section 3.0 of the PPS 2020 to the Vision section of the proposed planning instrument.

The NPCA supports the Province's proposal to keep the natural heritage policies and related definitions analogous to those within the PPS 2020. We recognize that natural heritage features such as forests and wetlands play important roles to reduce flows, store floodwaters and mitigate drought, which reduces risk and allow people greater response time to flooding emergencies. It is noted that often, the

natural heritage, water resource and natural hazard systems are inextricably linked, and therefore coordinated protection of all these systems is necessary to support the maintenance of healthy watersheds and to best protect public health and safety from natural hazards and protect drinking water sources.

To support planning authorities and CAs, NPCA recommends the Province provide comprehensive, up-to-date implementation guidance concurrently with the issuance of the proposed planning instrument. It is noted that the proposed policies are quite flexible and may result in additional Ontario Land Tribunal hearings without adequate interpretation support. Comprehensive and up-to-date guidance with ongoing implementation support from the Province would help to increase consistency and certainty regarding planning outcomes. As provided in Conservation Ontario's December 2022 submission on the Review of *A Place to Grow* and Provincial Policy Statement (ERO#019-6177), the Province should consider updating and/or finalizing the following: the *Natural Hazard Technical Guides*, the *1993 Watershed Planning Guidelines*, the *2022 Subwatershed Planning Guide*, and the *Natural Heritage Reference Manual* (and related guidance).

Upon review of the proposed Provincial Planning Statement, NPCA has identified the following general themes as seminal to our response. Further information on these themes can be found in *Attachment 1*.

- **Natural Hazards:** Support for the proposed retention of the natural hazard policy direction from the PPS 2020 and recommend the continued delegated responsibility of CA's in representing the provincial interest on natural hazards, other than those policies related to hazardous forest types for wildfire, encompassed in the proposed Section 5 of the Provincial Planning Statement. Under the delegated responsibility, CAs provide a critical service in reviewing and providing comments on municipal policy documents (e.g., official plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.
- **Increase Coordination:** Supports recommendations to increase coordination through additional references to working with/coordination with CA's as appropriate (e.g., for proposed new policies requiring planning authorities to identify hazardous lands and sites and manage development in those areas). It is important to recognize the CA's mandate to delineate and map areas of natural hazards within its area of jurisdiction and develop programs and service to manage and mitigate natural hazards. This critical work of the CA's informs the development of municipal policy documents and mapping, and planning decisions.
- **Climate Change:** Recommends a greater focus on preparing for impacts of a changing climate (e.g., as a purpose for undertaking watershed planning).
- **Implementation Guidance:** Recommends the need for comprehensive, up-to-date implementation guidance for the proposed Provincial Planning Statement (e.g., natural hazard technical guidelines, watershed and subwatershed planning guides, and the *Natural Heritage Reference Manual*) to increase consistency and support decision-making.

- **Watershed Planning:** Recommends that the Growth Plan policies requiring large and fast-growing municipalities to undertake watershed planning be continued and supports the encouragement of all other municipalities to undertake watershed planning.
- **Green Infrastructure and Stormwater Management:** Requests to carry forward existing PPS 2020 policies, including maximizing vegetation within settlement areas where feasible and minimizing stormwater volumes to protect, improve or restore water quality and quantity.

Once again, thank you for the opportunity to provide comments on the “Review of proposed policies adapted from *A Place to Grow* and Provincial Policy Statement to form a new provincial planning policy instrument” (ERO#019-6813). Please contact me should this letter require any clarification.



Sincerely,

David Deluce, MCIP, RPP
Senior Manager, Environmental Planning & Policy

Attachment 1:

NPCA’s Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument

The NPCA offers the following responses to the consultation questions provided by the MMAH on the Environmental Registry proposal. These responses should be read in conjunction with the general comments provided in the NPCA’s covering letter.

1. What are your thoughts on the policies that have been included from the PPS and A Place to Grow in the proposed policy document, including the proposed approach to implementation?

Chapter or Section (New Provincial Planning Instrument)	NPCA Comments
Chapter 1 Vision	<ul style="list-style-type: none"> • The proposed text for the “Vision” section proposes substantial changes from the text within PPS 2020. For instance, the PPS 2020 provides detail in this section that highlights the need for the Province to manage and protect natural resources for a myriad of reasons which support strong, liveable communities, protecting “essential ecological processes and public health and safety”, and minimizing environmental and social impacts. The text in PPS 2020 further notes that “strong communities, a clean and healthy environment and a strong economy are inextricably linked”. The NPCA strongly recommends this text be retained to clearly demonstrate the linkages between managing and protecting natural resources, thriving and safe communities and a strong provincial economy. • It is further noted that this section proposes text which reads “potential risks to public health and safety or of property damage from natural hazards and human-made hazards... will be mitigated”. Further to the provincial “Understanding Natural Hazards” Technical Guide, prevention measures, including “good land use planning, development and management, and the regulation of hazardous lands and unsafe developments” is the first and most important step. The efficacy of this preventative approach was recently re-confirmed by the “Independent Review of the 2019 Flood Events in Ontario” as well as “Ontario’s Flooding Strategy”. To continue to support this approach, the NPCA recommends that the text be amended to read “Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change, will be avoided, and where not possible, mitigated”. This would also be consistent with proposed policy 5.1.1 which requires development to be directed away from areas of natural or human-made hazards.

	<ul style="list-style-type: none"> The NPCA is appreciative of the proposal to retain text which requires the Province, planning authorities and Conservation Authorities to work together. This highlights the important role of CAs within the land use planning system to ensure that development occurs in a manner which protects people and property from the risks of natural hazards as well as the protection of sources of drinking water.
<p>Section 2.1 Planning for People and Homes</p>	<ul style="list-style-type: none"> Proposed section 2.1.2 sets out requirements for planning authorities to provide for an appropriate range and mix of housing options and densities required to meet the needs of current and future residents within the area. Many of these requirements have been carried forward from policy 1.1.1 from the PPS 2020 which outlines means to sustain healthy, liveable and safe communities. It is noted that the Province is not proposing to carry forward policy 1.1.1(d) from the PPS 2020, which notes that communities are sustained by “avoiding development and land use patterns which may cause environmental or public health and safety concerns”. While section 5.2 in the proposed Provincial Planning Statement states that development shall generally be directed to areas outside of hazardous lands and hazardous sites, the NPCA recommends policy 1.1.1(d) from PPS 2020 be carried forward to provide clarity to planning authorities regarding matters to be considered to achieve complete communities. Section 2.2.8 of the Growth Plan outlines policies for Settlement Area Boundary Expansions. Policy 2.2.8.3 requires planning authorities to determine the feasibility of proposed boundary expansions based on the application of all policies within the Growth Plan, including ensuring that the proposed expansion would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water. This policy is not proposed to be brought forward into the proposed planning instrument. To provide consistency with existing and proposed policies related to using the watershed as the meaningful scale for integrated and long-term planning, the NPCA recommends that existing policy 2.2.8.3 from the Growth Plan be included in section 2.3.4 of the proposed planning instrument (Settlement Areas and Settlement Area Boundary Expansions) for “large and fast-growing municipalities”.
<p>Section 2.9 Energy Conservation, Air Quality and Climate Change</p>	<ul style="list-style-type: none"> The NPCA is supportive of the proposed policy 2.9 (b) requiring planning authorities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate by incorporating climate change considerations in the planning and development for

	<p>stormwater management systems. We are further supportive of the proposed policy 2.9 (d) which promotes the use of green infrastructure, low impact development and active transportation to protect the environment and improve air quality.</p> <ul style="list-style-type: none"> It is noted that policy 1.8.1 (g) from the PPS 2020 “maximize vegetation within settlement areas, where feasible” is not proposed to be brought forward into the proposed planning instrument. While the proposed planning instrument would require planning authorities to consider approaches which promote green infrastructure, the PPS 2020 policy requiring maximizing vegetation within settlement areas (where feasible) provides a strengthened approach to establishing or maintaining vegetative cover on the landscape. The NPCA recommends that the existing policy be carried forward, such that the proposed Section 2.9 policies continue to recognize the important contribution of natural vegetation to support energy conservation, air quality, and mitigation for impacts of a changing climate and extreme weather events such as flooding.
<p>Section 3.6 Sewage, Water and Stormwater</p>	<ul style="list-style-type: none"> The NPCA is pleased by the inclusion of the proposed policy 3.6.8 (g) which would require planning for stormwater management to “align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale”. It is noted that policy 2.2.1(i) in the PPS 2020 is not proposed to be carried forward, which requires planning authorities to protect, improve or restore the quality and quantity of water by “ensuring stormwater management practices minimize stormwater volume and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces”. While proposed policy 3.6.8 (b) would require planning for stormwater management to “minimize, or where possible, prevent increases in contaminant loads”, the reference to minimizing stormwater volume is not proposed to be incorporated. Minimizing stormwater volume should remain a priority policy for the provincial government to ensure planning authorities have regard to increased volumes which may contribute to flooding in developed areas from stormwater flows. As such, the NPCA recommends that proposed policy 3.6.8 (c) be amended to read “minimize, or where possible, prevent increases in stormwater volumes and contaminant loads”. Currently, Growth Plan policies within Section 3.2.6 (Water and Wastewater Systems) and 3.2.7 (Stormwater Management) require municipal water, wastewater, and stormwater master plans

	<p>to “be informed by watershed planning or equivalent”. These policies are not proposed to be brought forward into the proposed planning instrument; however, a new policy (4.2.3) is proposed which states that “municipalities are encouraged to undertake watershed planning to inform planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water”. The NPCA appreciates the proposed reference to undertaking watershed planning to inform planning for public infrastructure. It is noted however that the shift in language from the Growth Plan which requires municipalities (“large and fast-growing”) to have plans informed by a watershed plan, or equivalent, to encouraging watershed planning for all municipalities may result in major public infrastructure planned without consideration to broader watershed impacts. Such an approach could result in unforeseen watershed impacts which may require costly remediation. To support the Province’s streamlined, coordinated and comprehensive approach to public infrastructure planning, and to maintain consistency with existing and proposed policies for using the watershed as the ecologically meaningful scale for integrated and long-term planning (see proposed policies 3.6.8(g) and 4.2.1(a)), the NPCA recommends that the existing policies from 3.2.6 and 3.2.7 of the Growth Plan regarding watershed planning be carried forward for “large and fast-growing municipalities”. Encouragement of watershed planning for all other municipalities is strongly supported.</p>
<p>Section 4.2 Water</p>	<ul style="list-style-type: none"> • The NPCA is pleased to note the policies in section 4.2.1 which are proposed to be carried forward into the new planning instrument. Particularly, the NPCA supports policies 4.2.1 (a) and (b) which ensure that planning authorities protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning, and that planning authorities will minimize potential negative impacts, including cross-jurisdictional and cross-watershed impacts. The NPCA notes that the Province is proposing to remove the requirement for planning authorities to evaluate and prepare for the impacts of a changing climate to water resource systems at the watershed level (PPS 2020 policy 2.2.1 (c)). Recognizing the Province’s existing standard of requiring watershed planning to be the basis for infrastructure, stormwater, water resource and comprehensive planning for “large and fast-growing municipalities” through the Growth Plan policies, and for consistency with both existing PPS 2020 and the proposed planning instrument policies, NPCA recommends the ‘watershed planning’ policy direction in the proposed 4.2.3 be improved by:

	<ul style="list-style-type: none"> ○ Requiring “large and fast-growing municipalities” to undertake watershed planning, as per the existing Growth Plan policies while continuing to encourage all other municipalities to undertake watershed planning; ○ Retaining PPS 2020 policy 2.2.1 (c) to ensure planning authorities protect, improve or restore water quality and quantity by evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level; ○ Including references that one of the purposes of watershed planning is to prepare for the impacts of a changing climate, along with informing “planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water”; and, ○ Including references to partnerships with CAs to undertake watershed planning, as appropriate and where they exist. ● The NPCA is supportive of the proposed policy 4.2.1 (e) which will continue to protect all drinking water supplies and designated vulnerable areas. The amendments to this policy would help to strengthen the protection of all sources of drinking water.
<p>Section 5.2 Natural Hazards</p>	<ul style="list-style-type: none"> ● NPCA strongly supports the proposed retention of natural hazard policy direction from the PPS 2020. Retention of these policies is vital to ensure the Province’s continued commitment to high standards for the protection of public health and safety from the risks of natural hazards. ● NPCA is pleased to note that text previously part of the preamble for Section 3.0 in the PPS 2020 is proposed to form a new general policy for natural and human-made hazards in the proposed planning instrument (proposed policy 5.1.1). This proposed approach will strengthen requirements to ensure that development is directed away from areas of natural or human-made hazards where “there is an unacceptable risk to public health or safety or of property damage” and will ensure development does not “create new or aggravate existing hazards”. ● A new general policy is proposed which states that “planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial

	<p>guidance” (5.2.1). The NPCA is supportive of this proposed policy, with amendment, to ensure continued coordination with other planning and development related instruments, such as Section 28 of the <i>Conservation Authorities Act</i> and associated regulations. The NPCA recommends the policy be modified to include reference to “collaborating with conservation authorities, where they exist”. Such an amendment would be consistent with Recommendation #3 from the “Independent Review of the 2019 Flood Events in Ontario” Report. As previously noted, it is recognized and appreciated that details in the proposed “Vision” section regarding natural hazards requires “the Province, planning authorities and conservation authorities to work together”, however, further details regarding collaboration with CAs would provide additional clarity for the proposed Natural Hazards policies and would be consistent with the CA mandatory program and services regulation (O. Reg. 686/21) regarding the management of natural hazards.</p>
<p>Section 6.2.1 Coordination</p>	<ul style="list-style-type: none"> • The NPCA is pleased to note that the Province is proposing to largely maintain policy 1.2.1 from the PPS 2020 (now proposed policy 6.2.1) which states a “coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities...”, including coordination of water, ecosystem, shoreline, watershed and Great Lakes related issues, as well as natural and human-made hazards. Many of these elements are inter-related and as such a coordinated approach is required to ensure all concerns or issues can be addressed efficiently and effectively by the Province or planning authorities. • Proposed policy 6.2.1 outlines a list of entities who may be involved in this coordinated approach; however, it is noted that CAs are not explicitly mentioned. Given their role in providing expert guidance to planning authorities and to the Province to ensure consistency with provincial natural hazard policies, as well as their regulatory role under Section 28 of the <i>Conservation Authorities Act</i>, the NPCA recommends this section be amended to ensure CAs are identified as being involved in this coordinated approach.
<p>Section 7 Definitions</p>	<ul style="list-style-type: none"> • Low Impact Development: The NPCA is pleased to note that elements of the definition of “Low Impact Development” have been brought forward into the proposed planning instrument from the Growth Plan. No previous definition was provided in the PPS 2020. • Subwatershed Plan / Study: The NPCA notes that no definition is proposed for “subwatershed plans” or “subwatershed studies”. Both the Growth Plan as well as the Greenbelt Plan define “subwatershed plans”. To support and provide clarity to planning

	<p>authorities, it is recommended that a definition for “subwatershed plans” be included in the proposed planning instrument, consistent with the definitions in the Growth Plan and Greenbelt Plan.</p> <ul style="list-style-type: none"> • Watershed Planning: The NPCA is supportive of the proposed definition of “watershed planning”, with amendment. As previously articulated, it is recommended the definition read “...for the protection, enhancement or restoration of water resources, including the quality and quantity of water, within a watershed, consideration of the impacts of a changing climate and severe water events, and for the assessment...”. • Water Resource Systems: The NPCA is pleased to see the definition of the “water resource system” brought forward into the proposed planning instrument from the Growth Plan (with amendments) and that it reflects the importance of all aspects of the system which contribute to the “ecological and hydrological integrity of the watershed”. • Wave Effects: The NPCA is supportive of the proposed amendment to the definition for “wave uprush” to now read “wave effects”. The proposed new definition has been made more specific and comprehensive, and includes “wave uprush, wave set up and water overtopping or spray” and states that the “limit of wave effects is the point of furthest landward horizontal movement of water onto the shoreline”. The improved direction provided by this definition will help to protect people and property.
--	---

2. What are your thoughts on the proposed policy direction for large and fast-growing municipalities and other municipalities?

Through review of the proposed planning instrument, the NPCA notes that existing Growth Plan policies related to requiring subwatershed studies and watershed planning (or equivalent) to inform infrastructure, stormwater, water resource and comprehensive planning are not proposed to be carried forward into the new Provincial Planning Statement. These existing policies provide critical and consistent policy direction for “large and fast-growing municipalities” (or parts thereof outside of the Greenbelt) when planning for growth in a comprehensive manner. It is noted that the Province is proposing to encourage municipalities to undertake watershed planning to inform planning for sewage and water services, stormwater management and the protection, improvement or restoration of the quality and quantity of water (proposed policy 4.2.3). “Encourage” rather than “require” represents a significant departure from the Province’s commitment and well established existing/proposed policies related to requiring the use of the watershed as the meaningful scale for integrated and long-term planning and requiring watershed planning to support comprehensive planning. As noted above, Conservation Ontario recommends policies related to requiring subwatershed studies and watershed planning (or equivalent) from the Growth Plan be carried forward for “large and fast-growing municipalities” in the proposed planning instrument. Proposed policies to encourage watershed planning should be maintained for other municipalities

(e.g., small / medium) – recognizing it may not be relevant or feasible for all municipalities province-wide to undertake these comprehensive exercises.

3. What are your thoughts regarding the proposed policies to generate housing supply, including an appropriate range and mix of housing options?

CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment.

4. What are your thoughts on the proposed policies regarding the conservation of agriculture, aggregates, natural and cultural heritage resources?

The NPCA supports the Province’s proposal to keep the natural heritage policies and related definitions analogous to those within the PPS 2020. The NPCA recognizes that natural heritage features such as forests and wetlands play important roles to reduce flows, store floodwaters and mitigate drought, which reduces risk and allow people greater response time to flooding emergencies. It is noted that often, the natural heritage, water resource and natural hazard systems are inextricably linked, and therefore coordinated protection of all these systems is necessary to support the maintenance of healthy watersheds and to best protect public health and safety from natural hazards and protect drinking water sources. The NPCA supports the Province’s decision to not move forward with the proposal to allow up to 3 lot severances per farm parcel.

5. What are your thoughts on the proposed policies regarding planning for employment?

The NPCA has no comments in response to this question.

6. Are there any other barriers to, or opportunities for, accelerating development and construction (e.g., federal regulations, infrastructure planning and approvals, private/public partnerships for servicing, provincial permitting, urban design guidelines, technical standards, zoning, etc.)?

The NPCA continues to recommend that technical support and implementation guidance from the Province should be provided to assist with accelerating development and construction approvals. The provision of comprehensive and up-to-date implementation guidance would support a predictable, consistent, and streamlined process. Please see additional detail under “General Comments” at the beginning of this letter.