



August 1, 2023

Ministry of Municipal Affairs & Housing
Provincial Land Use Plans Branch
777 Bay Street, 13th Floor
Toronto, ON
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Re: ERO: 019-6813

Alinea Land Corporation (Alinea) has developed this response to the province's posting ERO 019-6813, titled, "*Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument*".

Our feedback is primarily related to the natural heritage policy section (section 4.1) of the proposed Provincial Policy Statement (PPS). We have reviewed the most recent version of the PPS, with the natural heritage policies added (June 16, 2023).

Alinea has extensive experience addressing the natural heritage policies of the PPS. We understand that minor changes may be made to some natural heritage definitions, but we believe that additional policy changes are needed.

The policy changes that we are recommending are informed by our experiences with the City of Hamilton, Region of Halton, and lower tier municipalities. We routinely encounter municipal efforts to protect what we, and our qualified professionals believe are relatively less important natural areas. These efforts have created delays of months to years in our efforts to create communities across Ontario. Some of those less important natural features are:

- small successional and disturbed treed areas;
- hedgerows;
- created wetlands and small, disturbed wetland features;
- wetland areas occurring in actively farmed fields, and where tile drainage has been disrupted or failed; and
- vegetated areas dominated by non-native species (e.g., buckthorn).

This overly cautious municipal approach has created inefficiencies in the approval of communities and home building. Our recommended changes to the natural heritage policies will introduce some much-needed flexibility. That flexibility will allow us to build both more homes and more habitat faster, accelerating the creation of viable, sustainable natural heritage systems.

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RECOMMENDED POLICY CHANGES

To achieve community building work more efficiently, we require a degree of smart flexibility in the natural heritage policies and their implementation. Smart flexibility will best be achieved through the two following distinct, but related changes:

- 1) Shift from the no negative impact test to a no **net** negative impact test for natural heritage features and associated functions; and
- 2) Formally adopt an ecological **offsetting** approach to allow for the selective removal of generally smaller and degraded natural heritage areas with limited functions. The removed features would be replaced, achieving a net ecological gain (i.e., nature positive outcomes).

These two requested changes are discussed briefly in the following subsections.

Net Negative Impact Test

The current test under the PPS related to natural heritage features and functions (excluding fish habitat) is the no negative impact test. That test specifies, that a "... negative impact is: degradation that threatens the health and integrity of the natural features or ecological functions". Health and integrity are not defined terms, in the PPS.

Requirements to achieve no negative impact on any aspect of natural heritage features or functions have proven to be challenging and impractical. It is likely that any development or site alteration activity will have some, often minor or immeasurable impacts on one or more aspects of natural heritage features or functions.

The definition of "functions" further complicates the use of the no negative impact test. The PPS defines ecological function as follows "... means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical, and socio-economic interactions." The complexity of the term ecological function includes undefined biological, physical, and socio-economic interactions.

The implementation of a slightly modified test, a no **net** negative impact test, will allow for minor adjustments to natural heritage features and associated functions. This approach would encourage, not discourage, more innovative forms of mitigation, with expedited impact assessment considerations and with net positive outcomes for nature.



Where a development or site alteration could impact larger and more overtly important natural heritage features and associated functions, the no net negative impact test would be applied, involving a special form of compensatory mitigation, commonly referred to as offsetting.

Ecological/Biodiversity Offsetting

The province's release of the Discussion Paper, *Conserving Ontario's Natural Heritage*, presents an important, forward-looking approach that could significantly improve the use of, and outcomes associated with, natural heritage policies in Ontario,

Ecological biodiversity (aka biodiversity offsetting) is an impact assessment tool used globally in over 100 countries. These offset programs allow for the compensation of impacts to the natural environment in ways that restore or improve the quality and/or quantity of the impacted natural heritage features. Unlike a no net negative impact test, which minimizes and neutralizes impacts, offsetting programs require achieving net positive or nature positive outcomes. This approach could be used when predicted impacts surpass what might be considered to be the most minor immeasurable predicted impacts addressed above.

We have many suggestions regarding preferred approaches to measuring and achieving offsets, that we will be pleased to discuss as appropriate.

Airport NEF Contours and Sensitive Use Prohibitions

The proposed Provincial policy (3.4.2) essentially places a prohibition on residential uses on lands that exceed 30 NEF/NEP noise levels, which is consistent with Federal policies. The City of Hamilton however has chosen to apply a much more restrictive 28 NEF/NEP standard. The result is that housing that would otherwise be permitted cannot proceed, further constraining Ontario's housing supply. It is worth noting that most municipalities with major airports apply the 30 NEF/NEP contour in their planning standards, therefore a minor policy change should not cause disruption.

It is recommended that modifying the policy text to ensure that the 30 NEF/NEP standard is applied consistently by municipalities in making land use planning decisions only in areas near airports would eliminate more restrictive standards being arbitrarily applied.

In Hamilton, this minor edit/clarification could have the impact of freeing up nearly 300 acres of land within which to welcome new housing, at a time when more housing is desperately needed, while having no negative impact on the ability of the airport to continue its operations. Both Provincial and Federal noise standards would continue to be fully respected.



CONCLUSIONS

We appreciate the opportunity to review and comment on the natural heritage and airport NEF contour policies of the PPS. Limited changes were proposed to these policies when they were added to the current proposed draft PPS, issued on June 16, 2023. We need to, and can do better with some minor but important adjustments to these policies.

We understand and are willing to continue to work together to build communities and homes faster. And we also see an opportunity to build and restore natural heritage systems faster. We can do both. Alinea continues to help achieve these ambitious challenges, as we work together to modernize more traditional approaches to achieve better outcomes, faster.

Regards,

ALINEA LAND CORPORATION

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