

May 10, 2024

MGP File: 17-2666

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

via email: [growthplanning@ontario.ca](mailto:growthplanning@ontario.ca)

**RE: ERO File No. 019-8462  
New Provincial Planning Policy Instrument  
Comments on behalf of the Brooklin North Landowners Group Inc.**

Malone Given Parsons Ltd. (“MGP”) is the Group Manager for the Brooklin North Landowners Group (“BNLG”), which represents the participating owners in the northern part of the Brooklin Community Secondary Plan area in the Town of Whitby.

MGP has reviewed ERO File No. 019-8462, *Review of proposed policies for a new provincial planning policy instrument* on behalf of the BNLG and is pleased to provide the following comments on the draft 2024 Provincial Planning Statement (“2024 PPS”) for the Minister’s consideration. These comments build upon and reiterate previous comments submitted to the Minister under ERO File No. 019-6813 regarding the 2023 draft Provincial Planning Statement.

BNLG generally agree with the policy direction of the new Provincial Planning Statement and the rescinding of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). Many of the policies of the former Provincial Policy Statement (“PPS”) and Growth Plan unnecessarily limited appropriate development opportunities and increased complexity, time, and cost for municipalities and developers in the Greater Golden Horseshoe. While the policies of the Growth Plan were generally helpful in promoting transit supportive densities in strategic areas, many of the policies of the plan limited implementation of the plan’s overall policy goals and objectives, unnecessarily restricting the supply of housing and land available for development that was required to meet its growth targets.

We generally believe the simplified and consolidated policy framework of the proposed 2024 PPS is appropriate and will encourage the delivery of more housing faster while protecting other important provincial priorities. We are pleased to provide additional detailed comments on the policies of the 2024 PPS in the following sections of this letter.

## **1.0 Differentiate fast and slow growing municipalities**

The 2024 PPS proposal to differentiate between large and fast growing municipalities and other municipalities is appropriate. The differentiation of policies is effective in providing one planning statement that can be applied province-wide without placing unnecessary or

onerous requirements on smaller or slower growing municipalities. We encourage the province to consider whether the proposed Schedule 1 appropriately includes all large and fast-growing municipalities to ensure the policy goals of the province are being met.

## **2.0 Generate an appropriate housing supply**

The 2024 PPS will be effective in generating new housing supply. In particular, the policies for large and fast-growing municipalities that require minimum densities in major transit station areas and other strategic growth areas will ensure that opportunities for higher-density housing forms can be realized in areas that benefit from existing or planned transit.

In addition, the measured permission of additional housing opportunities in rural areas where site conditions are suitable and appropriately serviced can release a significant supply of housing in areas peripheral to urban areas that complement the more compact and urban forms of housing that will be realized in urban areas.

To ensure that large and fast-growing municipalities appropriately plan for their share of growth, we strongly encourage the province to continue to prepare forecasted minimum population and housing targets for these municipalities and require that these municipalities demonstrate in their official plans how these targets will be met within the timeframes of the 2024 PPS.

We support the approach of the 2024 PPS in providing general support for intensification throughout the settlement area boundary. This is essential to provide policy support for gentle-density forms of intensification in existing areas which would otherwise be prevented by anti-growth special interests.

The delivery of housing is often held up by the need to prepare secondary plans prior to the receipt of development applications even when lands have been designated for housing, and where servicing is available. The 2024 PPS should expressly permit privately initiated secondary plan official plan amendments subject to criteria, such as municipalities remaining involved in the public consultation process. This would allow development proponents to proceed with the required work to prepare a secondary plan concurrent with the preparation of development applications, which can lead to both better planning that is more linked to implementation, as well as expediting the delivery of new housing.

Policy 4.3.4.1 should be revised to include the ability to remove lands from prime agricultural areas by identifying them as Rural Areas and Policy 2.5 should require that municipalities identify Rural Areas when updating their Official Plans. The PPS should also require that municipalities identify areas abutting settlement areas as Rural Areas to provide an appropriate transition between settlement and prime agricultural areas. The definition of Rural Areas should be revised to replace the reference to 'prime agricultural areas' with 'prime agricultural lands' to clarify that Prime Agricultural and Rural Areas are mutually exclusive.

Policy 2.3.2.1 e) should be revised to state that new or expanded areas are not required to comply with minimum distance separation formulae.

Lastly, it is important to provide clarity respecting the delivery of affordable and attainable housing. While recent changes to the *Development Charges Act* and *Planning Act* have provided additional guidance as to what constitutes affordable and attainable housing and where and how inclusionary zoning may be implemented, municipalities continue to impose their own form of “affordable housing” requirements which often do not reflect and conflict with provincial requirements.

The 2024 PPS should clarify that additional residential units are encouraged in all single, semi-detached, and townhome dwellings (like the permissions under the *Planning Act*) and that these units can provide a supply of purpose-built affordable rental housing.

### **3.0 Make land available for new housing and employment opportunities**

BNLG strongly supports the broadening of opportunities to make areas available for new housing and employment opportunities, particularly the new tools and options provided to municipalities to accommodate growth.

We strongly support the requirement to maintain a 15-year residential land supply, and the province’s recognition that not all lands designated for growth are necessarily “available”, and the requirements to maintain land with servicing capacity for a 3-year supply of residential units (Policy 2.1.4). We request that these planning horizons be increased to 20 and 5 years, respectively, recognizing the current land supply issues throughout the Greater Golden Horseshoe. We believe these policies would be more effective if it clarified that the supply of land and units is to be maintained for a market-based supply of units and be specific to unit types. It is as equally important to forecast for the right composition of housing (by housing type), as well as the overall quantity of housing.

The provision for a simplified settlement area boundary expansion process and the removal of the requirement for municipal comprehensive reviews are positive policy changes that should allow municipalities to both create new settlement areas and expand existing ones as needed.

We support the definition of employment areas in the 2024 PPS (which reflects the new definition in the *Planning Act*, as amended by Bill 97 and awaiting proclamation) and the focus on protecting these areas for a concentration of more intensive industrial and manufacturing type uses while allowing a broader range of mixed-use development on lands for employment outside of employment areas. The province should update the D-series guidelines regarding land use compatibility and sensitive land uses to align with the updated definition from the 2024 PPS.

We support the removal of the Provincially Significant Employment Zones (“PSEZ”) within the 2024 PPS. The PSEZ restricted land uses and flexibility required to build complete communities without a clear policy outcome that would lead to the creation of economic development. However, despite removing the PSEZ zones, the *Planning Act* continues to prohibit appeals to employment area “removals”. We recommend “removal” applications be subject to first-party appeals provided that certain tests/criteria have been met as prescribed in Section 2.8 of the 2024 PPS.

#### **4.0 Provide infrastructure to support new housing and employment opportunities**

The 2024 PPS should provide direction to utility providers (e.g. electricity, natural gas, telecommunications, etc.) to integrate their planning with the growth planning of municipalities, and to demonstrate the ability to support these plans with required infrastructure in a timely manner in their future service planning. To achieve this, we recommend a policy be included in the 2024 PPS that requires utility providers to plan for the provision of services in keeping with the growth projections and phasing within official plans. Moreover, utilities should be strongly encouraged to ensure that sufficient service is available in accordance with planning to support planned growth and the delivery of housing. Where required, the province should consider legislative and policy changes to ensure that both utilities and regulators provide sufficient services for both existing and future housing to achieve municipal growth plans.

In the case of the BNLG, we have been working with Elexicon Energy as of 2020 to bring electricity service to the Community of North Brooklin. Elexicon and Whitby Hydro (Elexicon's predecessor) did not anticipate the need for additional service in North Brooklin and had not undertaken pre-planning to ensure service would be provided to meet forecasted growth in Brooklin. BNLG anticipated energizing first home construction as early as 2019, but due to unanticipated delays and lack of planning, energization for first homes is now anticipated for 2025-2026 or later. BNLG continues to pursue solutions to provide electricity to North Brooklin.

In addition, municipalities should be required to prepare master plans and be held accountable for infrastructure delivery mechanisms including mandated updates of Master Servicing and Transportation Plans, Capital Budgets, and Development Charge Background Studies and Development Charge By-laws to accommodate planned growth. New Policy 3.6.1d) provides opportunities to allocate, or re-allocate, where necessary, the unused system capacity of municipal services to meet current and projected housing needs. This policy should be clarified to ensure that any applicants that have front-funded servicing infrastructure should maintain any servicing allocation assigned to them without risk of re-allocation.

Floodplain mapping and associated modelling in urban areas should be prepared to account for planned land uses and proposed growth, including stormwater management facilities and flood mitigation work in these areas. It is not appropriate to assume a no-mitigation approach to flood plain modelling in an urbanizing area. This approach should be incorporated into the policies of the 2024 PPS and in related guidance material from the province. Section 5.2 should be revised to include a requirement for planning authorities and conservation authorities to provide up-to-date floodplain mapping and in a timely manner.

Policies supporting the location of trails and other passive recreational activities within hydro and gas corridors should be added to the 2024 PPS. Moreover, when trails and/or recreational opportunities can be provided in these corridors, such areas should be eligible for parkland contribution under the *Planning Act*.

We strongly support the policy direction to require school boards to integrate planning for schools and growth. The policies should specifically speak to the minimization of school site sizes when co-located with parks and should strongly encourage the provision of schools in mixed use formats, including within multi-storey residential buildings.

## **5.0 Reduce transportation constraints on development**

The protection of non-400 series Provincial highways in settlement areas under the current Ministry of Transportation corridor protection policies (which require a 14 metre building setback and intersection spacing of more than 400 metres to a nearest intersection) will frustrate the delivery of urban communities and housing. In the case of the Brooklin Community Secondary Plan Area, the current 14.0 m setback requirement for Highway 7/12 (Baldwin Street North) undermines the implementation of the Brooklin Community Secondary Plan for the delivery of high and medium-density housing, which contributes to meeting Provincial, Regional, and Municipal density and housing targets. This corridor is planned as part of an intensification corridor and is intended for mixed-uses and transit-supportive developments. To require the implementation of these setbacks within an area planned for intensification would limit the efficiency of land uses due to the loss of potential area that could contribute to parking or other uses.

We request that the province clarify that within settlement areas, the requirements for Provincial Highways must align with local intent for community building in official plans where the maximum road requirements and intersection spacing requirements should generally be no larger than arterial road requirements in the local official plan. The 2024 PPS should specify that non-400 series highways within settlement areas should be planned to work within their existing right-of-way widths or planned for widening through Ministry of Transportation participation in municipal transportation studies.

## **6.0 Balance housing with resources**

To minimize potential conflicts with agricultural uses and existing or new residential areas, guidance should be provided that generally encourages municipalities to designate lands abutting residential areas and settlement area boundaries as rural lands. This can serve as a transitional area between urban and prime agricultural areas, providing uses that can serve both areas.

The proposed environmental protection policies should be provided in the context of a “Housing First” policy goal. This goal and the objectives of such a goal should be added to the 2024 PPS for development within settlement areas. An urban lens should be provided for environmental protection in settlement areas, generally directing that the natural function of environmental features should be preserved through green infrastructure in urban areas. Such policies would support the provision of housing through the efficient use of land and to ensure housing in settlement areas takes priority over other competing policy objectives.

We believe it is important to implement modifications to the natural heritage policies to enable our industry to create healthier communities more efficiently and effectively. We will continue to work with our municipal partners to create communities that enable citizens to interact with nature in respectful and sustainable ways. To achieve these ambitious and positive

outcomes, 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. Maximum buffers should be established through policy and selective removal of features be replaced, achieving a net ecological gain (i.e., nature positive outcomes).

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 current 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 impact 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 “...*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 to 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 simpler 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 involve a special form of compensatory mitigation, commonly referred to as 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 (i.e. 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 the most minor immeasurable predicted impacts addressed above.

The primary reference related to the natural heritage policies is the Natural Heritage Reference Manual (2010), which is now dated, and was specific to the 2005 PPS. Since its publication 13 years ago, much has been learned about natural heritage in southern Ontario, in particular. Important technical information, references, and scientific literature have been produced since 2010. That manual requires updating that would better explain the determination of significance, current landscape ecology practices, and the most current best practices related to Impact Assessment including the use of offsetting. Substantial updates to the appendices of the manual will also be required.

The environmental policies should acknowledge that should municipalities choose to preserve other environmental features, such features should be treated as social elements that offer passive recreational opportunities to residents and that they would need to form part of the parkland dedication requirements under the *Planning Act*.

All references to draft Provincial Mapping for the Greater Golden Horseshoe should be discontinued.

## **7.0 Implementation and interpretation**

Including general policies for implementation and interpretation of the 2024 PPS is critical to ensuring the policy direction of the province is met. As the *Planning Act* currently requires that all decisions be consistent with the PPS, the purpose of Policy 6.1.7 and the province's direction to municipalities respecting updates to their official plans is unclear. Furthermore, any implementation policies in Chapter 6 should apply equally to zoning by-laws as well as official plans.

The 2024 PPS should also specify that where upper-tier municipalities have had their planning responsibilities removed, local municipalities shall be the approval authority on minor official plan amendments.

## **8.0 Conclusion**

We thank you for the opportunity to provide comments on the 2024 PPS. We have limited our suggested policy solutions in this letter to address our most notable concerns but would be happy to meet with you to discuss our comments or answer any questions.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,  
Malone Given Parsons Ltd.



**Matthew Cory, MCIP, RPP, PLE, PMP**

**Principal, Planner, Land Economist, Project Manager**

cc. Brooklin North Landowners Group Inc.

August 4<sup>th</sup>, 2023

MGP File: 17-2666

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**RE: ERO 019-6813  
Comments on behalf of the Brooklin North Landowners Group**

Malone Given Parsons Ltd. (“MGP”) is the planning consultant for the Brooklin North Landowners Group (“BNLG”), which represents the participating owners in the northern part of the Brooklin Community Secondary Plan area in the Town of Whitby. We are writing this letter on behalf of BNLG to provide comments on ERO #019-6813, “Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument.”

BNLG generally agrees with the policy direction of the new Provincial Planning Statement and the rescinding of A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Many of the policies from the former Provincial Policy Statement and Growth Plan unnecessarily limited appropriate development opportunities and increased complexity, time and cost for municipalities and developers in the Greater Golden Horseshoe. While the policies of the Growth Plan were generally helpful in promoting transit-supportive densities in strategic areas, many of the policies of the plan limited implementation of the plan’s overall policy goals and objectives, unnecessarily restricting the supply of housing and land available for development that was required to meet its growth targets.

BNLG has reviewed the proposed PPS and generally believes the simplified and consolidated policy framework is appropriate and will encourage the delivery of more housing faster while protecting other important provincial priorities. We are pleased to provide the following additional comments.

**Generate an Appropriate Housing Supply**

The proposal to differentiate between large and fast-growing municipalities and other municipalities is appropriate. The differentiation of policy is effective in providing one planning statement that can be applied province-wide without placing unnecessary or onerous requirements on smaller or slower-growing municipalities. We encourage the province to consider whether the proposed Schedule 1 appropriately includes all large and fast-growing municipalities to ensure the policy goals of the province are being met.



The new PPS will be effective in generating new housing supply. In particular, the policies for large and fast-growing municipalities that require minimum densities in major transit station areas and other strategic growth areas will ensure that opportunities for higher-density housing forms can be realized in areas that benefit from existing or planned transit.

In addition, the measured permission of additional housing opportunities in rural areas where site conditions are suitable and appropriately serviced can release a significant supply of housing in areas peripheral to urban areas that complement the more compact and urban forms of housing that will be realized in urban areas.

To ensure that large and fast-growing municipalities appropriately plan for their share of growth, we strongly encourage the province to continue to prepare forecasted minimum population and housing targets for these municipalities and require that these municipalities demonstrate in their official plans how these targets will be met within the timeframes of the PPS.

We support the approach of the PPS in providing general support for intensification throughout a settlement area boundary. This is essential to provide policy support for gentle-density forms of intensification in existing areas which would otherwise be prevented by anti-growth special interests.

It is important for the province to provide clarity respecting the delivery of affordable and attainable housing. While recent changes to the *Development Charges Act* and *Planning Act* have provided additional guidance as to what constitutes affordable and attainable housing and where and how inclusionary zoning may be implemented, municipalities continue to impose their own form of “affordable housing” requirements which often do not reflect and conflict with provincial requirements.

The PPS should clarify that additional residential units are encouraged in all single, semi-detached and townhouse units (like the permissions under the *Planning Act*) and that these units can provide a supply of purpose-built affordable rental housing.

The delivery of housing is often held up by the need to prepare secondary plans prior to the receipt of development applications, even when lands have been designated for housing and where servicing is available. The PPS should expressly permit privately initiated secondary plan official plan amendments subject to criteria such as municipalities remaining involved in the public consultation process. This would allow development proponents to proceed with the required work to prepare a secondary plan concurrent with the preparation of development applications, which can lead to both better planning that is more linked to implementation, as well as expediting the delivery of new housing.

In addition, the protection of non-400 series Provincial highways in settlement areas under the current Ministry of Transportation corridor protection policies (which require a 14.0 m building setback and intersection spacing of more than 400 metres to a nearest intersection) will frustrate the delivery of urban communities and housing. In the case of the Brooklin Community Secondary Plan Area, the current 14.0 m setback requirement for Highway 7/12 (Baldwin Street North) undermines the implementation of the Brooklin Community Secondary Plan for the delivery of high and medium-density housing, which contributes to meeting Provincial, Regional, and Municipal density and housing targets. This corridor is planned as

part of an intensification corridor and is intended for mixed-uses and transit-supportive developments. To require the implementation of these setbacks within an area planned for intensification would limit the efficiency of land uses due to the loss of potential area that could contribute to parking or other uses.

We request that the province clarify that within settlement areas, the requirements for Provincial Highways must align with the local intent for community building in local official plans, where generally the maximum road requirements and intersection spacing requirements should be no larger than arterial road standards in the local official plan.

### **Make Land Available for New Housing and Employment Opportunities**

BNLG strongly supports the broadening of opportunities to make areas available for new housing and employment opportunities, particularly the new tools and options provided to municipalities to accommodate growth.

We strongly support the change for municipalities to plan to a minimum 25-year horizon; given that most new communities will take 25 years to be substantially built, this time horizon is appropriate as a planning horizon. We note, however, that along with the planning for this horizon, municipalities must be required to demonstrate how necessary infrastructure is to be provided to accommodate and foster this planned growth, including updated master plans and development charge by-laws.

We strongly support the requirement to maintain a 15-year residential land supply, and the province's recognition that not all lands designated for growth are necessarily "available," and the requirements to maintain land with servicing capacity for a 3-year supply of residential units. We believe these policies would be more effective if it clarified that the supply of land and units is to be maintained for a market-based supply of units and be specific to unit type. It is equally important to forecast for the right composition of housing (by housing type) as well as the overall quantity of housing.

The provision for a simplified settlement area boundary expansion process and the removal of the requirement for municipal comprehensive reviews are positive policy changes that should allow municipalities to both create new settlement areas and expand existing ones as needed. In order to ensure that the policy direction of the PPS can be implemented, the province must also ensure the *Planning Act* is amended to allow first-party appeals of requests to alter a settlement area boundary or establish a new settlement area. Without the ability to appeal applications respecting same, it is anticipated that this important policy direction will only be implemented by municipalities with a growth mindset, regardless of the urgent need to do so in other areas.

We support the definition of employment areas in the PPS (which reflects that contained in Bill 97), and the focus on protecting these areas for a concentration of more intensive industrial and manufacturing type uses, while allowing a broader range of mixed-use development on lands for employment outside of employment areas. The province should prepare an update to the D-series guidelines to update the separation requirements for sensitive uses in keeping with the updated definition from the PPS.

### **Provide Infrastructure to Support New Housing and Employment Opportunities**

The policies of the PPS should provide direction to utility providers (e.g., electricity, natural gas, telecommunications etc.) to integrate their planning with the growth planning of municipalities and to demonstrate the ability to support these plans with required infrastructure in a timely manner in their future service planning. Moreover, utilities should be strongly encouraged to ensure that sufficient service is available in accordance with planning to support planned growth and the delivery of housing. Where required, the province should consider legislative and policy changes to ensure that both utilities and regulators provide sufficient services for both existing and future housing to achieve municipal growth plans.

In the case of the BNLG, we have been working with Elexicon Energy as of 2020 to bring electricity service to the Community of North Brooklin. Elexicon and Whitby Hydro (Elexicon's predecessor) did not anticipate the need for additional service in North Brooklin and had not undertaken pre-planning to ensure service would be provided to meet forecasted growth in Brooklin. BNLG anticipated energizing first home construction as early as 2019, but due to unanticipated delays and lack of planning, energization for first homes is now anticipated for 2025-2026 or later. Currently, there is no commitment or solution to deliver electricity to North Brooklin.

Floodplain mapping and associated modelling in urban areas should be prepared to account for proposed growth, including stormwater management facilities and flood mitigation work in these areas. It is not appropriate to assume a no-mitigation approach to floodplain modelling in an urbanizing area. This approach should be incorporated into the policies of the new PPS and in related guidance materials from the Province.

Policies supporting the location of trails and other passive recreational activities within hydro and gas corridors should be added to the PPS. Moreover, when trails and/or recreational opportunities can be provided in these corridors, such areas should be eligible for parkland contribution under the *Planning Act*.

We strongly support the policy direction to require school boards to integrate planning for schools and growth; the policies should specifically speak to the minimization of school site sizes when collocated with parks and should strongly encourage the provision of schools in mixed-use formats, including within multi-storey residential buildings.

### **Balance Housing with Resources**

To minimize potential conflicts with agricultural uses and existing or new residential areas, guidance should be given that generally encourages municipalities to designate lands rural abutting residential areas and settlement area boundaries. This can serve as a transitional area between urban and prime agricultural areas, providing uses that can serve both areas.

The proposed environmental protection policies should be provided in the context of a 'Housing First' policy goal and objective, which should be added to the PPS for development within settlement areas. An urban lens should be provided for environmental protection in settlement areas, generally directing that the natural function of environmental features should be preserved through green infrastructure in urban areas. Such policies would support

the provision of housing through the efficient use of land and is to ensure housing in settlement areas takes priority over other competing policy objectives.

We believe it is important to implement modifications to the natural heritage policies to enable our industry to create healthier communities more efficiently and effectively. We will continue to work with our municipal partners to create communities that enable citizens to interact with nature in respectful and sustainable ways. To achieve these ambitious and positive outcomes, 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).

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 impact 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 simpler 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 involve a special form of compensatory mitigation, commonly referred to as 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 the most minor immeasurable predicted impacts addressed above.

The primary reference related to the natural heritage policies is the Natural Heritage Reference Manual (2010), which is now dated, and was specific to the 2005 PPS. Since its publication 13 years ago, much has been learned about natural heritage in southern Ontario, in particular. Important technical information, references, and scientific literature have been produced since 2010. That manual requires updating that would better explain the determination of significance, current landscape ecology practices, and the most current best practices related to Impact Assessment, including the use of offsetting. Substantial updates to the appendices of the manual will also be required.

The environmental policies could acknowledge that should municipalities choose to preserve other environmental features, such features should be treated as social elements that offer passive recreational opportunities to residents and that they would need to form part of the parkland dedication requirements under the *Planning Act*.

#### **Implementation and Interpretation**

Including general policies for the implementation and interpretation of the PPS is critical to ensuring the policy direction of the province is met. As the *Planning Act* currently requires that all decisions be consistent with the PPS, the purpose of policy 6.1.7 and the province's direction to municipalities respecting updates to their official plans is unclear.

We thank you for the opportunity to provide comments on the Proposed PPS. We ask that you please consider our comments and amend the PPS accordingly.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,  
Malone Given Parsons Ltd.



**Matthew Cory, MCIP, RPP, PLE, PMP**

Principal, Planner, Land Economist, Project Manager

cc: Brooklin Landowners Group Inc.