



CO Positioning on the Upcoming Provincial Review of the Greenbelt, Niagara Escarpment and the Oak Ridges Moraine Conservation Plans

September 29, 2014

The following key themes have been developed by Conservation Ontario (CO) for consideration in advance of the Provincial review of the Greenbelt area plans (including the Niagara Escarpment and Oak Ridges Moraine). Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These key themes have been identified through consultation with CA planning staff who have extensive experience working within the framework of the Greenbelt (GB), Niagara Escarpment (NEP) and/or Oak Ridges Moraine Conservation Plans (ORMCP). These comments are not intended to limit consideration of comments shared individually by Conservation Authorities through the Provincial Plan review process.

Overall, the Greenbelt, Niagara Escarpment and Oak Ridges Moraine Conservation Plans have been successful in achieving their objectives. These Plans provide an important level of protection to the agricultural land base as well as the protection of the natural heritage and water resources that are needed for ecological and human health. The establishment of a consistent policy framework across the Greater Golden Horseshoe, which recognizes the unique features and development pressures in the area have ensured that the provincial interest is represented in decision-making processes. These Plans provide municipalities, Conservation Authorities, the Niagara Escarpment Commission and other stakeholders with strong policies, especially as it relates to the delineation and protection of natural heritage systems, key natural heritage features and hydrologically sensitive features. All three Plans have assisted municipalities, as well as the province, with efforts to reduce urban sprawl while focusing development in more appropriate areas. CAs are highly supportive of the Greenbelt Plan's protection of agricultural lands, local food sources and ecological features and functions; the Niagara Escarpment Plan's protection of watercourses and headwater features, as well as its maintenance of the escarpment's natural heritage; and the Oak Ridges Moraine Conservation Plan's emphasis on watershed planning and the preservation of the moraine's hydrologic features. Given the unique purpose of all three Plans, it is felt that the Province must maintain the integrity of each Plan by keeping them as separate entities. Conservation Authority staff also agreed that all three provincial Plans have raised public awareness of this provincially designated greenbelt in Southern Ontario.

Key Theme: Water Resources and Natural Heritage

The Greenbelt, Niagara Escarpment and Oak Ridges Moraine Conservation Plans have been largely successful at achieving the aims of the protection of water resources and natural heritage through *Planning Act* applications and Official Plan policies, where conformity exercises have been undertaken.

The plans have assisted municipalities with directing development away from these features and have supported municipal and Conservation Authority interests at the Ontario Municipal Board. These Plans epitomize the provincial interest in the conservation of resources and sustainable development through the planning process

Conservation Authority staff strongly support the ORMCP's emphasis on watershed planning as an appropriate scale for decision-making. It is recommended that in future iterations of the Greenbelt and Niagara Escarpment plans that there be a similar emphasis on watershed planning, and that watershed plans could be implemented through the Niagara Escarpment Plan where watershed plans exist.

The three Plans should expand their definition of cultural heritage conservation to include landscapes, structures, parkland and trails. There should be support for the long-term conservation of these cultural heritage priorities.

The three Plans should also be amended to promote the use of green infrastructure (i.e. Low Impact Development) whenever possible. Green infrastructure can extend the life of many types of traditional infrastructure, can be implemented at multiple scales, and there is flexibility as to when and how it is integrated into developed areas. The benefits of green infrastructure include providing greater resilience to the potential impacts of climate change, stormwater retention, erosion control and improved air and water quality.

Finally, with the anticipated approval of the Source Protection Plans it is recommended that the Province undertake a thorough review to ensure that there aren't any incongruous clauses within the three provincial Plans and to streamline where appropriate. The science used to inform the Source Protection Plans should be used to update the GB, NEP and ORMCP plans and mapping, where it is the best available to protect our water resources.

Key Theme: Implementation, Streamlining and Consistency

Planning Act applications are the primary implementation tool for the Greenbelt and Oak Ridges Moraine Conservation Plans but in these Plan areas, opportunities for major development are limited. Therefore, in order to enhance and restore the Plan areas, through the Provincial Plan review, the Province should put a greater emphasis on the range of tools which can support the implementation of the Plan objectives. These additional tools could include increased funding for stewardship activities, payment for ecological services, support for public land acquisition and making certain municipal by-laws (discussed below) be prescribed instruments of the Plans.

There are misconceptions about the Provincial Plans and their application amongst the public. A public education piece could help to clarify the roles and responsibilities for the implementation of the Plans, and help to inform the public how they can become involved in activities to protect the GB, NEP and ORMCP lands. This would assist with clarity for applicants and practitioners.

Clarity for applicants and practitioners could also be achieved through the harmonization of terminology and interpretations between the three Plans. Once harmonized, the Province should consider providing implementation training workshops/webinars on interpretation of the Plans to encourage consistency. The Province could maintain a website of policy direction for applicants and practitioners to reference.

As a component of harmonizing the terminology and interpretations of the Plans, updates to the technical papers that support the implementation of the Plans will be required. In order to streamline the process, it is recommended that the technical papers should support interpretation across all three

Plans. This will address the current inconsistencies in the technical papers, such as the protection of small woodlots adjacent to wetlands in the GB and ORMCP.

When updating the terminology, mapping and interpretations across the three Plans, the best available science, mapping and field investigations should be used. For example, it is recommended that the Source Protection Assessment Reports may be a suitable replacement for mapping of Wellhead Protection Areas and Areas of High Aquifer Vulnerability in the ORMCP. It is also recommended that an analysis be undertaken to determine if Section 28 and Section 29 of the ORMCP are now redundant if they are superseded by approved Source Protection Plans as part of a streamlining exercise.

As part of future ten year reviews, if the Province chooses to update plan, designation and feature boundaries, then it should be done based on scientific methodology, consistent criteria and using a transparent process. In future mapping exercises, the Province should put more emphasis on the sharing and synthesizing of information from all stakeholders, including Conservation Authorities. Section 10 (10) of the ORMC Act, which prevents appeals of the Minister's decision on conformity amendments, should be maintained and extended to conformity amendments for the GB and NEP.

The policies of the three Plans prohibit site alteration in sensitive areas. Since the Plans' inception there has been a growing movement of commercial fill throughout the province, which is generally regulated outside of the planning process. In order to ensure consistency and the representation of the Provincial interest through the implementation of the provincial plan policy framework, it is recommended that the Plans be amended to require that municipalities have site alteration/fill and tree protection/ cutting by-laws which are consistent with these Plans. Conservation Ontario is aware that the Ministry of the Environment and Climate Change (MOECC) has accepted an Environmental Bill of Rights Application for Review with regard to the movement of fill within the province and would be pleased to be part of any review that the MOECC undertakes.

Similarly, it is recommended that the transportation, infrastructure and utilities policies in the Provincial Plans be revised and harmonized. The Plans could provide context for Environmental Assessments. Further direction should be provided on "no reasonable alternative" and policy requirements for enhancement and compensation when key natural heritage or hydrologic features are negatively impacted should be added.

Key Theme: Sustainability and Livelihoods

A key theme emerging through the review of the three Provincial Plans by CA staff is the emphasis on ensuring sustainability and sustainable livelihoods in the plan areas. The Plans should seek to balance flexibility and protection. The Province should develop a broader definition of agriculture and its activities to encourage innovation while maintaining the Plans' integrity with regard to protection of water resources and natural heritage. The land use planning process could potentially identify and/or encourage value-added agricultural activities. There are a number of policies where study requirements could be scoped to meet the needs of the development and the protection of the environment, for example, allowing for some flexibility when implementing Policy 24(4)(c)¹ of the ORMCP as it related to major development where there is no water taking component (i.e. barns).

¹ 24 (4) (c) - Major development is prohibited unless,

(c) a water budget and conservation plan, prepared in accordance with section 25 and demonstrating that the water supply required for the major development is sustainable, has been completed.

Through conversations with CA partners, it is evident that there are many misconceptions about the Provincial Plans and their application with the general public. The implementation of the Plans, while successful in achieving the three Plans' objectives, is confusing to people. The Province is urged to develop a communications strategy which emphasizes the positive work that the Plans enable as well as guidance material that will be of assistance to applicants within the Plan areas.

Ontario's 36 Conservation Authorities collectively own and operate over 500 Conservation Areas with a total area of 145,357 hectares, making CAs one of the largest property owners in the province. Conservation Areas are visited by almost seven million people each year. Conservation Areas support the goals of the Plans by improving the quality of life through the provision of long-term, publicly owned and managed environmental areas. Conservation Areas also play an important role in Ontario by protecting our environment, our lands and our ecosystems. They do this through soil conservation; as well as floodplain, forest and wildlife management; and through the promotion of a variety of stewardship initiatives. In order to enhance the acquisition of land for the public good, the Provincial Plans should expand the range of tools that are available for this aim and should support the agencies and groups that protect lands. Given that Rouge Park will shortly become Canada's first national urban park, the three Provincial Plans should continue to build upon the policies put into S. 3.2.6 of the Greenbelt Plan for the protection of Rouge Park. It is recommended that the Province continues to emphasize management planning and incorporate similar provisions for publicly managed land outside of the Rouge Park area. The Province should also provide more flexibility within the plans to allow for lot creation for conservation purposes, as well as to facilitate conveyances to public bodies for cultural heritage landscapes and structures, in addition to the existing provisions for natural heritage conservation.

Other tools that the Province should consider to enhance the Plans' objectives include: provincial funding for land acquisition, farm best management practices and payment for ecological services. Conservation Authorities, as watershed and partnership-based implementation bodies are uniquely positioned to deliver these services and to assist with the implementation of the watershed plans as prescribed under the ORMCP.

In summation, it is important to the future of Ontario that our agricultural, natural heritage and water resources systems remain protected and resilient. The three provincial plans have been instrumental in promoting these Provincial interests and directing development to more appropriate locations. Through the review of the Greenbelt, Niagara Escarpment and Oak Ridges Moraine Conservation Plans, Conservation Ontario has identified three primary themes: water resources and natural heritage; implementation, streamlining and consistency; and sustainable livelihoods; which will contribute to the long-term viability of these Provincial Plans. Conservation Ontario is strongly supportive of the continued implementation of these Plans and looks forward to opportunities to provide meaningful input to the 2015 Plan Review.