

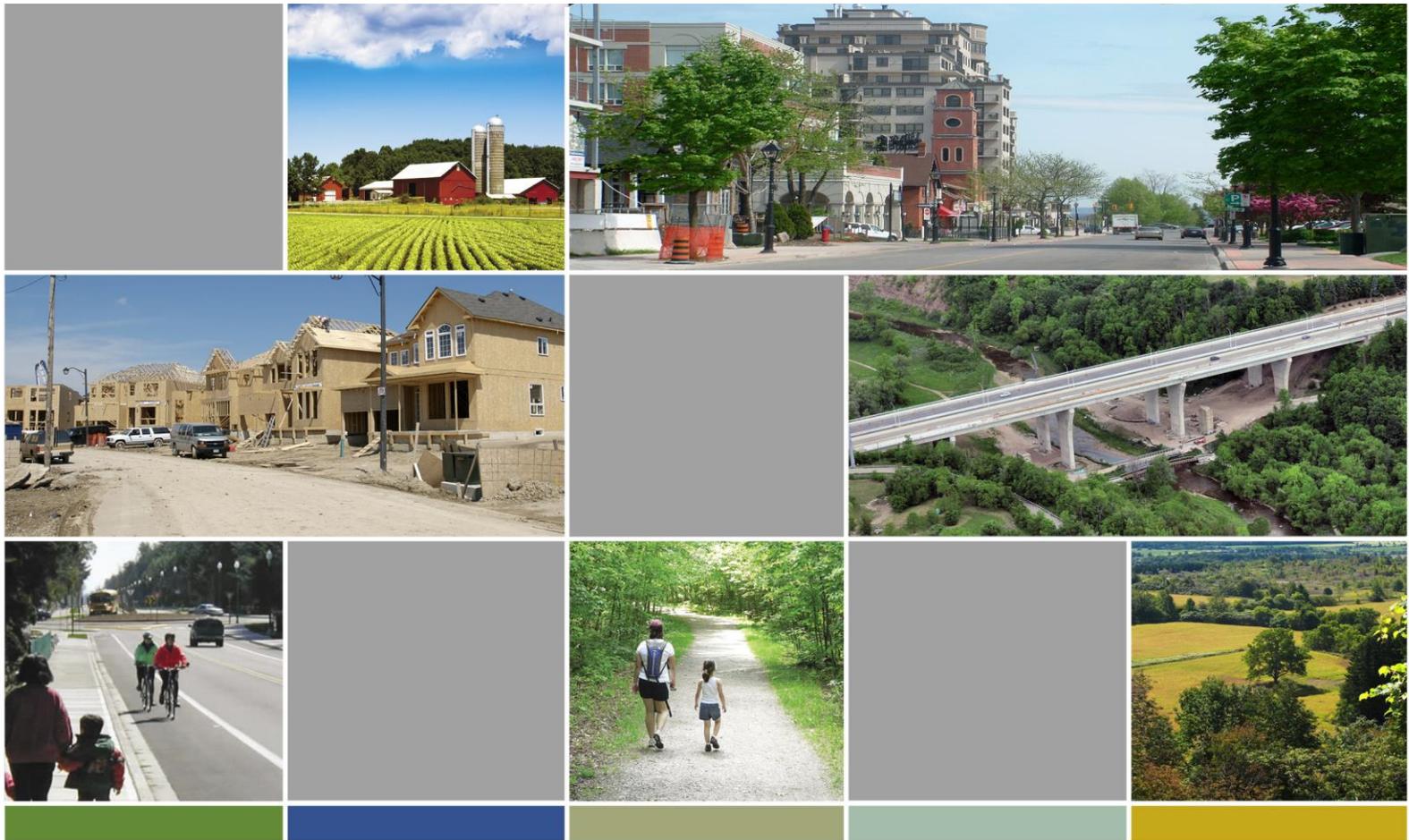
Halton Area Planning Partnership (HAPP)

2015 Coordinated Plan Review

Draft Niagara Escarpment Plan

Joint Submission

September 2016



Introduction

The Halton Area Planning Partnership (HAPP) is comprised of Halton Region and the following Local Municipalities: the City of Burlington, the Town of Halton Hills, the Town of Milton, and the Town of Oakville. The Town of Oakville has reviewed and is supportive of the principles embodied in the Joint Response, however, since no part of the Niagara Escarpment Plan Area is included within the Town of Oakville, the Town has not specifically commented on this review.

This submission represents HAPP's response to the document "Proposed Niagara Escarpment Plan (2016), May 2016" (Proposed Plan) which was placed on the Environmental Registry as a Policy Proposal Notice (EBR Registry Number: 012-7228) on May 10, 2016. The Niagara Escarpment Plan (NEP) is being reviewed in a co-ordinated manner along with three other provincial land use plans – The Growth Plan for the Greater Golden Horseshoe, The Greenbelt Plan and The Oak Ridges Moraine Conservation Plan. This is an opportunity to address challenges with the plans in a cohesive way.

Proposed changes to the Niagara Escarpment Plan include changes to policies and mapping within the Plan, several proposed site specific, urban boundary and urban use amendments as well as additions of land to the Niagara Escarpment Plan Area.

The Halton Area Planning Partnership now takes this opportunity to have its collective voice heard by responding to the Proposed Plan. HAPP's submission provides comments on the Proposed Plan's proposed changes and provides HAPP's key recommendations in this letter.

HAPP's response includes:

1. This letter, which contains:
 - a. HAPP's Key Points regarding the whole of the document;
2. Appendix 1, which contains:
 - a. General comments regarding the whole of the Proposed Plan;
 - b. Comments specific to individual policies within the Proposed Plan

Background

A co-ordinated review of the four Provincial land use plans was undertaken in 2015. The Government of Ontario received extensive feedback after the initial round of consultations with stakeholders and the public. An Advisory Panel also provided its recommendations in December 2015 in their report, "Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015 – 2041".

The Government of Ontario has reviewed and considered all feedback received from stakeholders, the public, Indigenous communities and the Advisory Panel's



recommendations. The government is now proposing changes to the four plans. In this, the second round of consultation, the NEC must review and assess all comments received, and will provide its final recommendations to the government in accordance with the Niagara Escarpment Planning and Development Act. The government will consider these recommendations in making final changes to the NEP, including any decisions regarding site-specific amendments and additions to the NEP Area.

Key Points of HAPP's Response

1. Harmonization and Alignment

Although efforts have been made to harmonize definitions in the NEP with the other Provincial Plans, opportunities still exist to better harmonize terminology, definitions and policies. In particular, the water resource and natural heritage-related terminology, definitions and policies in the draft NEP are not consistent with the Greenbelt Plan or PPS. In some cases, NEP policies are less stringent or are not as clear as similar policies of the Greenbelt Plan (e.g. key hydrologic feature, key natural heritage feature) (refer to Parts 2.6 and 2.7).

While an opportunity exists to better align the Plans, the purpose and objectives of the NEP should not be compromised. HAPP's previous submission noted support for retaining and strengthening the NEP as an "environment first" plan and recommended that additional development criteria relating to natural heritage systems, key environmental features, linkages and buffers be included in the Plan.

2. "Escarpment Environment"

The use of the term "Escarpment environment" is problematic throughout the NEP. The definition for "Escarpment environment" includes physical and natural heritage features and cultural heritage and scenic resources, which as individual components are required to meet different tests under other policies of the Plan or PPS. For some components (e.g. scenic resources), it may not be appropriate or possible to demonstrate "no negative impact". In other cases, "minimal negative impact" or "substantial negative impact" conflicts with other policies in the Plan and the test is not strong enough (i.e. some natural heritage features are required to meet the test of no negative impact). This could lead to conflict and challenges as it relates to Plan interpretation.

3. Natural Heritage System

The Niagara Escarpment Plan uses a confusing array of terminology to describe natural heritage and other environmental features, functions and systems e.g. natural system, Escarpment environment, Escarpment features, natural heritage system, natural environment, landscape approach, environmentally sensitive, environmentally significant, significant natural areas, and natural features. That terminology is found throughout the Plan, but only "natural environment" and "Escarpment environment" are



defined. The “Landscape Approach” section within the Introduction should more clearly describe the natural heritage system approach, how it is related to the Greenbelt Plan and when mapping will be available showing key natural heritage features, enhancements to the key features, linkages, buffers or vegetation protection zones, watercourses and wetlands.

The existing “Landscape Approach” is based on a 1974 study. This study must be updated today to reflect changes to science and policy, including natural heritage system and cultural heritage landscaping planning.

Sections 2.6 and 2.7, Development Affecting Water Resources and Development Affecting Natural Heritage respectively, should be linked together in the same manner as in the Greenbelt Plan.

4. Agriculture and Agricultural System

The draft NEP provides greater support for agriculture and the agricultural community by introducing agriculture-related and on-farm diversified uses as permitted uses in the NEP Area, which is supported. However, HAPPs previous submission also noted the need for policies that would support a ‘systems’ approach for agricultural processes, which was not addressed in the NEP. Better support for an ‘agricultural systems’ approach in the NEP, as well as clarifying some of the agriculture policies in Part 2 of the NEP is needed.

There is an opportunity to enhance the support of an agricultural system by embracing the Agricultural Support Network policies of the Proposed Greenbelt Plan. Agricultural lands on the Escarpment are an integral part of the economic, social, cultural heritage and visual identity components of the landscape. From a social and resource point of view, it is imperative that the Agricultural System is sustained and enhanced through the creation of an Agricultural Support Network that is integrated with municipal strategies.

5. Proposed Mapping Changes

HAPPs’ previous submission recommended that the NEP be brought up-to-date by incorporating advances in science and planning into the Plan. Although updated mapping, based on current and rigorously tested data, is supported, it is not immediately clear how the maps were updated (i.e., updates were not only based on current designation criteria but it also included a change to the definition of “Escarpment related landforms”). In addition, it is not clear what sources or scales of data were used to inform the mapping changes. As a result, there is insufficient information for HAPP to comment on the proposed mapping changes, and consultation with municipalities and the public is needed to better understand the potential implications of the changes. Municipal mapping may also need to be amended as a result of changes to the NEP. Municipalities and other public agencies may have better and more detailed data to support mapping changes.



6. Qualifying language

Although qualifying language has been reduced when compared to the current NEP, the draft NEP still contains numerous instances of vague and unclear language. For example, the following adjectives are used throughout the Plan: “proportionate”, “minimal”, “minor” and “substantial”. The use of these adjectives, without clear criteria or guidelines, leads to inconsistent application of policy and interpretation challenges.

7. Additions to the NEP

No additions to the NEP were proposed for Halton, as none of the parcels in Halton met the criteria to be considered for addition. In the case of publically owned lands, where a willing public agency exists, it is not clear why the land could not be added to the NEP Area.

8. Proposed Site Specific, Urban Boundary and Urban Use Amendments

There is insufficient information for HAPP to comment on the site specific, urban boundary or urban use amendment requests that have been submitted to the Province for evaluation. Many of the proposals would require amendments to Regional and Local Official Plans, which would require the submission of detailed planning studies, comprehensive municipal evaluation and public consultation.

9. Criteria for Designation

Several criteria are considered when mapping out the boundaries for each designation. It is unclear how the criteria are applied, and to what degree they are applied, as well as whether all or some of the criteria are considered when designating lands. It would be beneficial if a document detailing “Application of Criteria for Designation Guidelines” was included to explain the process and offer added transparency.

10. Less Restrictive

Recognizing that the Niagara Escarpment Plan is an “environment first” Plan, it is incongruous that there are sections within the Proposed NEP that appear to be less restrictive than the Greenbelt Plan. For instance, in section 2.7.5, the vegetation protection zone does not prescribe a minimum buffer area whereas the Greenbelt Plan prescribes a 30m minimum for certain key natural heritage and key hydrologic features.

The qualifier “small scale” has been removed from policy language in several instances. In many cases, there seems to be a reliance on language that ties back to other qualifiers (e.g. escarpment environment definition) that are in place ostensibly to prevent unwanted results of development. In order to preserve the Escarpment landscape, controls must be put in place to preserve the visual and environmental components and to minimize the impacts of development on the landscape.



11. Climate Change and Net Zero Communities

The introduction of policies addressing climate change and the concept of net-zero communities has been done without accompanying clarification of definitions or explanatory guidance to assist municipalities in understanding the implications or application of these policies. Further information and clear guidance on the goals of these policies and infrastructure changes which will be needed are required.

Conclusion

HAPP is generally supportive of the revisions to the Niagara Escarpment Plan. However, there remain gaps in policy, especially with harmonization with the other Provincial Plans, which need to be addressed. As a response to the immense pressures that intensification strategies will have on Southern Ontario, there remains an opportunity to advance the status of the Niagara Escarpment Plan as a true “environment first” plan that is required for the permanent preservation of this UNESCO World Biosphere Reserve.

Thank you for providing the Region and its local municipalities, through HAPP, the opportunity to comment on the development of these policy changes.

Respectfully submitted,



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General Comments	
<p>1. Harmonization and Alignment</p>	<p>Although efforts have been made to harmonize definitions in the NEP with the other Provincial Plans, opportunities still exist to better harmonize terminology, definitions and policies. In particular, the water resource and natural heritage-related terminology, definitions and policies in the draft NEP are not consistent with the Greenbelt Plan or PPS. In some cases, NEP policies are less stringent or are not as clear as similar policies of the Greenbelt Plan (e.g. key hydrologic feature, key natural heritage feature) (refer to Parts 2.6 and 2.7).</p> <p>While an opportunity exists to better align the Plans, the purpose and objectives of the NEP should not be compromised. HAPPs previous submission noted support for retaining and strengthening the NEP as an “environment first” plan and recommended that additional development criteria relating to natural heritage systems, key environmental features, linkages and buffers be included in the Plan.</p>
<p>2. “Escarpment Environment”</p>	<p>The use of the term “Escarpment environment” is problematic throughout the NEP. The definition for “Escarpment environment” includes physical and natural heritage features and cultural heritage and scenic resources, which as individual components are required to meet different tests under other policies of the Plan or PPS. For some components (e.g., scenic resources), it may not be appropriate or possible to demonstrate “no negative impact”. In other cases, “minimal negative impact” or “substantial negative impact” conflicts with other policies in the Plan and the test is not strong enough (i.e., some natural heritage features are required to meet the test of no negative impact). This could lead to conflict and challenges as it relates to Plan interpretation.</p>
<p>3. Natural Heritage System</p>	<p>The Niagara Escarpment Plan uses a confusing array of terminology to describe natural heritage and other environmental features, functions and systems e.g. natural system, Escarpment environment, Escarpment features, natural heritage system, natural environment, landscape approach, environmentally sensitive, environmentally significant, significant natural areas, and natural features. That terminology is found throughout the Plan, but only “natural environment” and “Escarpment environment” are defined. The “Landscape Approach” section within the Introduction should more clearly describe the natural heritage system approach, how it is related to the Greenbelt Plan and when mapping will be available showing key natural heritage features, enhancements to the key features, linkages, buffers or vegetation protection zones, watercourses and wetlands.</p> <p>Sections 2.6 and 2.7, Development Affecting Water Resources and Development Affecting Natural Heritage respectively, should be linked together in the same manner as in the Greenbelt Plan.</p>
<p>4. Agriculture and Agricultural System</p>	<p>The draft NEP provides greater support for agriculture and the agricultural community by introducing agriculture-related and on-farm diversified uses as permitted uses in the NEP Area, which is supported. However, HAPPs previous submission also noted the need for policies that would support a ‘systems’ approach for agricultural processes, which was not addressed in the NEP. Better support for an ‘agricultural systems’ approach in the NEP, as well as clarifying some of the agriculture policies in Part 2 of the NEP is needed.</p> <p>The Niagara Escarpment Commission has an opportunity to enhance its support of an agricultural system by embracing the Agricultural Support Network policies of the Proposed Greenbelt Plan. Agricultural lands on the Escarpment are an integral part of the economic, social, cultural heritage and visual identity components of the landscape. From a social and resource point of view, it is imperative that the Agricultural System is sustained and enhanced through the creation of an Agricultural Support Network that is integrated with municipal strategies.</p>

5. Proposed Mapping Changes	HAPPs previous submission recommended that the NEP be brought up-to-date by incorporating advances in science and planning into the Plan. Updated mapping, based on up-to-date and rigorously tested data, is supported. However, it is not immediately clear how the maps were updated (i.e., updates were not only based on current designation criteria but it also included a change to the definition of ‘Escarpment related landforms’). In addition, it is not clear what sources or scales of data were used to inform the mapping changes. Greater consultation with municipalities and the public on the proposed mapping changes is needed to better understand the potential implications. Municipal mapping may also need to be amended as a result of changes to the NEP. Municipalities and other public agencies may have better and more detailed data to support mapping changes.
6. Qualifying Language	Although qualifying language has been reduced when compared to the current NEP, the draft NEP still contains numerous instances of vague and unclear language. For example, the following adjectives are used throughout the Plan: “proportionate”, “minimal”, “minor” and “substantial”. The use of these adjectives, without clear criteria or guidelines, leads to inconsistent application of policy and interpretation challenges.
7. Additions to the NEP	No additions to the NEP were proposed for Halton, as none of the parcels in Halton met the criteria to be considered for addition. In the case of publically owned lands, where a willing public agency exists, it is not clear why the land could not be added to the NEP Area.
8. Site Specific, Urban Boundary and Urban Use Amendments	There is insufficient information for HAPP to comment on the site specific, urban boundary or urban use amendment requests that have been submitted to the Province for evaluation. Many of the proposals would require amendments to Regional and Local Official Plans, which would require the submission of detailed planning studies, comprehensive evaluation and public consultation.
9. Criteria for Designation	Several criteria are considered when mapping out the boundaries for each designation. It is unclear how the criteria are applied, and to what degree they are applied, as well as whether all or some of the criteria are considered when designating lands. It would be beneficial if a document detailing “Application of Criteria for Designation Guidelines” was included to explain the process and offer added transparency.
10. Less Restrictive	<p>Recognizing that the Niagara Escarpment Plan is an “environment first” Plan, it is incongruous that there are sections within the Proposed NEP that appear to be less restrictive than the Greenbelt Plan. For instance, in section 2.7.5, the vegetation protection zone does not prescribe a minimum buffer area whereas the Greenbelt Plan prescribes a 30m minimum for certain key natural heritage and key hydrologic features.</p> <p>The qualifier “small scale” has been removed from policy language in several instances. In many cases, there seems to be a reliance on language that ties back to other qualifiers (e.g. escarpment environment definition) that are in place ostensibly to prevent unwanted results of development. In order to preserve the Escarpment landscape, controls must be put in place to preserve the visual and environmental components and to minimize the impacts of development on the landscape.</p>
11. Climate Change and Net Zero Communities	The introduction of policies addressing climate change and the concept of net-zero communities has been done without accompanying clarification of definitions or explanatory guidance to assist municipalities in understanding the implications or application of these policies. Further information and clear guidance on the goals of these policies and infrastructure changes which will be needed are required.

Numeric Reference	Policy Text	Comments
Introduction		
The Niagara Escarpment Plan	<p>The particular combination of geological and ecological features along the Niagara Escarpment results in a landscape unequalled in Canada. The natural areas found across the Niagara Escarpment act to clean the air, provide drinking water and support recreational activities that benefit public health and overall quality of life, in addition to helping to address and mitigate the effects of climate change. In addition, the region’s cultural heritage, including <i>Aboriginal</i> and European settlement, is visible on the Escarpment landscape. These resources need to be protected over the long-term to ensure that the connection to our shared past is maintained and that quality of life is not diminished as growth takes place.</p>	<p>Please consider adding agriculture to the features list:</p> <ul style="list-style-type: none"> - It is also an area rich in agricultural resources and includes one of the largest wine producing regions in Canada, e.g. Tender fruit speciality crop area, etc. - Agricultural areas also help contribute to the mitigation of climate change and can act as carbon sinks.
	<p>Human impact on the <i>Escarpment environment</i> is reflected in a variety of ways. The Escarpment area is the site of a large mineral aggregate extraction industry. Demand for permanent and seasonal residences in many areas is intense. Farming ranges from the cultivation of tender fruit and other specialty crops in the Niagara Peninsula to the raising of beef cattle in Bruce County and providing local food to Ontario’s largest population centres nearby. The proximity of that large population also makes the Escarpment a popular tourist destination.</p>	<p>An agricultural systems approach should be identified here and the Escarpment’s agricultural strengths should be included:</p> <ul style="list-style-type: none"> - Provides food stability/security and economic development. - Provides local food and other commodities such as ornamentals (horticulture) nutraceuticals, fibre products, biomass, etc.
	<p><i>The Greenbelt Act, 2005</i> authorized the preparation of the Greenbelt Plan, which was first approved in February, 2005. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection of the agricultural land and the ecological features and functions occurring in the Greenbelt Plan Area, which includes the Niagara Escarpment Plan Area, as well as the Oak Ridges Moraine Conservation Plan Area, and the Protected Countryside of the Greenbelt Plan. The Greenbelt Plan provides that the policies of the Niagara Escarpment Plan are the policies of the Greenbelt Plan for the Niagara Escarpment Plan Area and the Protected Countryside policies do not apply with the exception of section 3.3 (Parkland, Open Space and Trails).</p>	<p>“...permanent protection of the agricultural land...” – remove “the”.</p>

Landscape Approach	<p>The landscape approach of the Niagara Escarpment Plan compliments the other natural systems as identified within the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan. The Natural Systems are made up of natural heritage features and hydrologic features that often coincide, given ecological linkages between terrestrial and water-based functions.</p>	<p>The NEC recognizes the natural environment throughout but has policies that can impact agricultural production in a negative manner. Given that agricultural lands are a finite non-renewable resource, the NEC should recognize the importance of this resource and its contribution to the quality of life of Ontarians, and the role that farmers play with respect to stewardship.</p> <p>The document guides farming but does not recognize its importance in any way.</p>
	<p>The natural system in the Niagara Escarpment Plan is managed as a connected and integrated landscape, given the functional inter-relationships between them and the fact that this system complements the natural systems contained in the Greenbelt and the Oak Ridges Moraine Conservation Plan. Together with the surrounding landscape, these systems work towards functioning as a connected natural heritage system.</p>	<p>There needs to be a fuller explanation of what the Natural Heritage System is composed of.</p>
How to Read a Provincial Plan	<p>The Niagara Escarpment Plan builds upon the policy foundation provided by the Provincial Policy Statement and provides additional land use planning policies for the maintenance of the Niagara Escarpment and land in its vicinity, substantially as a continuous <i>natural environment</i> and to ensure that only such development occurs as is <i>compatible</i> with that <i>natural environment</i>. The Niagara Escarpment Plan is to be read in conjunction with the Provincial Policy Statement but shall take precedence over the policies of the Provincial Policy Statement to the extent of any conflict. Where the Niagara Escarpment Plan is silent on policies contained within the Provincial Policy Statement, the policies of the Provincial Policy Statement continue to apply, where relevant.</p>	<p>The NEC does not seem to balance the needs of the natural heritage system with the needs of the agricultural system. It should be stated clearly that agriculture is supported as a complementary and compatible use outside of the Key Features of the natural heritage system.</p>
How to Read this Plan	<p>Part 3: This section describes describes the Niagara Escarpment Parks and Open Space System.</p>	<p>Remove second “describes”.</p>

Performance Indicators and Monitoring	In coordination with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Growth Plan for the Greater Golden Horseshoe, and consistent with the Provincial Policy Statement, performance indicators will be developed and performance monitoring will be undertaken as follows:	<p>Monitoring objectives appear to have changed away from environmental monitoring towards policy implementation. It should be made clear that environmental monitoring will continue to ensure the permanence of the natural heritage features and system. We suggest the original objectives should still be relevant.</p> <p>Monetary resources should be allocated to the tasks of monitoring. Collaboration with agencies (e.g. municipalities and conservation authorities) in the sharing of available data should be recognized and encouraged.</p>
Part 1 Land Use Policies		
1.2.2 Amendments for Mineral Extraction	<p>2. In considering applications for amendments to the Niagara Escarpment Plan to re-designate Escarpment Rural Area to Mineral Resource Extraction Area designation, the demonstration of need for <i>mineral aggregate resources</i>, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of <i>mineral aggregate resources</i> locally or elsewhere.</p>	<p>The Region and its local municipalities have, and continue to argue (through Aggregate Resources Act consultation) that the demonstration of need is very necessary.</p>

	<p>3. In evaluating applications for amendments to the Niagara Escarpment Plan to redesignate Escarpment Rural Area to Mineral Resource Extraction Area, the following matters, in addition to any other policies of the Plan, will be considered:</p> <p>a) <i>Protection of the Escarpment environment</i>, namely:</p> <ul style="list-style-type: none"> i. key natural heritage features and other natural features in accordance with Part 2.7 ii. key hydrologic features and areas in accordance with Part 2.6 iii. <i>cultural heritage resources</i> in accordance with Part 2.10 iv. <i>scenic resources</i> in accordance with Part 2.13 v. adjacent Escarpment Natural, Protection and Rural Areas vi. adjacent <i>Escarpment Related Landforms</i>, and vii. existing and Optimum Routes of the Bruce Trail <p>b) Opportunities for achieving the objectives of Section 8 of the <i>Niagara Escarpment Planning and Development Act</i> through the final rehabilitation of the site;</p> <p>c) The <i>protection of prime agricultural areas and specialty crop areas</i> and the capability of the land for <i>agricultural uses</i> and its potential for rehabilitation for <i>agricultural uses</i>; and</p> <p>d) Opportunities to include rehabilitated lands in the Niagara Escarpment Parks and Open Space System.</p>	<p>A systems approach should be articulated here as per the PPS.</p> <p>Subsection a) - Please add “enhancement” to the policy e.g. “Protection and enhancement...”.</p> <p>Subsection a) - The use of the term “Escarpment environment” is problematic throughout the Plan. The definition for “Escarpment environment” includes physical and natural heritage features, cultural and scenic resources, which all need to meet different tests under the Plan or PPS. It may not be appropriate to demonstrate “minimal negative impact” on all elements of the Escarpment environment, as some natural heritage features are required to meet different tests (e.g., no negative impact) while others (e.g. cultural and scenic resources) do not.</p> <p>Subsection c) - The protection of the agricultural system should be the focus here to keep this policy in line with the Growth Plan.</p>
	<p>4. Amendment applications must be accompanied by:</p> <p>a) information on the location of the site in relation to the Escarpment and to the Escarpment Rural, Protection and Natural Area designations;</p> <p>b) information to support the requirements of this Plan, along with information submitted to meet the requirements of the <i>Aggregate Resources Act</i>, including site plans submitted under Section 8 and reports</p>	<p>Public and agency input should also be evaluated and used in a determination of whether an application should be advanced.</p>

	<p>submitted under Section 9 of that Act; and</p> <p>e) information on the ultimate use of the site in conformity with the Escarpment Rural, Protection or Natural Area designations.</p>	
1.2.3 Exceptions	<p>An amendment to the Niagara Escarpment Plan will not be required to:</p> <p>a) change the numbering or ordering of the Niagara Escarpment Plan, provided sections are not added or deleted;</p> <p>b) consolidate amendments into the Niagara Escarpment Plan where such amendments have been approved under the provisions of the <i>Niagara Escarpment Planning and Development Act</i>;</p> <p>c) correct grammatical or typing errors that do not affect the intent of the Niagara Escarpment Plan's policies or Maps or Appendices;</p> <p>d) correct references to municipal names, names of ministries or agencies, or the names of park and open space areas in the Niagara Escarpment Plan where names have been changed;</p> <p>e) correct references to legislation or regulations in the Niagara Escarpment Plan where the legislation or regulations have been replaced or changed;</p> <p>f) change measurement to different units of measure in the Niagara Escarpment Plan provided the measurement remains the same;</p> <p>g) make a boundary interpretation where such an interpretation is made under Part 1.1 of the Niagara Escarpment Plan;</p> <p>h) acquire and dispose of public land and add parks or open space to the Niagara Escarpment Parks and Open Space System in accordance with Parts 3.4 and 3.5, the policies that govern the acquisition and disposal of public land, and the addition of parks and open space under the Niagara Escarpment Plan;</p> <p>i) change the Niagara Escarpment Parks and Open Space</p>	

	<p>System descriptions in Appendix 1 of the Niagara Escarpment Plan;</p> <ul style="list-style-type: none"> j) add properties to Appendix 3, the Residential Protected Heritage Properties Listing of the Niagara Escarpment Plan, in accordance with Part 2.10.5; k) add properties to Appendix 4, the Nature Preserve Properties Listing of the Niagara Escarpment Plan, in accordance with Parts 2.2.1 (c) and Part 2.4.14; l) make a change to the list of Nodal Parks identified in Part 3 of this Plan, in accordance with Part 3.1.2, Nodal Parks; m) when a Minor Urban Centre is deleted as a designated rural settlement area by a municipality in an approved <i>official plan</i> and/or <i>secondary plan</i>, it may be removed from the list of Minor Urban Centres and the Maps of the Niagara Escarpment Plan modified accordingly; n) make a revision to the boundary of a Listed Minor Urban Centre, only if the boundary has been redefined to reduce the area of a Minor Urban Centre by within the area of the former boundary a municipality, in an approved <i>official plan</i> and/or <i>secondary plan</i>; o) permit new Mineral Resource Extraction Areas producing less than 20,000 tonnes (22,000 tons) annually in the Escarpment Rural Area without an amendment to the Plan; or p) add properties to Appendix 5, the <i>Agricultural Purposes Only lot</i> Property Listing, in accordance with Part 2.2. (d) and 2.4.27 of this Plan. 	<p>Subsection n) needs to be re-worded – fractured sentence structure.</p>
<p>1.3 Escarpment Natural Area</p>	<p>Escarpment features that are in a relatively natural state and associated <i>valleylands</i>, <i>wetlands</i> and forests that are relatively undisturbed are included within this designation. These areas contain important <i>cultural heritage resources</i>, in addition to <i>wildlife habitat</i> and geological and natural heritage features that provide essential ecosystem services, including water storage, water and air filtration, biodiversity, crop pollination, carbon storage and resilience to climate change. These are the most significant natural and <i>scenic resources</i> of the Escarpment and resemble the core areas of a Natural Heritage System. The policies aim to maintain and enhance these natural areas.</p>	<p>The second sentence should also reference natural heritage functions.</p> <p>In the second last sentence, “resemble” should not be used. Not all Escarpment Natural areas will be the same as the NHS, and the ecological functions within the Escarpment Natural area may not be the same either. This sentence could be used to say that if the features and functions of the Escarpment Natural area do not meet or resemble the NHS features and functions, it can be determined that the area should not be designated as Escarpment Natural area.</p>

		<p>There should be an explanation as to how the land use designations work together to create a NHS.</p> <p>There should also be a way of identifying the difference between natural occurring features and man-made features e.g. reservoirs – irrigation ditches in Niagara compared to natural ponds.</p>
1.3.1 Objectives	<p>1. To recognize and protect the natural heritage system associated with the Niagara Escarpment Plan area and maintain the most natural Escarpment features, <i>valleylands</i>, <i>wetlands</i> and related significant natural areas.</p>	<p>Please change to “To recognize, protect and enhance the...”.</p>
1.3.3 Permitted Use	<p>4. recreation uses, such as nature viewing and <i>trail activities</i>, except motorized vehicle trails or the use of motorized trail vehicles. Golf facilities and <i>accessory uses</i> and facilities to golf facilities, ski hills, hotel and resort uses are not permitted;</p>	<p>Non-intensive and passive uses should remain as the descriptor of this policy.</p> <p>It may be risky to list examples in this way. “Non-intensive recreation” should be used and defined instead.</p>
	<p>7. <i>infrastructure</i> where the project has been deemed necessary to the public interest after all other alternatives have been considered;</p>	<p>Is a study (e.g. EA) required for a use/project to be deemed necessary to public interest as in the case of municipal infrastructure?</p>
	<p>8. <i>accessory uses</i>, including <i>accessory facilities</i> (e.g., a garage, swimming pools or tennis courts) and <i>signs</i>, and the site alterations required to accommodate them;</p>	<p>Examples aren’t necessary if the terms are defined.</p>
	<p>11. essential <i>watershed management</i> and flood and erosion control projects carried out or supervised by a <i>public agency</i>;</p>	<p>How is “essential” defined and determined? HAPP recommends that a definition such as the following be added: “Essential means that which is deemed necessary to the public interest after all alternatives have been considered and, where applicable, as determined through the Environmental Assessment process.”</p>
	<p>12. limited expansion of the existing small sandstone <i>quarries</i> subject to Part 2.9;</p>	<p>What does “limited” mean? This seems open to interpretation. Also, the cumulative effects of successive expansions must be considered.</p>
	<p>14. notwithstanding the policies of subsection 3 of this section, no <i>single dwellings</i> shall be permitted in those parts of Lots 7, 8 and the West Half of Lot 9, Concession 2, Municipality of Grey Highlands (formerly Euphrasia Township) designated Escarpment Natural Area (see Amendment 19);</p>	<p>All site specific permitted uses should be listed after the general list of permitted uses.</p>

	17. a second <i>single dwelling</i> on a <i>property</i> and subject to a <i>heritage conservation easement agreement</i> , provided it is compatible with the terms of the <i>easement agreement</i> ;	Should the heritage designation be one that is listed in the OHA instead of an easement? It may be beneficial to use similar cultural heritage related language that is used in the Greenbelt and Growth Plan e.g. Built heritage resources (definition).
1.3.4 New Lots	<ol style="list-style-type: none"> 1. Provided no new building <i>lot(s)</i> is created, a severance may be permitted: <ol style="list-style-type: none"> a) for the purpose of <i>correcting conveyances</i>, provided the correction does not include the recreation of merged <i>lots</i>; b) for the purpose of enlarging existing <i>lots</i>; c) as part of, or following, the acquisition of lands by a <i>public body</i>; or 1. as part of, or following, the acquisition of lands by an approved <i>conservation organization</i> for the purpose of establishing a <i>nature preserve</i>. 	<p>Subsection a) - “recreation” should be “re-creation”.</p> <p>It may be beneficial to stipulate here that such lot line adjustments should not result in increased fragmentation of the natural heritage and hydrologic features and functions of the escarpment environment.</p>
1.4 Escarpment Protection Area	<p>Escarpment Protection Areas are important because of their visual prominence and their environmental significance, including increased resilience to climate change through the provision of essential ecosystem services. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are <i>Escarpment related landforms</i> and natural heritage and hydrologic features that have been significantly modified by land use activities, such as agriculture or residential development, and include lands needed to buffer Escarpment Natural Areas and natural areas of regional significance. These areas also resemble the core areas of a Natural Heritage System.</p>	<p>What is “regional significance”? Does it refer to ESAs or ANSIs as per 1.4.2.3? This should be clarified and/or defined.</p> <p>In the last sentence, “resemble” should not be used. Not all Escarpment Protection areas will be the same as the NHS, and the functions within the Escarpment Protection area may not be the same either. This sentence could be used to say that if the features and functions of the Escarpment Protection area do not meet or resemble the NHS features and functions, it can be determined that the area should not be designated as Escarpment Protection area.</p> <p>The second sentence should also reference natural heritage functions.</p> <p>There should be an explanation as to how the land use designations work together to create a NHS.</p>
	The policies aim to maintain and enhance the remaining natural heritage and hydrologic features and the <i>open landscape character</i> of the Escarpment and lands in its vicinity.	Add “and functions” after “features”.
1.4.1 Objectives	3. To recognize and protect the natural heritage system	Please change to “To recognize, protect and enhance the...”.

	associated with the Niagara Escarpment Plan area and maintain natural areas of regional significance.	
	6. To protect the agricultural lands, including <i>prime agricultural areas</i> and <i>specialty crop areas</i> .	Agricultural uses should be protected as well as land.
1.4.3 Permitted Uses	6. in non- <i>prime agricultural areas</i> and non- <i>specialty crop areas</i> , recreational uses, such as picnic sites, day use sites, unserviced camp sites, and trail uses. Golf facilities and <i>accessory uses</i> to golf facilities, courses ski hills, hotel and resort uses are not permitted;	It may be risky to list examples in this way. “Non-intensive recreation” should be used and defined instead.
	9. <i>infrastructure</i> , however, only linear facilities will be permitted in <i>prime agricultural areas</i> and <i>specialty crop areas</i> ;	Is a study (e.g. EA) required to for a use/project to be deemed necessary to public interest as in the case of municipal infrastructure?
	10. <i>accessory uses</i> , including <i>accessory facilities</i> (e.g., a garage, swimming pool or tennis court) and <i>signs</i> , and the site alterations required to accommodate them;	Examples aren’t necessary if the terms are defined.
	11. in non- <i>prime agricultural areas</i> , and non- <i>specialty crop areas</i> , <i>institutional uses</i> ;	“small scale” should be left in and should be defined.
	15. limited expansion of the existing small sandstone <i>quarries</i> , subject to Part 2.9;	What does “limited” mean? This seems open to interpretation. Also, the cumulative effects of successive expansions must be considered.
	18. notwithstanding the policies of subsections 3 and 4 of this section and of Part 2.2.3, a maximum of eight <i>single dwellings</i> (including those accessory to an agricultural operation) are permitted within those parts of Lots 7, 8 and the West Half of Lot 9, Concession 2, Municipality of Grey Highlands (formerly Euphrasia Township) designated Escarpment Protection Area on Map 1 attached to Amendment No. 19 to the Niagara Escarpment Plan. No new <i>single dwellings</i> are permitted within the said Escarpment Protection Area unless they are located within the “Development Area” shown on Map 1 (see Amendment 19);	All site specific permitted uses should be listed after the general list of permitted uses.
	20. recycling depots for paper, glass and cans etc., serving the local community;	“small scale” should be left in and should be defined.
	24. a second <i>single dwelling</i> on an <i>existing lot of record</i> where there is an existing <i>single dwelling</i> on a <i>property</i> subject to a <i>heritage conservation easement agreement</i> ,	Should the heritage designation be one that is listed in the OHA instead of an easement? HAPP recommends the use of similar cultural heritage related language that is used in the Greenbelt

	provided it is compatible with the terms of the <i>easement</i> agreement;	and Growth Plan e.g. Built heritage resources (definition).
1.4.4 New lots	<ol style="list-style-type: none"> 1. Provided no new building <i>lot(s)</i> is created, a severance may be permitted: <ol style="list-style-type: none"> a) for the purpose of <i>correcting conveyances</i>, provided the correction does not include the recreation of merged lots; b) for the purpose of enlarging existing <i>lots</i>; c) as part of, or following, the acquisition of lands by a <i>public body</i>; or d) as part of, or following, the acquisition of lands by an approved <i>conservation organization</i> for the purpose of establishing a <i>nature preserve</i>. 	<p>Subsection a) - “recreation” should be “re-creation”.</p> <p>It may be beneficial to stipulate here that such lot line adjustments should not result in increased fragmentation of the natural heritage and hydrologic features and functions of the escarpment environment.</p>
1.5 Escarpment Rural Area	Escarpment Rural Areas are an essential component of the Escarpment corridor, including portions of the Escarpment and lands in its vicinity. They provide a buffer to the more ecologically sensitive areas of the Escarpment and resemble the linkage areas of a Natural Heritage System.	<p>In the last sentence, “resemble” should not be used. Not all Escarpment Rural areas will be the same as the NHS linkage and/or enhancement areas, and the functions within the Escarpment Rural area may not be the same either. This sentence could be used to say that if the features and functions of the Escarpment Rural area do not meet or resemble the NHS features and functions of linkages and/or enhancement areas, it can be determined that the area should not be designated as Escarpment Rural area.</p> <p>The second sentence should also reference natural heritage functions.</p> <p>There should be an explanation as to how the land use designations work together to create a NHS.</p>
1.5.1 Objectives	5. To protect the agricultural lands, including <i>prime agricultural areas</i> and <i>specialty crop areas</i> .	<p>Remove “the”.</p> <p>Agricultural uses should be protected as well as land.</p>
	7. To provide for the consideration of the designation of new Mineral Resource Extraction Areas which can be accommodated by an amendment to the Niagara Escarpment Plan.	If they can be considered, they don’t need to be accommodated Change to “...which requires an amendment...”.
1.5.2 Criteria for Designation	4. Lands that have potential for enhanced ecological values	Add “to” between “due” and “their”.

	through natural succession processes or due their proximity to other ecologically or hydrologically significant lands, areas or features.	
1.5.3 Permitted Uses	10. <i>infrastructure</i> , however, only linear facilities may be permitted in <i>prime agricultural areas</i> and <i>specialty crop areas</i> ;	Is a study (e.g. EA) required to for a use/project to be deemed necessary to public interest as in the case of municipal infrastructure?
	11. <i>accessory uses</i> , including <i>accessory facilities</i> (e.g., a garage, swimming pools or tennis courts) and <i>signs</i> , and the site alterations required to accommodate them;	Examples aren't necessary if the terms are defined.
	12. non-farm ponds;	HAPP has concerns with permitting non-farm ponds without a list of restrictions and/or a hydrologic study. Restrictions and/or a hydrologic study should include: size and placement e.g. number of square metres, off-line, not within NHS features, must not have a negative impact to surface and/or groundwater resources. There should be development criteria added.
	13. in non- <i>prime agricultural areas</i> and non- <i>specialty crop areas</i> , <i>institutional uses</i> ;	"small scale" should be left in and should be defined.
	23. recycling depots for paper, glass and cans etc., serving the local community;	"small scale" should be left in and should be defined.
1.5.4 New Lots	<ol style="list-style-type: none"> 1. Provided no new building <i>lot(s)</i> is created, a severance may be permitted: <ol style="list-style-type: none"> a) for the purpose of <i>correcting conveyances</i>, provided the correction does not include the recreation of merged lots; b) for the purpose of enlarging existing lots; c) as part of, or following, the acquisition of lands by a public body; or 1. as part of, or following, the acquisition of lands by an approved <i>conservation organization</i> for the purpose of establishing a <i>nature preserve</i>. 	<p>Subsection a) - "recreation" be "re-creation"?</p> <p>It may be beneficial to stipulate here that such lot line adjustments should not result in increased fragmentation of the natural heritage and hydrologic features and functions of the escarpment environment.</p>
1.6.8 Development and Growth Objectives	4. Development and growth should avoid Escarpment Protection Areas, and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.	Will guidance be provided to municipalities regarding how to entrench these provisions in a zoning by-law?
	9. Growth and development in Minor Urban Centres shall be compatible with and provide for:	Are studies required?

	<ul style="list-style-type: none"> a) the <i>protection</i> of the <i>Escarpment environment</i>; b) the <i>protection</i> of natural heritage features and functions; c) the <i>protection</i> of hydrologic features and functions; d) the <i>protection</i> of the agricultural lands, including <i>prime agricultural areas</i> and <i>specialty crop areas</i>; e) the <i>conservation of cultural heritage resources</i>; f) considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate; g) sustainable use of water resources for ecological and servicing needs; and h) compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning. 	<p>Subsection d) - Remove “the” before agricultural lands</p>
	<p>11. Adequate public access to the Escarpment should be provided by such means as parking areas, walkways or pedestrian trails (e.g., the Bruce Trail).</p>	<p>It is not clear how this provision is to be implemented or enforced and who the responsible body is.</p>
<p>1.7.5 Development Objectives</p>	<p>1. All development shall be of an urban design <i>compatible</i> with the <i>scenic resources</i> of the Escarpment. Where appropriate, provision for maximum <i>heights</i>, adequate setbacks and screening are required to minimize the visual impact of urban development on the <i>Escarpment environment</i>.</p>	<p>Guidance for this provision should be made available to municipalities.</p>
	<p>2. Development within Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term goal of net-zero communities and increased resilience to climate change, including through maximizing opportunities for the use of <i>green infrastructure</i>.</p>	<p>Guidance for this provision should be made available to municipalities.</p>
<p>1.8.2 Criterion for Designation</p>	<p>1. Established, identified or approved recreation areas (e.g., ski areas, lakeshore cottage areas, and resort development areas).</p>	<p>Why “ski areas” and not “ski centres” as above? What is the difference?</p>

1.8.3 Permitted Uses	18. Non-farm ponds.	HAPP has concerns with permitting non-farm ponds without a list of restrictions and/or a hydrologic study. Restrictions and/or a hydrologic study should include: size and placement e.g. number of square metres, off-line, not within NHS features, must not have a negative impact to surface and/or groundwater resources. There should be development criteria added.
1.9.3 Permitted Uses	4. the recycling and re-processing of materials originally produced from aggregate, that is accessory and subordinate to the <i>mineral extraction operation</i> licensed pursuant to the <i>Aggregate Resources Act</i> ;	There should be additional controls such as: <ol style="list-style-type: none"> 1. “provided that the facilities are directly associated with the extraction of mineral aggregate resources from an integrated mineral aggregate operation, which may consist of more than one <i>Aggregate Resources Act</i> Licence; 2. Designed to be temporary and not to be utilized after extraction has ceased; and 3. Located in a manner that does not affect the final rehabilitation or enhancement of the site in accordance with an approved
	13. a portable asphalt plant in an above water table location in Part of Lot 28, Concession 10, Township of Georgian Bluffs (formerly Township of Keppel), County of Grey under Amendment 167 to this Plan may be permitted for a period not to exceed December 31, 2014 for part of Township Lots 26, 27 and 28, Concession 10, Township of Georgian Bluffs (formerly Township of Keppel), County of Grey;	Site specific uses should be listed at the end of the permitted uses list.
	14. <i>single dwellings, secondary dwelling units</i> and associated <i>accessory uses</i> (e.g., a garage or storage building) once the licence has been surrendered;	The site should be re-designated to the appropriate designation before this use is permitted (subject to 1.9.5). As the <i>Aggregate Resources Act</i> identifies that a licence may be surrendered or revoked, “or revoked” should be added.

1.9.5 After Uses	Following the surrender of the licence issued pursuant to the <i>Aggregate Resources Act</i> , an amendment to the Niagara Escarpment Plan is required to change the land use designation of the <i>lot</i> from Mineral Resource Extraction Area to a land use designation that has designation criteria <i>compatible</i> with the rehabilitation completed on the <i>property</i> , adjacent land uses and the purpose and objectives of the Niagara Escarpment Plan.	<p>“...compatible with the rehabilitation completed”? What if it’s abandoned before rehab?</p> <p>“Surrender” is an ARA term specific to the owner completing rehab and surrendering the licence. The licence could also be “revoked” where the owner may or may not have completed rehab.</p> <p>Is this applicant or NEC initiated? When is it done? Individual application or at time of Plan review? The NEC should initiate the amendment in a reasonable time frame.</p>
Part 2 Development Criteria		
2.1 Introduction	The development criteria will also be used as minimum standards for assessing the conformity of local <i>official plans, secondary plans</i> and, where applicable, zoning bylaws and for administering site-plan control approvals. If an <i>official plan, secondary plan, zoning by-law, or other planning approval</i> is silent on one or more development criteria included in this Plan, the development criteria of this Plan still apply.	This should read “the development criteria of this Plan apply”, rather than “still apply”

<p>2.2 General Development Criteria</p>	<p>1. Permitted uses may be allowed, provided that:</p> <ul style="list-style-type: none"> a) the long-term ecological function and biodiversity of the site is maintained, restored or, where possible, improved having regard to single, multiple or successive development that have or are likely to occur; b) the site is not prone to natural hazards, and the development will not impact the control of these natural hazards including <i>flooding hazards, erosion hazards, or other water-related hazards</i> and hazard events associated with unstable soil or unstable bedrock; c) notwithstanding the provisions of subsections a) and b) above, a <i>property</i> listed as a <i>nature preserve</i> in Appendix 4 of this Plan, acquired by an approved <i>conservation organization</i>, shall not be used as a <i>building lot</i> or for any other purpose inconsistent with the maintenance and <i>protection</i> of the natural features and values for which the <i>nature preserve</i> was established; or d) notwithstanding the provisions of sub-sections a), b) and c) above, a <i>property</i> listed as an <i>APO lot</i> in Appendix 5 of this Plan, when associated with a <i>farm consolidation</i>, shall not be used as a residential <i>building lot</i> or for any other purpose inconsistent with an <i>agricultural use</i>. Permitted agricultural development on such <i>lots</i> shall be limited to existing <i>agricultural uses, existing agriculture-related uses</i> and existing <i>on-farm diversified uses</i>, but excluding <i>wineries, equestrian centres, and commercial, industrial, institutional, warehousing, office, manufacturing</i> and similar uses that may serve or be related to agriculture. 	<p>What about lands adjacent to the site?</p> <p>Subsection a) - “regard to single, multiple or successive development that have or are likely to occur;” – it is challenging to predict what development is likely to occur.</p> <p>Subsection b) - “the site is not prone to natural hazards...” - this language is not consistent with PPS (“development shall be directed to areas outside” and “development will not create new or aggravate existing hazards”</p>
	<p>3. Any development permitted should be designed and located in such a manner as to promote design and orientation that:</p> <ul style="list-style-type: none"> a) maximizes energy efficiency and conservation and 	<p>Will Provincial Guidelines be developed as it relates to climate change and land use planning?</p> <p>It can be inferred that this policy relates to climate change;</p>

	<p>considers the mitigating effects of vegetation;</p> <p>b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and</p> <p>c) reduces greenhouse gas emissions so that the development is contributing to the goal of net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.</p>	<p>however, it should be more explicit.</p> <p>Subsection a) - See above comment - “and considers the mitigating effects of vegetation” – as it relates to climate change (not noise, for example)</p> <p>Subsection c) - “net zero communities” is a defined term in the other draft Plans so should be defined in the NEP.</p> <p>How can this be achieved via the NEP if municipal official plans/zoning applies in these areas? Further direction to be provided?</p>
	<p>5. <i>Institutional uses</i> permitted in Escarpment Protection Areas and Escarpment Rural Areas shall have no <i>negative impact</i> on the <i>Escarpment environment</i>.</p>	<p>The use of the term “Escarpment environment” is problematic throughout the Plan. The definition for “Escarpment environment” includes physical and natural heritage features, cultural and scenic resources, which all need to meet different tests under the Plan or PPS. In this case, it may not be appropriate to demonstrate “no negative impact” on all elements of the Escarpment environment.</p>
<p>Home Occupations and Home Industries</p>	<p>7. <i>Home occupations</i> and <i>home industries</i> in Urban Areas, Minor Urban Centres and Escarpment Recreation Areas are subject to the policies for such uses as set out in the municipal <i>official plan</i> and/or zoning by-law. In the case of all other land use designations, the following provisions apply to <i>home occupations</i> and <i>home industries</i> as defined by this Plan:</p> <p>a) in the Escarpment Natural Area designation, <i>home occupations</i> shall be located in the <i>single dwelling</i> or in an addition to the dwelling;</p> <p>b) in the Escarpment Protection Area, Escarpment Rural Area and Mineral Resource Extraction Area designations, <i>home occupations</i> and <i>home industries</i> shall be located in the <i>single dwelling</i> or in an addition to the dwelling, unless the need to locate it within an <i>accessory facility</i> can be justified;</p> <p>c) <i>home occupations</i> or <i>home industries</i> should normally be limited to one per <i>lot</i>;</p>	<p>Subsection c) – it is clear how “should normally be limited” could be implemented in subsection c).</p>

	<p>d) where the <i>home occupations</i> or <i>home industries</i> is located within the <i>single dwelling</i> or in an addition to the dwelling, not more than 25 per cent of the total floor area, including any addition to the dwelling, shall be devoted to the use to a maximum of 100 square metres (1,075 square feet);</p> <p>e) where the <i>home occupation</i> or <i>home industry</i> is located in an <i>accessory facility</i>, not more than 100 square metres (1,075 square feet) of the building shall be devoted to the use;</p> <p>f) in no instance shall there be more than 125 square metres (1,345 square feet) devoted to the use, where the <i>home occupation</i> or <i>home industry</i> is located within the <i>single dwelling</i> or in an addition to the dwelling and an <i>accessory facility</i>;</p> <p>g) the total floor area requirements set out in sub-sections d), e) and f) above shall apply where there is more than one <i>home occupation</i> or <i>home industry</i> on a <i>lot</i>;</p> <p>h) Where the <i>home occupation</i> or <i>home industry</i> is located in an <i>accessory facility</i>, the following apply:</p> <ol style="list-style-type: none"> i. the use of a common driveway; and ii. the use of shared residential services where possible (e.g., septic system for domestic waste only, well, parking). <p>i) <i>Home occupations</i> and <i>home industries</i> shall:</p> <ol style="list-style-type: none"> i. be secondary to the primary residential or <i>agricultural use</i> on the lot; ii. be operated by residents of the <i>household</i> on the <i>lot</i>; and iii. be located in a manner that considers potential land use compatibility issues, such as noise, odour and dust, with adjacent more sensitive uses (e.g., residential, daycare). <p>j) Municipal <i>official plan</i> policies and standards (e.g., lot size, parking, floor area, retail space) must be</p>	<p>Subsection i) - "Home occupations and home industries shall....or agricultural use on the lot" – Is this policy intended to apply to On Farm Diversified Uses?</p> <p>Subsection k) - Is this policy intended for other uses, as well?</p> <p>Subsection k) - Flood and fill regulation refers to the previous Conservation Authority regulation.</p>
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	<p>met;</p> <p>k) municipal and agency permit, licensing and approval requirements must be satisfied (e.g., building, access, health, safety, flood and fill regulations); or</p> <p>l) where a Development Permit is required for a <i>home occupation</i> or <i>home industry</i>, such a Permit is only transferable to a new owner where the purpose of the <i>home occupation</i> or <i>home industry</i> remains the same.</p>	
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<p>Secondary Dwelling Units</p>	<p>8. The following provisions apply to secondary <i>dwelling units</i>:</p> <ul style="list-style-type: none"> a) a single secondary <i>dwelling unit</i> may be permitted per <i>existing lot of record</i>; b) notwithstanding the above, a secondary <i>dwelling unit</i> shall not be permitted on an <i>existing lot of record</i> where there is more than one <i>single dwelling</i>, including any dwelling approved under Part 2.2.4 b) of this Plan; c) the secondary <i>dwelling unit</i> shall be contained entirely within a <i>single dwelling</i> or in an addition to a single dwelling and shall not be permitted in a detached <i>accessory facility</i>; d) the floor area of a secondary <i>dwelling unit</i> shall be proportionate in size to the <i>single dwelling</i> and shall have minimal <i>negative impact</i> on the <i>Escarpment environment</i>; e) where municipal <i>official plan</i> policies permit secondary <i>dwelling units</i>, the municipal standards (e.g., lot size, parking requirements, maximum floor area, licencing) shall be met, and adequate municipal servicing shall be available to accommodate the secondary <i>dwelling unit</i> (including septic and water), to the satisfaction of the municipality and the <i>implementing authority</i>; f) secondary <i>dwelling units</i> shall not be permitted in a <i>group home</i> or a <i>single dwelling</i> containing a <i>bed and breakfast</i>; and g) a <i>home occupation</i> or <i>home industry</i> shall not be permitted within a secondary <i>dwelling unit</i>. 	<p>Subsection d) - It is not clear what “proportionate in size” means in subsection d) and will be difficult to regulate – for consistency in policy implementation, a maximum size should be established.</p> <p>Subsection d) - “and shall have minimal <i>negative impact</i> on the <i>Escarpment environment</i>” - The use of the term “Escarpment environment” is problematic throughout the Plan. The definition for “Escarpment environment” includes physical and natural heritage features, cultural and scenic resources, which all need to meet different tests under the Plan or PPS. In this case, it may not be appropriate to demonstrate “minimal negative impact” on all elements of the Escarpment environment, as some natural heritage features are required to meet different tests (e.g., no negative impact).</p> <p>Subsection e) - “municipal servicing”: this should simply read “servicing” as municipal services (urban water/wastewater services) may not be permitted in the rural area.</p>
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2.3 Existing Uses	<p>3. Where an <i>existing use</i> has a substantial <i>negative impact</i> on the <i>Escarpment environment</i>, the property owner shall be encouraged to bring the use into closer conformity with the objectives of the applicable designation of the Niagara Escarpment Plan (e.g., erect a fence around a wrecking yard or install manure storage facilities).</p>	<p>As noted above, the use of the term “Escarpment environment” is problematic throughout the Plan. What does “substantial negative impact” mean in the context of each of the elements considered under “Escarpment environment”?</p>
	<p>4. An expansion or enlargement of a building, structure or facility associated with an <i>existing use</i> shall be minor in proportion to the size and scale of the use, building or structure, including its related buildings and structures at the time it became an <i>existing use</i> as defined by the Plan. An expansion or enlargement to a building, structure or facility associated with an <i>existing use</i> will be considered minor where the expansion or enlargement is no more than 25 per cent of the original development footprint, unless it can be demonstrated that a greater expansion or enlargement will have minimal <i>negative impact</i> on the <i>Escarpment environment</i>.</p>	<p>It is not clear what “minor in proportion” means.</p> <p>See comments above with respect to the use of the term “Escarpment environment” and “minimal negative impact”</p>
	<p>5. An expansion or enlargement of a building, structure or facility associated with an <i>existing use</i> must be <i>compatible</i> with surrounding land uses, have minimal <i>negative impact</i> on the <i>Escarpment environment</i> and be consistent with the relevant Development Criteria in Part 2.</p>	<p>This new policy contradicts subsection 2.3.2 above which requires expansions to demonstrate no negative impacts (rather than minimal). As such, it should be deleted.</p> <p>See comments above with respect to the use of the term “Escarpment environment” and “minimal negative impact”</p>
Existing Waste Related Facilities	<p>6. On existing <i>waste disposal sites</i> in the Escarpment Natural, Escarpment Protection, Escarpment Rural Areas and Mineral Resource Extraction Area designations, the following municipal <i>waste-related</i> facilities may be permitted without an amendment to the Plan provided the impact to the <i>Escarpment environment</i> is minimal and it can be demonstrated that the objectives and development criteria of the Plan are met:</p> <ul style="list-style-type: none"> a) recycling and/or compost facilities, serving the local community; b) temporary storage of household wastes (paint, etc.) serving the local community; 	<p>Subsection a) “small scale” should be left in and should be defined.</p>

	<p>c) containers and weight scales; and</p> <p>d) other <i>accessory uses</i> normally associated with the <i>waste disposal site</i>, serving the local community.</p> <p>But does not include:</p> <p>e) any expansion or alteration to an existing <i>waste disposal site</i> from what has been approved under the <i>Niagara Escarpment Planning and Development Act</i> and the <i>Environmental Protection Act</i> and/or the <i>Environmental Assessment Act</i> (including any expansion in area or height of a landfill or any change in the type of <i>waste</i> material being disposed of, such as a change from non-hazardous solid industrial waste to municipal waste);</p> <p>f) incineration facilities (including energy from <i>waste</i> facilities); and</p> <p>g) packer and/or recycling plants or similar uses.</p> <p>Notwithstanding the criteria above, land filling on the <i>property</i> of an existing operating <i>waste disposal site</i> or an existing closed <i>waste disposal site</i> may be permitted if it is determined that such filling is consistent with the Environmental Compliance Approvals under the <i>Environmental Protection Act</i> or is required for site remediation or decommissioning. The fill must be inert or of a quality and condition deemed suitable for the site by the Ministry of the Environment and Climate Change. Where possible, such activities will be consistent with maintaining and enhancing the <i>scenic resources</i> of the Escarpment.</p>	<p>Should require a hydro-geological study and should show that fill will not adversely affect private wells.</p> <p>This is not in-keeping with an “environment first” philosophy.</p> <p>“Where possible, such activities will be consistent with maintaining and enhancing the <i>scenic resources</i> of the Escarpment.” – how can this be achieved? Are guidelines forthcoming?</p>
2.4 Lot Creation	<p>5. New lots must:</p> <p>a) maintain and enhance the existing community character and/or <i>open landscape character</i> of the <i>Escarpment environment</i>; and</p> <p>b) maintain and enhance existing natural heritage and hydrologic features and functions.</p>	<p>It would not always be feasible to enhance the existing community character and/or open landscape character of the Escarpment environment through the creation of a new lot. As such, this clause should be revised as follows (or similar):</p> <p>Subsection a) - “maintain and enhance, where feasible, the existing community character and/or open landscape character of the Escarpment environment”</p>

		<p>Again, it is problematic to use “Escarpment environment” as it is worded in this policy.</p> <p>Subsection b) - It would not always be feasible to enhance <u>all</u> existing natural heritage and hydrologic features and functions through a lot creation, especially if they are far removed from the proposed development. As such, this clause could be revised as follows (or similar):</p> <p>“maintain and enhance, <u>where feasible</u>, the features <u>and</u> functions of the Escarpment environmental within or adjacent to the proposed new lot”.</p> <p>It may be beneficial to include a policy here that restricts the size of the lot to the minimum size required to accommodate the use and appropriate sewage and water services and prohibits increased fragmentation of natural heritage and hydrologic features and areas to further protect the escarpment environment. This would be consistent with polices regarding lot creation in the protected countryside of the Greenbelt Plan.</p> <p>“maintain and enhance existing natural heritage and hydrologic features and functions.” – This conflicts with other policies in this Plan and PPS; some features are required to meet the no negative impact test.</p>
	<p>6. Prior to commenting upon <i>new lots</i>, the <i>implementing authority</i> shall consider:</p> <ul style="list-style-type: none"> a) the number, distribution and density of vacant <i>lots</i> in the area; b) the additional <i>lots</i> that may be created in conformity with the Plan; c) the consequences of the development of the <i>lots</i> with regard to the objectives of the designation; and d) providing for or protecting public access to the Niagara Escarpment, including the <i>Bruce Trail corridor</i>. 	<p>Subsection c) - What does “consequences of the development” mean?</p>
	<p>15. Where more than one <i>single dwelling</i> exists on the same <i>lot</i>, a <i>new lot</i> may be created for the additional</p>	

	<p>dwelling(s) provided that:</p> <ul style="list-style-type: none"> a) neither the dwelling on the <i>new lot</i> nor the dwelling(s) to be retained were approved on the basis that they would be for temporary use or as a <i>dwelling unit</i> accessory to agriculture; b) all the dwellings on the <i>property</i> are <i>existing uses</i> as defined in this plan and have received approval from the municipality; c) both the dwelling on the <i>new lot</i> and the dwelling retained are in a reasonable standard for habitation and have been used as a <i>dwelling unit</i> within the year before making application to sever; and d) severance of existing dwelling shall not conflict with Part 2.4.17 a) below. <p>Notwithstanding the above, a <i>new lot</i> shall not be created for a mobile or portable <i>dwelling unit</i>.</p>	<p>Subsection d) – There is no 2.4.17 a), just 2.4.17</p>
	<p>19. Lot creation in <i>prime agricultural areas</i> is discouraged and may only be permitted for:</p> <ul style="list-style-type: none"> a) <i>agricultural uses</i>, provided that the <i>lots</i> satisfy the New Lots provisions in Part 1 of the Plan, are of a size appropriate for the type of <i>agricultural uses(s)</i> common in the area, and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations; b) <i>agriculture-related uses</i>, provided that the <i>lot</i> satisfies the New Lots provisions in Part 1 of the Plan and have minimal impact on the <i>Escarpment environment</i>; c) a <i>residence surplus to a farm operation</i>, as a result of a <i>farm consolidation</i> as provided for in this Plan; or 	<p>Do these policies belong under the heading “Farm Consolidations, Surplus Residences and APO Lots”?</p> <p>Subsection b) - See comments above regarding “minimal impact” and Escarpment environment.</p> <p>Subsection d) - How is “deemed necessary” determined? By way of an Environmental Assessment?</p>
<p>Farm Consolidations, Surplus Residences and APO Lots</p>	<p>21. The <i>lot</i> associated with the residence that has been rendered surplus to an agricultural operation through a <i>farm consolidation</i> may be severed provided the following criteria are met:</p> <ul style="list-style-type: none"> a) the <i>lot</i> shall be limited to the minimum size needed to 	

	<p>accommodate the use and appropriate sewage and water services;</p> <p>b) the <i>implementing authority</i> ensures that new residential dwellings are prohibited on any <i>remnant lot</i> of farmland created by the severance using the approach recommended by the Province, or based on municipal approaches that achieve the same objective;</p> <p>c) the <i>Lot(s)</i> shall not limit the agricultural viability or use of the <i>remnant APO lot</i> because of the location of the surplus residence or existing buildings (e.g., key-hole lot situations);</p> <p>d) the proposed surplus residence was not originally approved on the basis that it was for temporary use or as a <i>dwelling unit</i> accessory to agriculture;</p> <p>e) the proposed surplus residence is an <i>existing use</i>, as defined in this plan, and has been determined to be habitable under the provisions of the Ontario Building Code at the time of the application for severance;</p> <p>f) the proposed surplus residence has been built and occupied for not less than ten (10) years, at the time of the application for severance;</p> <p>g) the application for severance of the surplus residence must occur within two (2) years of the date that the lands were acquired as part of a <i>farm consolidation</i>; and</p> <p>h) a <i>lot</i> supporting a mobile or portable dwelling or as a <i>dwelling unit</i> accessory to agriculture shall not be severed as <i>property</i> with a surplus residence.</p>	<p>Subsection e) - “...as defined in this plan...” not necessary if existing use is a defined term.</p>
<p>2.5 Development Affecting Steep Slopes and Ravines</p>	<p>The objective is to ensure that development affecting steep slopes (e.g., Escarpment slopes, rock faces, <i>talus slopes</i>) and ravines does not result in <i>negative impacts</i> to the <i>Escarpment environment</i> or in unsafe conditions.</p>	<p>To achieve greater harmony with the other Plans and PPS, it may be worthwhile to rename this section “natural hazards” and include policies related to flooding and erosion hazards under this section.</p> <p>Again, the use of “negative impacts” and “Escarpment environment” is problematic.</p>
	<p>1. The crest or brow and toe of the slope or ravine shall be</p>	<p>Plotted on development plan by a surveyor?</p>

	<p>established by means of a site inspection by the <i>implementing authority</i>, and these lines will be plotted on proposed development plans.</p>	
	<p>2. The <i>implementing authority</i> will establish a minimum development setback from the brow or crest and toe of a slope or ravine, and no disturbance of grades or vegetation below the crest or brow and above the toe shall occur.</p>	<p>Based on a geotechnical assessment? Is there a minimum setback? Guidelines would be helpful.</p>
	<p>3. Where this setback cannot be achieved on an <i>existing lot of record</i> on a steep slope or ravine, the setback may be varied or eliminated to the satisfaction of the <i>implementing authority</i>.</p>	<p>See comments above.</p>
<p>2.6 Development Affecting Water Resources</p>	<p>The objective is to ensure that development affecting hydrologic features will have no <i>negative impacts</i> on the features or their <i>hydrologic functions</i>, or on supporting natural heritage features and functions at the local and watershed level.</p> <p>Development shall only be permitted where it will ensure the <i>protection</i> of vulnerable surface water features and groundwater features from development that may adversely affect the quality and quantity of ground and surface waters in the vicinity of the Escarpment.</p> <p>The following are key hydrologic features within the meaning of the Plan:</p> <ul style="list-style-type: none"> • <i>permanent and intermittent streams</i>; • <i>lakes</i> (and their littoral zones); • <i>seepage areas and springs</i>; and <i>wetlands</i>. 	<p>Again, to achieve greater harmony with the other Plans and PPS, it may be worthwhile to rename this section “Water Resource System Policies”</p> <p>“Key Hydrologic Areas” – HAPP recommends that the same concepts be introduced into the NEP as it has been with the other Plans.</p>
	<p>The following policies apply to key hydrologic features throughout the Niagara Escarpment Plan Area:</p>	<p>The term “key hydrologic features” is used here. Does it mean the same as in the other provincial plans? It is not defined in the draft NEP. See comments regarding 2.6.2 below.</p>
	<p>1. <i>Development</i> is not permitted in key hydrologic features with the exception of the following, which may be permitted, subject to compliance with all other relevant development criteria:</p> <p>a) development of a <i>single dwelling</i> and <i>accessory facilities</i> outside of a <i>wetland</i> on an <i>existing lot of record</i>, provided there is no <i>negative impact</i> to the feature or its</p>	<p>Subsection a) - A study (e.g. an Environmental Impact Assessment, hydrologic evaluation) should be required to make a determination of development potential.</p>

	<p>functions;</p> <p>b) <i>forest, fisheries and wildlife management</i>, provided <i>negative impacts</i> on the <i>Escarpment environment</i> will be minimal;</p> <p>c) <i>conservation</i> and flood or erosion control projects, but only after all alternatives have been considered;</p> <p>d) hiking trails or boardwalks on parks and open space lands that are in an approved Niagara Escarpment Parks and Open Space Master/Management Plan; or <i>infrastructure</i>, but only where the project has been deemed necessary to the public interest after all other alternatives have been considered.</p> <p>e) <i>Infrastructure</i>, but only where the project has been deemed necessary to the public interest after all other alternatives have been considered.</p>	<p>Subsection a) - Again, problematic to use Escarpment environment and state that negative impacts will be minimal.</p> <p>Subsection c) - How is this determined? By way of an Environmental Assessment?</p> <p>Subsection e) - How is “deemed necessary” determined? By way of an Environmental Assessment?</p>
	<p>2. If, in the opinion of the <i>implementing authority</i>, a proposal for <i>development</i> within 120 metres of a key hydrologic feature has the potential to result in a <i>negative impact</i> to the feature and/or its functions, a hydrologic evaluation will be required that:</p> <p>a) Demonstrates that the development, including any alteration of the natural grade or drainage, will have no <i>negative impact</i> on:</p> <ol style="list-style-type: none"> i. the key hydrologic feature or on the <i>hydrologic functions</i> of that feature, including ground and surface water quality and quantity, natural <i>streams</i> or drainage patterns; ii. the overall water budget for the watershed, including existing and planned municipal drinking water systems, or the quality, quantity or character of ground and surface water supplies; and iii. key natural heritage features. <p>b) Identifies planning, design and construction practices that will minimize erosion, sedimentation</p>	<p>The Province and/or NEC should develop a guideline for hydrologic evaluations in consultation with municipalities to assist in the implementation of this policy.</p> <p>It would also be helpful to stipulate that the implementing authority will consult with other relevant agencies with respect to this determination. As such, the following revision is suggested (or similar):</p> <p>“If, in the opinion of the implementing authority, <u>in</u> consultation with municipalities and other relevant agencies, a proposal for <i>development</i> within 120 metres of a key hydrologic feature has the potential to result in a <i>negative impact</i> to the feature and/or its functions, a hydrologic evaluation will be required that:”</p> <p>This differs from 3.2.5.5 of the Greenbelt Plan.</p> <p>Subsection i) - Key hydrologic feature is a defined term in the Greenbelt Plan and Growth Plan; recommend that it be defined in the same manner as the Growth Plan.</p> <p>Subsection a) ii - Does this mean a water budget analysis may be</p>

	<p>and the introduction of nutrients or pollutants and maintain, and where possible, improve or restore the health, diversity and size of the key hydrologic feature, including:</p> <ul style="list-style-type: none"> i. natural features should be preserved; ii. temporary vegetation and/or mulching should be used to protect critical areas exposed during development; iii. <i>topsoil</i> should not be removed from the site, but rather, should be stored and redistributed as a suitable base for seeding and planting; iv. sediment control devices should be installed to remove sediment from run-off due to changed soil surface conditions during and after construction; and v. construction in or across a <i>watercourse</i> or <i>wetland</i> should be appropriately timed to minimize impacts on <i>fish</i> and <i>wildlife habitat</i>. <p>c) Determines the minimum <i>vegetation protection zone</i> required to maintain and enhance the key hydrologic feature and its functions.</p>	<p>required for a single residential dwelling? Are agricultural, agriculture-related or on-farm diversified uses exempt from the need for these evaluations subject to criteria?</p> <p>Subsection b) - Sediment and erosion control guidelines or best management practices should be made available.</p> <p>Subsection b) - There may be other methods that may be just as appropriate.</p>
	<p>4. In the case of <i>permanent</i> and <i>intermittent streams</i> and <i>seepage areas and springs</i>, the determination of the <i>vegetation protection zone</i> shall include, without limitation, an analysis of land use, soil type and slope class. Criteria established by the Government of Ontario, as amended from time to time, can be used to assist with this.</p> <p>5. New buildings and structures for <i>agricultural uses</i> are not required to establish a condition of <i>natural self-sustaining vegetation</i> within a <i>vegetation protection zone</i> if the land is, and will continue to be, used for agricultural purposes. Despite this exemption, <i>agricultural uses</i> should pursue best management practices to protect and/or restore key hydrologic features and functions.</p>	<p>This is not clear. "...can be used to assist with this" is not proper policy language and should be re-worded.</p> <p>This differs from sections 3.2.5.7 and 3.2.5.8 of the draft Greenbelt Plan. Those Greenbelt Plan policies should be used here.</p>
Sewage Systems	<p>6. Notwithstanding Part 2.6.2 above, no sewage system shall be allowed closer than 30 metres (approximately</p>	<p>"the distance may be varied...to the satisfaction of the implementing authority" – Based on what criteria? Will</p>

	100 feet) from a key hydrologic feature. Where the setback cannot be achieved on an <i>existing lot of record</i> , the distance may be varied depending upon the sensitivity of the feature, to the satisfaction of the <i>implementing authority</i> .	guidelines be established? There is too much room for inconsistent application and interpretation of policy.
Water Quality and Quantity	7. Changes to the natural drainage should be avoided.	Is this title necessary or just put all water policies together under one section?
	8. No alteration of natural <i>streams</i> or drainage patterns shall occur within the <i>vegetation protection zone</i> , where, in the opinion of the <i>implementing authority</i> , such action would negatively impact the quality and quantity of groundwater features and/or surface water features.	"in the opinion of the implementing authority" - Based on what criteria? Will guidelines be established? Too much room for inconsistent application and interpretation of policy.
	9. Permitted Uses that involve water taking or undertake <i>stream</i> diversions must be demonstrated to be an essential part of their operation and shall be of a scale and intensity that will not adversely affect water quality, quantity and the <i>Escarpment environment</i> . Water taking must be accessory to the principle use except in the case of municipal water supply facilities. Increasing the capacity of existing water taking as a principle use shall not be permitted except for municipal water supply facilities.	How is this demonstrated? What sort of study would be required? Reference potential water taking restrictions associated with source protection plan policies (i.e. where consumptive water taking represents a significant threat).
Source Protection	10. The <i>Implementing Authority</i> shall protect vulnerable surface and groundwater areas from development that may negatively impact the quality and quantity of groundwater features and surface water features, including through consideration of source protection plans developed under the <i>Clean Water Act</i> .	"...consideration of source protection plans" – Language must be stronger than "consideration", must be consistent with the approved source protection plan for the area. Vulnerable is a defined term in the PPS and Greenbelt Plan.
	11. Notwithstanding Part 2.6.1, a pond on the Escarpment slope is permitted on the <i>property</i> shown on Schedule A to Amendment PD 170 07, located at Part of the East Half of Lots 9 and 10, Concession 5 E.H.S. (Town of Mono).	Is this related to source protection? Not clear why this site specific policy is under this heading. Should it be moved under another heading?
2.7 Development Affecting Natural Heritage	The objective is to ensure that development affecting natural heritage features will have no <i>negative impacts</i> on the features or their functions, or on the supporting hydrologic features and functions, in order to maintain the diversity and connectivity of the broader Natural System.	Again, to achieve greater harmony with the other Plans and PPS, it may be worthwhile to rename this section "Natural Heritage System Policies" In general, this section is confusing.
	1. Any development within the Escarpment Natural Area,	

	<p>the Escarpment Protection Area or the Escarpment Rural Area land use designations permitted by the policies of this plan shall be required to demonstrate that:</p> <ol style="list-style-type: none"> a) the diversity and connectivity between key natural heritage features and key hydrologic features located within 240 metres of each other is maintained, or where possible, enhanced for the movement of native plants and animals across the landscape; and b) the removal of other natural features not identified as key natural heritage features or key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use, wherever possible. 	<p>Subsection a) - 240m is also the value referenced in the current Greenbelt Plan (3.2.2.4) and draft Greenbelt Plan and Growth Plan. Where does the value of 240m come from? Has a minimum corridor width been established for this connection or is this to be done via an EIS, SWS or similar study? Is there a limit to when features are to be connected? (e.g., certain number of metres away from core features). Some level of flexibility must be applied to development that occurs within the 240 metre connectivity area. There will be many cases where existing development (e.g. farm clusters, roads and other infrastructure) exist within the 240 metre area. Achieving connectivity in these areas may not be possible, and it would be more appropriate to direct new development to the areas that are already disturbed (e.g. new agricultural buildings or additions within an existing farm cluster).</p> <p>Subsection b) - What are “other natural features”?</p>
	<p>2. Where policies or standards of other <i>public agencies/bodies</i> or levels of government exceed the policies related to key natural heritage features or key hydrologic features in this Plan, such as may occur with <i>habitat of endangered species and threatened species</i> under the <i>Endangered Species Act, 2007</i>, with natural hazards where section 28 regulations of the <i>Conservation Authorities Act</i> apply, or with fisheries under the <i>Federal Fisheries Act</i>, the most restrictive provision or standard applies.</p>	<p>If examples are to be included here it would be useful to include municipal tree removal and site alteration by-laws as examples also. Alternatively, examples could be removed from the policy.</p>
	<p>The following are key natural heritage features within the meaning of the Plan:</p> <ul style="list-style-type: none"> • <i>Wetlands</i> • <i>Habitat of endangered species and threatened species</i> • <i>Fish habitat</i> • <i>Life Science Areas of Natural and Scientific Interest</i> 	<p>This should be listed before the policies for this section start.</p> <p>Natural heritage features is a defined term in the Greenbelt Plan and Growth Plan; recommend that the NEP contain the same definition.</p>

	<ul style="list-style-type: none"> • Earth Science <i>Areas of Natural and Scientific Interest</i> • <i>Significant valleylands</i> • <i>Significant woodlands</i> • <i>Significant wildlife habitat</i> 	
	<p>3. <i>Development</i> is not permitted in key natural heritage features with the exception of the following, which may be permitted, subject to compliance with all other relevant development criteria:</p> <ol style="list-style-type: none"> a) development of a <i>single dwelling</i> and <i>accessory facilities</i> outside a <i>wetland</i> on an <i>existing lot of record</i>, provided there is no <i>negative impact</i> to the feature or its functions; b) <i>forest, fisheries</i> and <i>wildlife management</i>, provided impacts on the <i>Escarpment environment</i> will be minimized; c) <i>conservation</i> and flood or erosion control projects, but only after all alternatives have been considered; d) hiking trails or boardwalks on parks and open space lands that are in an approved Park and Open Space System Master/Management Plan; e) <i>infrastructure</i>, but only where the project has been deemed necessary to the public interest and there is no other alternative; and f) <i>mineral aggregate operations</i>, subject to all relevant Development Criteria, including Part 2.9. 	<p>Subsection c) - How is this determined? By way of an Environmental Assessment?</p> <p>Subsection e) - How is “deemed necessary” determined? By way of an Environmental Assessment?</p> <p>Subsection f) - Does this set up unrealistic expectations to list as an exception?</p>
	<p>4. If, in the opinion of the <i>implementing authority</i>, a proposal for development within 120 metres of a key natural heritage feature has the potential to result in a <i>negative impact</i> to the feature and/or its functions, a natural heritage evaluation will be required that:</p> <ol style="list-style-type: none"> a) demonstrates that the development, including any alteration of the natural grade or drainage, will have no <i>negative impact</i> on the key natural heritage feature or on the related functions of that feature; b) identifies planning, design and construction 	<p>The Province and/or NEC should develop a guideline for natural heritage evaluations in consultation with municipalities to assist in the implementation of this policy.</p> <p>If an application triggers both a Natural Heritage Evaluation and a Hydrologic Evaluation, the two studies should be amalgamated where feasible. As currently written, the separate policies could be interpreted to preclude this as a possibility.</p> <p>It would be helpful to stipulate that the implementing authority</p>

	<p>practices that will minimize erosion, sedimentation and the introduction of nutrients or pollutants and maintain, and where possible, improve or restore the health, diversity and size of the key natural heritage feature; and</p> <p>c) determines the minimum <i>vegetation protection zone</i> required to maintain and enhance the key natural heritage feature and its functions.</p>	<p>will consult with other relevant agencies with respect to this determination. As such, the following revision is suggested (or similar):</p> <p>If, in the opinion of the <i>implementing authority</i>, in consultation with municipalities and other relevant agencies, a proposal for development within 120 metres of a key natural heritage feature has the potential to result in a <i>negative impact</i> to the feature and/or its functions, a natural heritage evaluation will be required that:</p> <p>The Greenbelt Plan policies appear to be more restrictive than draft NEP.</p>
	<p>5. A <i>vegetation protection zone</i> shall:</p> <p>a) be of sufficient width to protect the key natural heritage feature and its functions from the impacts of the proposed change and associated activities that may occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function;</p> <p>b) be established to achieve, and be maintained as <i>natural self-sustaining vegetation</i>; and</p> <p>c) in the case of <i>areas of natural and scientific interest</i> (earth science and life science), include without limitation, an analysis of land use, soil type and slope class, using criteria established by the Government of Ontario, as amended from time to time.</p>	<p>Subsection a) - The Greenbelt Plan and Growth Plan require, under many circumstances, a minimum VPZ of 30m. The 30m VPZ should also be included, but could also add that the 30m VPZ is a minimum.</p>
	<p>6. Notwithstanding Parts 2.7.3, 2.7.4 and 2.7.5 above, development within the <i>habitat of endangered species and threatened species</i>:</p> <p>a) located within Escarpment Natural Areas and Escarpment Protection Areas, except for development referred to in Parts 2.7.3 a) b) c) d) or e), will not be permitted; and</p> <p>b) located within Escarpment Rural Areas, Mineral Resource Extraction Areas, Urban Areas, Minor Urban Centres and</p>	<p>It is recommended that for the permitted uses (2.7.3 a) b) c) d) or e)) a clause be added that approval is still "pursuant to and subject to the policies of the Endangered Species Act, 2007 and all other relevant policies of the Plan.". The inclusion of this clause in 2.7.6 b) but not here may cause confusion or misinterpretation.</p> <p>Approvals from the MNRF may still be required for the proposed use/development. In this case, proponent may still be required</p>

	Escarpment Recreation Areas may be permitted pursuant to and subject to the policies of the <i>Endangered Species Act, 2007</i> and all other relevant policies of the Plan.	to meet the requirements of the ESA and associated regulation. What if ESA changes? Include "...as amended...?"
Development with other Natural Features	8. Development within all other natural features, including <i>valleylands</i> , <i>woodlands</i> and <i>wildlife habitat</i> , may be permitted only if the impact of the development on the natural feature and its functions is minimal.	It is recommended that a definition be provided for 'minimal' as this could be widely interpreted. While 2.7.9 provides some clarification in this regard, those policies relate mainly to woodlands and tree-cutting but don't speak to valleylands and wildlife habitat specifically. The term "ravines" is used in 2.5 but the term "valleylands" is used in this section; recommend that valleylands be used throughout the Plan to be consistent with PPS. Development may not be permitted within these features according to other legislation or regulations. How will impact be determined? Is a study required?
	9. Development in all <i>woodlands</i> should maintain and enhance the <i>woodland</i> and associated <i>wildlife habitats</i> . All development involving the cutting of trees requires approval from the <i>implementing authority</i> , subject to the following criteria: a) cutting of trees shall be limited to the minimum necessary to accommodate the permitted use; b) using tree-cutting methods designed to minimize <i>negative impacts</i> on the <i>natural environment</i> , including surface drainage and groundwater; c) minimizing disruption of <i>wildlife habitat</i> in the area; d) retaining the diversity of native tree species; e) aiming over the long term to retain or enhance the quality, appearance and biodiversity of the <i>woodland</i> ; f) cutting of trees within highly sensitive areas, such as steep slopes, unstable soils, stream valleys, <i>wetlands</i> and areas of <i>significant</i> groundwater recharge and discharge shall be avoided and only	Subsection b) - "minimize negative impacts on the natural environment" How is this achieved given how broad the definition of natural environment is? Negative impacts are defined relative to specific features and not necessarily one in the same with the definition for natural environment. Subsection c) - How is this achieved? Will guidelines be produced? Subsection e) - "...quality and appearance" seem unsuitable descriptors here. Suggested revision: "aiming over the long term to maintain and enhance the biodiversity of the woodland;" Previous comments related to no negative impact and

	<p>permitted where necessary to accommodate permitted uses and where it has been demonstrated that there will be no <i>negative impact</i> on the <i>Escarpment environment</i>;</p> <p>g) protecting of trees to be retained by acceptable means during construction; and</p> <p>h) maintaining of existing tree cover or other stabilizing vegetation, on steep slopes in excess of 25 per cent (1:4 slope).</p>	<p>escarpment environment are applicable.</p>
2.8 Agriculture	<p>The objective is to encourage <i>agricultural uses</i> in agricultural areas, especially in <i>prime agricultural areas</i> and <i>specialty crop areas</i>, to protect such areas, to permit uses that are compatible with farming and to encourage <i>accessory uses</i> that directly support continued <i>agricultural use</i>.</p>	<p>There are no provisions in this section for non-agricultural uses in prime agricultural or specialty crop areas. There are provisions in the PPS and draft Greenbelt Plan.</p> <p>The draft Greenbelt Plan makes reference to Permitted Use Guidelines; the NEP should also make reference to these Guidelines.</p>
Water Quality and Quantity Source Protection	<p>3. <i>Topsoil</i> augmentation on pasture or cropland may be permitted if it is in accordance with Part 2.13 (Scenic resources and <i>Landform Conservation</i>) and if it is supported by a report from a <i>certified agrologist</i> or agricultural engineer establishing that the development serves to enhance the agricultural capability of the site. A fill management plan may be required at the discretion of the <i>implementing authority</i>, depending upon the quantity of fill and the ecological and landscape sensitivity of the site. Placement of fill that does not meet the definition of <i>topsoil</i> will not be permitted on pasture or cropland.</p>	<p>The definition for “topsoil” seems weak. This section could be exploited by applicants such that it may be used to augment the applicant’s bottom line. HAPP suggests adding the following criteria to be met by the applicant:</p> <ol style="list-style-type: none"> 1. “...to enhance the agricultural capability...” should be strengthened by perhaps ensuring that the topsoil is <u>required</u> to bring the agricultural capability to a capability level equal to or better than the surrounding soils in the area and on the site through a justification report by a certified agrologist. 2. Any fill imported onto a site must meet or exceed existing on-site soil quality conditions. The objective is that imported <i>topsoil</i> shall meet Table 1 of the Soil and Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act, R.S.O 1990, c.E.19, unless, at the discretion of the implementing authority, a different Table Standard is deemed safe and appropriate. This assessment will be based upon site conditions, the quantity of fill/topsoil proposed and a consideration of possible impacts on human health and the environment.

		<p>3. The augmentation operation and outcome does not have a negative impact on surrounding properties.</p> <p>4. Must adhere to the MOECC policy framework and Guide for Best Management Practices for Excess Soil Management.</p>
	<p>4. New development adjacent to <i>prime agricultural areas</i> and <i>specialty crop areas</i> should only be permitted where the new development incorporates suitable methods to minimize land use conflicts.</p>	<p>The draft Greenbelt Plan and Growth Plan make reference to the need for AIAs; the NEP should also make reference to AIAs.</p> <p>See comments above regarding non- agricultural uses. Does new development infer non-agricultural?</p>
<p>Agriculture-related Uses</p>	<p>6. <i>Agriculture-related uses</i> may be permitted, provided the following criteria are met:</p> <ul style="list-style-type: none"> a) the use is a farm-related commercial or farm-related industrial use; b) the use is compatible with and does not hinder surrounding agricultural operations; c) the use is directly related to farm operations in the area; d) the use supports agriculture; e) the use provides direct products and/or services to farm operations as a primary activity; f) the use benefits from being in close proximity to farm operations; g) the use results in no <i>negative impact</i> on the <i>Escarpment environment</i>; h) existing buildings, structures or facilities on the property should be used, where possible; i) all buildings, structures and facilities, including parking areas, associated with the use shall be designed and located to have minimal impact on the adjacent land uses and the Escarpment’s <i>open landscape character</i>; and j) the land supporting an <i>agriculture-related use</i> shall not be severed from a farm lot exclusively for the 	<p>The draft Greenbelt Plan makes reference to Permitted Use Guidelines; the NEP should also make reference to these Guidelines.</p> <p>Should there be size restrictions for agriculture-related uses?</p> <p>Subsection a) - This is in the definition of agriculture-related use; therefore, it is not necessary to include as a policy.</p> <p>Subsection c) -This is in the definition of agriculture-related use; therefore, it is not necessary to include as a policy.</p> <p>Subsections e) and f) -This is in the definition of agriculture-related use; therefore, it is not necessary to include as a policy.</p> <p>Subsection e) - It is not clear what is meant by “as a primary activity”.</p> <p>See previous comments re: no negative impact and Escarpment environment.</p> <p>Subsection j) - “exclusively for the purposes of the <i>agriculture-related use</i>.” Should be deleted;</p>

	purposes of the <i>agriculture-related use</i> .	Also, see earlier comments related to APO lots and inconsistent policies throughout the Plan.
On-farm Diversified Uses	<p>7. <i>On-farm diversified</i> uses may be permitted, provided the following criteria are met:</p> <ul style="list-style-type: none"> a) the use is located on the farm <i>property</i>; b) the use is secondary to the principal <i>agricultural use</i> on the farm <i>property</i>; c) the use is compatible with and does not hinder surrounding agricultural operations; d) the use is limited in area to up to two per cent of a farm <i>lot</i>, to a maximum of one hectare (10,000 m²); e) the use includes, but is not limited to, <i>home occupations, home industries, agri-tourism uses</i> and uses that produce value-added agricultural products; f) the use results in no <i>negative impact</i> on the <i>Escarpment environment</i>; g) existing buildings, structures or facilities on the <i>property</i> should be used, where possible; h) all buildings, structures and facilities, including parking areas, associated with the use shall be designed and located to have minimal impact on the principal <i>agricultural use</i>, adjacent land uses and the <i>Escarpment's open landscape character</i>; i) restaurants, hotels and similar uses shall not be permitted as an <i>on-farm diversified use</i>. Development permits for occasional special events may be permitted; and j) the land supporting the use shall not be severed from the farm lot exclusively for the <i>on-farm diversified use</i>. 	<p>The draft Greenbelt Plan makes reference to Permitted Use Guidelines; should the NEP also make reference to these Guidelines?</p> <p>Should there be a total area/size limit for agriculture-related and on-farm diversified uses combined on one lot?</p> <p>Subsection d) - The 2% requirement allows larger farms to get larger buildings. There are many smaller farm parcels that will be penalized. It is more important that the uses are in keeping with the scale and footprint of the existing farm cluster of buildings.</p> <p>Many of the criteria proposed for agriculture-related and on-farm diversified uses are the same; therefore, could be combined into one to avoid duplication.</p> <p>Subsection f) - See previous comments re: no negative impact and Escarpment environment.</p> <p>Subsection i) - Guidelines identified café's, small restaurants, cooking classes and local stores as examples – should be consistent!</p> <p>Subsection i) – Event facilities, banquet halls and conference facilities should not be permitted.</p>

		If agri-tourism is to be promoted, facilities should be permitted to order food at a small scale so that visitors can stay the whole day.
Wineries	8. <i>Wineries are permitted as an agriculture-related use and/or on-farm diversified use.</i>	It is not clear how wineries can be considered an agriculture-related <u>and/or</u> an on-farm diversified use. Who determines whether it will be considered an agriculture-related vs. an on-farm diversified use? It is likely that the proponent will choose the least restrictive use (i.e., agriculture -related). Are wineries subject to the agriculture -related and on-farm diversified use policies, in addition to those noted below?
2.9 Mineral Aggregate Resources	The objective is to minimize the impact of <i>mineral aggregate operations</i> and their <i>accessory uses</i> on the <i>Escarpment environment</i> and to support a variety of approaches to rehabilitation to restore the <i>Escarpment environment</i> and provide for re-designation to land use designations <i>compatible</i> with the adjacent land uses.	The Region and its local municipalities have, and continue to, argue (through Aggregate Resources Act consultation) that the demonstration of need is very necessary.
	1. No new <i>mineral aggregate operation</i> and no <i>wayside pits and quarries</i> , or any <i>accessory use</i> thereto, will be permitted in the following key natural heritage features and any <i>vegetation protection zone</i> associated therewith: a) <i>wetlands</i> ; and b) <i>significant woodlands</i> , unless the <i>woodland</i> is occupied by young plantation or early successional habitat (as defined by the Ministry of Natural Resources and Forestry).	What about expansions to existing operations? Would the woodland be deemed significant if it's a young plantation? Subsection b) - Provide a definition and criteria for "significant woodland".
	2. No new <i>mineral aggregate operation</i> and no <i>wayside pits and quarries</i> , or any <i>accessory use</i> thereto will be permitted in the any other key natural heritage feature, natural feature or key hydrologic feature, or any <i>vegetation protection zone</i> associated therewith, unless it has been demonstrated that there will be no <i>negative impacts</i> on the feature or its functions or the <i>Escarpment environment</i> .	"No negative impact" and "Escarpment environment" comments apply here.
	3. Extractive operations including <i>wayside pits and quarries</i> and haul routes shall be required to: a) demonstrate how all other natural heritage features and functions will be protected or enhanced before,	Subsection a) - What about other key hydrologic features and functions –they should also be addressed in this policy.

	<p>during and after extraction;</p> <ul style="list-style-type: none"> b) demonstrate how <i>cultural heritage resources</i> will be <i>conserved</i>. c) demonstrate how the Escarpment's <i>scenic resources</i> and <i>open landscape character</i> will be maintained or enhanced, before, during and after the extraction; d) demonstrate how key hydrological features will be protected or enhanced before, during and after extraction, including the maintenance of the groundwater and surface water quantity and quality; e) demonstrate how the connectivity between key natural heritage features and key hydrologic features will be maintained before, during and after the extraction of mineral aggregates; f) in <i>prime agricultural areas</i>, a new or expanding <i>mineral aggregate operation</i>, will undertake an Agricultural Impact Assessment to determine how to avoid, minimize and mitigate impacts on agricultural lands and operations. g) Minimize <i>negative impacts</i> of mineral aggregate operations and their <i>accessory uses</i> on surrounding land uses; h) complete progressive and final rehabilitation of the licensed site to provide equal or greater ecological values, including utilizing native species, in order to accommodate subsequent land use designations <i>compatible</i> with the surrounding land uses; i) within the licensed area but outside of the area of extraction, protect the <i>Escarpment environment</i> during periods of extraction and rehabilitation; and j) minimize <i>negative impacts</i> of mineral aggregate operations and their <i>accessory uses</i> on parks, open space and the existing and optimum routes of the Bruce Trail. 	<p>Subsection f) - Unclear how to "avoid, minimize and mitigate impacts".</p>
	<p>5. The mineral aggregate operation shall be screened while</p>	<p>Please re-word to say: "The licenced mineral aggregate operation</p>

	<p>it is in progress and, where possible, prior to extraction in a manner compatible with the surrounding <i>Escarpment environment</i>.</p>	<p>shall be screened while it is in progress and, where possible, prior to extraction in a manner compatible with the surrounding Escarpment environment.”</p>
	<p>7. <i>Progressive rehabilitation</i> may include the use of off-site material, where on-site material is not available. Minimal amounts of off-site material that may be required to stabilize and revegetate disturbed areas shall not include any major regrading toward a planned after-use with the deposition of off-site material.</p>	<p>Bringing in off-site materials should be subject to a Development Permit so that the public can be consulted and advised of potential truck traffic, noise and dust effects.</p> <p>Change “revegetate” to “re-vegetate” and “regrading” to “re-grading”.</p>
<p>2.8 Agriculture</p>	<p>9. The use of off-site material shall not be permitted unless it is determined through appropriate environmental, technical and planning studies that doing so will achieve greater long-term ecological and land use compatibility (e.g., the importation of <i>topsoil</i> to improve site capability for agriculture, forestry or habitat diversity) and the <i>implementing authority</i> is satisfied that the use of off-site material does not constitute a commercial fill or landfill operation.</p>	<p>It would be beneficial if this policy placed a volumetric restriction on the quantity of fill to be imported.</p>

	<p>11. Rehabilitation shall incorporate the following:</p> <ul style="list-style-type: none"> a) natural heritage and hydrologic features and functions shall be restored or enhanced; b) aquatic areas remaining after extraction shall be rehabilitated as representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall maintain and enhance the ecological value of the site; c) excess <i>topsoil</i> and overburden are to be retained and stabilized for future rehabilitation; d) all excavated <i>pit</i> and <i>quarry</i> walls are to be sloped and rehabilitated in accordance with best practices. On sites where a higher standard of rehabilitation is justified (e.g., to improve land use compatibility) or on sites where <i>topsoil</i> and/or land fill material is scarce, alternative approaches to slope standards may be applied. Sections of <i>pit</i> or <i>quarry</i> faces may be left exposed for aesthetic or educational purposes or to create habitat diversity in an approved rehabilitation plan; e) vegetation, including seeding, crops, trees and shrubs, shall be planted as soon as possible as part of <i>progressive rehabilitation</i> of the <i>pit</i> or <i>quarry</i>; f) rehabilitation on the site shall contribute to the <i>open landscape character</i> and the surrounding <i>Escarpment environment</i>; g) within <i>prime agricultural areas</i>, Mineral Resource Extraction Areas are to be returned or rehabilitated to a condition in which substantially the same areas and same average soil capability for agriculture to be restored; h) in <i>specialty crop areas</i>, Mineral Resource Extraction Areas are to be returned or rehabilitated to a condition in which substantially the same areas and same average soil capability for agriculture to be 	<p>Subsection a) – should read “enhanced, where feasible.”</p> <p>These rehabilitation policies should also address other ecological protection and enhancement concepts such as: net ecological gain, mitigation of negative impacts from past operations to the extent feasible (see PPS 2014, sec. 2.5.3.1), and consideration of comprehensive rehabilitation planning where there is a concentration of mineral aggregate operations (see PPS 2014, sec. 2.5.3.2).</p> <p>Subsection g) - This must meet the same standards and expectations as 2.9.7 above.</p> <p>Subsection i) – “rehabilitation” should be “rehabilitation”</p>
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	<p>restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored;</p> <p>i) within <i>prime agricultural areas or specialty crop areas</i>, where rehabilitation to the conditions set out in (g) and (h) above is not possible or feasible due to the depth of planned extraction or due to the presence of a substantial deposit of high quality <i>mineral aggregate resources</i> below the water table warranting extraction, agricultural rehabilitation in the remaining areas will be maximized as a first priority; and</p> <p>j) in areas below water table extraction, mineral aggregate operations requiring perpetual water management after rehabilitation is complete should be avoided except where it can be demonstrated that such actions would support other public water management needs.</p>	<p>Subsection j) - Long term maintenance and cost implications for public agencies that end up acquiring these lands needs to be addressed.</p> <p>What are “other public water management needs”? If unavoidable, perpetual water management costs should be fully borne by the proponent.</p>
2.10 Cultural Heritage	The objective is to conserve the Escarpment’s cultural heritage resources, including significant built heritage resources, cultural heritage landscapes, and archaeological resources.	Built heritage resources is a defined term in the draft Greenbelt Plan and PPS; however, “significant built heritage resources” is not.
	1. The objective is to <i>conserve</i> the Escarpment’s <i>cultural heritage resources</i> , including <i>significant built heritage resources</i> , <i>cultural heritage landscapes</i> , and <i>archaeological resources</i> .	Recommend that this be worded the same as 4.4.1 of the draft Greenbelt Plan.
2.11 Recreation	The objective is to minimize any <i>negative impact of recreational development on the Escarpment environment</i> .	See previous comments regarding “negative impact” and “Escarpment environment”.
	3. In Escarpment Rural Areas, permitted recreation uses shall have minimal <i>negative impact</i> on the <i>Escarpment environment</i> .	See previous comments regarding “negative impact” and “Escarpment environment”.
	4. Where they may be permitted, golf courses shall be designed and maintained to minimize impact on the <i>Escarpment environment</i> . This shall include provision for the <i>protection</i> of hydrologic and natural heritage	<p>What BMPs? Are there Provincial Guidelines to be developed? Industry BMPs? This is not clear.</p> <p>See previous comments regarding “negative impact” and</p>

	features and functions, minimizing the application of pesticides and fertilizers, and to minimize regrading, land contour changes, and the placement or excavation of fill, in accordance with best management practices.	"Escarpment environment".
	7. Trails will be located and designed to avoid, wherever possible, steep slopes, <i>wetlands</i> , erosion-prone soils, <i>prime agricultural areas</i> and ecologically sensitive areas, such as deer-wintering yards, <i>significant wildlife habitat</i> and <i>Areas of Natural and Scientific Interest</i> .	Please add "Active transportation facilities including" to the beginning of the first sentence.
2.12 Infrastructure	The objective is to design and locate <i>infrastructure</i> corridors and facilities so that the least possible impact occurs in the <i>Escarpment environment</i> and to encourage <i>green infrastructure</i> , where appropriate.	See previous comments regarding "least possible impact" and "Escarpment environment"
	1. All new and expanded <i>infrastructure</i> corridors and facilities shall be demonstrated to have been planned in an integrated fashion, to ensure the most value out of existing <i>infrastructure</i> and that the most cost-effective and sustainable <i>infrastructure</i> alternatives have been identified.	"corridors and facilities" is in the definition of infrastructure; therefore, it is not necessary to include in this policy For municipal infrastructure include reference to Municipal Class EA Process
	2. All new and expanded <i>infrastructure</i> corridors and facilities shall be sited and designed to minimize the <i>negative impact</i> on the <i>Escarpment environment</i> and be consistent with the objectives of this Plan. Examples of such siting and design considerations include, but are not limited to the following: a) blasting, grading and tree removal should be minimized where possible through realignment and utilization of devices, such as curbs and gutters, retaining walls and tree wells; b) finished slopes should have grades no steeper than 50 per cent (1:2 slope) and be planted; large cuts should be terraced to minimize surface erosion and slope failure; c) site rehabilitation should use native species of vegetation and maintain and enhance the <i>Escarpment environment</i> ; d) a development setback from the Escarpment brow	See previous comments regarding "minimize the negative impact" and "Escarpment environment".

	<p>shall be established by the <i>implementing authority</i> to minimize <i>visual impacts</i>; and</p> <p>a) <i>visual impacts</i> on the <i>Escarpment environment</i> from <i>infrastructure</i> corridors and facilities should be minimized by siting, structural design, colouration and landscape planting and/or vegetation screening.</p>	
	<p>5. New and expanded <i>infrastructure</i> corridors and facilities shall avoid Escarpment Natural Areas, unless the project has been deemed necessary to the public interest after all other alternatives have been considered.</p>	<p>Please add “where appropriate and feasible” to the end of the sentence.</p>
	<p>6. New and expanded <i>infrastructure</i> corridors and facilities should avoid <i>Prime Agricultural Areas</i> and <i>Specialty Crop Areas</i>, wherever possible, and will be required to demonstrate, through the completion of an Agricultural Impact Assessment, how <i>prime agricultural areas</i> and <i>specialty crop areas</i> will be protected or enhanced, including an examination of alternative locations that would better protect the agricultural land base. Where avoidance is not possible, only linear facilities shall be permitted in <i>prime agricultural areas</i> and <i>specialty crop areas</i>.</p>	<p>Permitted uses listed in Part 1 state that only linear infrastructure is permitted in prime agricultural and specialty crop areas.</p> <p>At what stage? Municipal Class EA?</p>
	<p>7. Municipal or Private Communal servicing, including stormwater management ponds and sewage and water services, shall not be located in or extended into Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, or Mineral Resource Extraction Area, unless such servicing is required to address failed individual on-site sewage or water services, or to ensure the protection of public health where it has been determined by a medical officer of health (or health authority) that there is a public health concern associated with the existing services. The capacity of services provided in these circumstances will be restricted to that required to service the affected area, and shall not allow for growth or development beyond what is permitted in this Plan.</p>	<p>There may be justification beyond health but still relates to public safety (e.g., fire). Recommend that this policy be expanded to include “public health and safety”.</p>
2.13 Scenic Resources and Landform Conservation	The objective is to ensure that development shall have minimal <i>negative impact</i> on the <i>scenic resources</i> of the Escarpment.	How is this reasonably achieved or measured?

	<p>1. Development shall ensure the <i>protection</i> of the <i>scenic resources</i> of the Escarpment.</p>	<p>It would be more appropriate to use “should” rather than “shall”. It is challenging to ensure the protection of scenic resources, given its definition.</p>
	<p>2. Where a <i>visual impact</i> on the <i>scenic resources</i> is identified as a concern by the <i>implementing authority</i>, a <i>visual impact assessment</i> shall be required.</p>	<p>Please add “where appropriate and feasible” to the end of the sentence.</p>
	<p>4. Appropriate siting and design measures shall be used to minimize the impact of development on the <i>scenic resources</i> of the Escarpment, including:</p> <ul style="list-style-type: none"> a) setbacks and maximum building <i>heights</i>; b) orientation and <i>height</i> of built form to reduce visibility and <i>skylining</i>; c) clustering of buildings where appropriate; d) minimizing the development footprint and changes to the existing topography and vegetation; e) use of natural topography and vegetation as screening for visual mitigation; f) where there is minimal existing screening or vegetation that cannot be retained, providing new planting (native species) to screen development; g) use of non-reflective materials on roofs and walls along with measures to reduce reflectivity associated with windows; and h) minimize the effect from exterior lighting (e.g., lighting directed downward). 	<p>It would be more appropriate to use “should” rather than “shall”. It may be challenging to meet all of these requirements (e.g., non-reflective materials).</p>
<p>2.14 The Bruce Trail</p>	<p>1. The Trail shall be designed and located within the corridor so as to:</p> <ul style="list-style-type: none"> a) ensure no <i>negative impact</i> on the <i>Escarpment environment</i>; b) minimize potential conflicts with adjacent private landowners and surrounding land uses (e.g., agriculture, housing); and c) comply with municipal <i>official plans</i> and by-laws (where applicable). 	<p>See previous comments re: no negative impact and Escarpment environment.</p>

	<p>2. All uses within the corridor shall be designed to minimize the need for environmental change (e.g., tree removal).</p>	<p>Is this policy necessary, given others in this section?</p>
	<p>3. All <i>Trail activities</i> shall be <i>compatible</i> with the <i>Escarpment environment</i> and community character of the area, avoiding, wherever possible the, need for major engineering works and site alteration over the long term.</p>	<p>See previous comments re: no negative impact/compatible and Escarpment environment.</p>
	<p>4. In locations that are particularly sensitive to foot traffic, or that experience heavy use, periodic reroutes of the Trail may be necessary to allow for natural regeneration and minimize <i>negative impacts to the Escarpment environment</i>.</p>	<p>See previous comments re: minimize negative impact and Escarpment environment.</p>

Bruce Trail Access Points	<p>8. Secondary <i>Bruce Trail access points</i> may occur between Escarpment Parks or Open Spaces, provided the following design standards can be met:</p> <ul style="list-style-type: none"> a) secondary <i>Bruce Trail access points</i> should generally be located within 500 metres (1,650 feet) of the Bruce Trail and be connected by a side trail; b) secondary <i>Bruce Trail access points</i> should be located a minimum of 50 metres (164 feet) from residences, sensitive features or other adjacent uses (e.g., agriculture) that may be adversely affected by increased access; c) secondary <i>Bruce Trail access points</i> should be limited in size to minimize impacts on the <i>Escarpment environment</i>; d) where necessary, secondary <i>Bruce Trail access points</i> parking areas should be fenced and visually buffered with <i>berms</i> and/or vegetative screening; e) secondary <i>Bruce Trail access points</i> shall not be established in remote areas, or near sensitive areas or features where the <i>Escarpment environment</i> might be endangered or compromised by increased public access; and f) the location and design of secondary <i>Bruce Trail access points</i> shall satisfy all municipal and provincial road access requirements (e.g., sight-lines, drainage). 	<p>Subsection c) - See previous comments re: no negative impact and Escarpment environment.</p> <p>Subsection e) - Not clear what “the <i>Escarpment environment</i> might be endangered” means.</p>
3.1 The Niagara Escarpment Parks and Open Space System	<p><i>Public agencies/bodies</i> and approved <i>conservation organizations</i> that own and manage lands within NEPOSS (“<i>NEPOSS agencies</i>”) must comply with the policies in Part 3 of this Plan.</p> <p>The Ministry of Natural Resources and Forestry coordinates the development and administration of the NEPOSS, including approval of Master/Management Plans. The Niagara Escarpment Commission works collaboratively with the Ministry of Natural</p>	<p>Recommend that “must comply” be reworded to state that public agencies that own or manage lands within NEPOSS are encouraged to follow the NEPOSS Management/Master Plan process and any development/activities proposed within NEPOSS parks or open spaces shall comply with the policies of the Plan.</p> <p>This paragraph should make clear whether the NEC will or will not provide recommendations on the approval of the Master/Management Plan to the MNRF.</p>

	Resources and Forestry to ensure that recreational activities and development within NEPOSS are consistent with the objectives and policies of this Plan.	
	The System in its entirety is shown on Map 10. Maps 1 to 9 identify Public Land (in the Niagara Escarpment Parks and Open Space System) as an overlay, including lands owned/managed by the Bruce Trail Conservancy acquired specifically to protect the <i>Bruce Trail corridor</i> . This overlay is part of the Niagara Escarpment Plan but is not a land use designation.	Map 10 has not been provided for our review.
3.1.1 Objectives	NEPOSS is a provincially coordinated system that secures and protects <i>significant</i> Escarpment features and scenic landscapes and provides the public with opportunities for <i>compatible</i> recreation in a manner that satisfies the broad park and open space objectives set out in this Plan. NEPOSS also helps to improve resilience, provide for <i>green infrastructure</i> , and mitigate the impacts of climate change by capturing and storing carbon, recharging aquifers and protecting biodiversity and sensitive areas across the Escarpment. In this context, the objectives of NEPOSS are:	This preamble to the objectives here refers to significant escarpment features. It would be beneficial to refer to these as key natural heritage and key hydrologic features for accuracy. Not clear what would be considered “compatible recreation”. Is there opportunity for the Objectives and Policies of NEPOSS to better support active transportation?
	1. to protect the Niagara Escarpment’s natural heritage resources and <i>cultural heritage resources</i> ;	Natural heritage features, functions and areas are the terms used in the other Plans and PPS. Recommend that natural heritage resources be amended to be more consistent with the nomenclature of other Provincial documents.
	6. to maintain and enhance the <i>natural environment</i> of the Niagara Escarpment, including the <i>protection</i> of natural heritage and hydrologic features and functions;	Definition for “natural environment” is very broad. It may be not be possible to maintain and enhance all elements included in definition.
3.1.2 Parks and Open Space System Concept	The System, which is linear in nature, is based on public lands acquired to protect natural heritage resources and <i>cultural heritage resources</i> along the Escarpment. The System focuses on environmental <i>protection</i> while providing opportunities for public access, appreciation, education, and <i>compatible</i> outdoor recreation.	See comment above regarding the use of “compatible outdoor recreation”. Natural heritage features, functions and areas are the terms used in the other Plans and PPS. Recommend that natural heritage resources be amended to be more consistent with the nomenclature of other Provincial documents.
3.1.2.1 NEPOSS Council	The NEPOSS Council, which is comprised of representatives from <i>NEPOSS agencies</i> as defined in Appendix 2 of this Plan, is intended to advance NEPOSS objectives. The Council will provide advice to the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission on NEPOSS policies, programs and issues.	“as defined in Appendix 2 of this Plan” is not necessary given that <i>NEPOSS agencies</i> is italicized and defined.
3.1.2.2 NEPOSS Planning Manual	The NEPOSS Planning Manual (“the Manual”) was developed by	Is there an update schedule for this manual?

	<p>the Ministry of Natural Resources and Forestry in consultation with the Niagara Escarpment Commission and <i>NEPOSS agencies</i>. The Manual, in conjunction with Part 3, provides minimum standards and a consistent approach for the development of Master/Management Plans for lands within NEPOSS. The Manual provides more detailed guidelines for park and open space classifications and zones.</p>	<p>Will the NEPOSS Manual need to be revised once the NEP is finalized?</p>
3.1.3 Nodal Parks	<p>To promote the Escarpment’s diverse environments for public benefit and to provide destination and starting points within the NEPOSS, the following nine focal areas (Nodal Parks) have been selected:</p> <ul style="list-style-type: none"> • Bruce Peninsula National Park • Inglis Falls Conservation Area • Mono Cliffs Provincial Park • Terra Cotta Conservation Area • Crawford Lake Conservation Area • Cootes Paradise Sanctuary • Dundas Valley Conservation Area • Ball’s Falls Conservation Area • Queenston Heights (Brock’s Monument) 	<p>The Province should consider recognizing the Cootes to Escarpment EcoPark System in The Greenbelt Plan and The Niagara Escarpment Plan in the same way that the Greenbelt Plan describes and encourages support for the development of the Rouge Park.</p> <p>The Cootes to Escarpment EcoPark System could be considered as being listed as a Nodal Park within Section 3.1.3. A short description of the Cootes to Escarpment EcoPark System in Section 3.1.3 could include the following text:</p> <p>“The Cootes to Escarpment EcoPark System has parallels with the Niagara Escarpment Parks and Open Space System and is an example of interagency cooperation involving nine land-owning partners who are working to protect, connect and restore more than 3,900 hectares at the western end of Lake Ontario. The Cootes to Escarpment EcoPark System includes lands both within and outside the Niagara Escarpment Plan area. Land classification within the Niagara Escarpment Plan area is completed in accordance with NEPOSS guidelines.”</p>
3.1.3.1 Administrative Role of Nodal Parks	<p>Each geographic segment of the Escarpment is to include one or more Nodal Parks based on areas that are most representative. Administratively, Nodal Parks perform the following functions:</p> <ul style="list-style-type: none"> • orientation – to tell visitors where they are in relation to other parks, open spaces, trails, natural features and points of interest; • education – to stimulate an understanding of the Niagara Escarpment and its natural heritage resources and <i>cultural heritage resources</i> (e.g., UNESCO <i>Biosphere Reserve</i> designation); 	<p>Natural heritage features, functions and areas are the terms used in the other Plans and PPS. Recommend that natural heritage resources be amended to be more consistent with the nomenclature of other Provincial documents.</p>

	<ul style="list-style-type: none"> • interpretation – to familiarize visitors with the features of a park or open space; and • recreation – to identify and provide information on how to participate in nearby Escarpment recreational activities. <p>As permitted in Part 3.1.6.2, a Nodal Park may contain buildings or facilities (e.g., visitor centre, administrative office space) appropriately scaled for the site to support uses directly related to its educational and administrative role in NEPOSS. In addition, to support and enhance their role in the System, Nodal Parks may include special purpose buildings with meals and overnight accommodations, in accordance with Part 3.1.6.4. Literature promoting the Niagara Escarpment UNESCO World <i>Biosphere Reserve</i>, the Niagara Escarpment Plan and NEPOSS should be available at the Nodal Parks in order to promote the distinctiveness and visual identity of the System. While not all Nodal Parks may include visitor reception or related facilities, the long-term goal is to have fully operational Nodal Parks that are representative of the unique geographic regions of the Niagara Escarpment.</p>	<p>What does “appropriately scaled” mean? How is this determined? Will criteria be developed? Needs to be clear and transparent.</p> <p>Not clear what is intended or expected of NEPOSS agencies by the statement: “...the long-term goal is to have fully operational Nodal Parks that are representative of the unique geographic regions of the Niagara Escarpment.”</p>
<p>3.1.3.2 Modifications to the List of Nodal Parks</p>	<p>New Nodal Parks may be added to the list or existing Nodal Parks replaced without requiring an amendment to the Niagara Escarpment Plan, provided the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission are satisfied, following public and stakeholder consultation, that the addition would be consistent with NEPOSS Objectives in Part 3.1.1 and the Nodal Park concept in Part 3.1.3.</p>	<p>If new Nodal Parks are added to the list of existing nodal parks, without an amendment to the NEP, will this approved new list be publically available? This section should clarify this matter and indicate where the approved new list can be reviewed.</p>
<p>3.1.4 Parks and Open Space Classification Policy</p>	<p>Parks and open spaces in NEPOSS will be assigned a classification based on the predominant characteristics of the <i>property</i>. The recreational potential or intended use is a secondary consideration. The classification is based on the natural heritage resources and <i>cultural heritage resources</i> and will guide the management of the park or open space. The classification will be subject to confirmation when a Master/Management Plan is prepared or revised. Exceptions to the classification policy include: (i) lands owned by Ontario Parks, (ii) lands owned by Parks Canada, (iii) lands owned by Transport Canada and (iv) lands acquired specifically for the <i>Bruce Trail corridor</i> not listed in Appendix 1 of</p>	<p>It is not clear who will confirm the park classification, nor who will approve the classification. This section should be revised to specify that the confirmation of classifications will occur by the owner of the park(s) when a Master/Management Plan is prepared or revised to the satisfaction of the NEC.</p> <p>Is there an approach for park systems, where multiple parks exist in proximity to one another in a specific geographic area and are managed by multiple land owners?</p>

	<p>this Plan.</p> <p>Park and open space classifications will ensure the maintenance of diversity in the System.</p> <p>There are six park and open space classes:</p> <ul style="list-style-type: none"> • Nature Reserve • Natural environment • Recreation • Cultural Heritage • Escarpment Access • Resource Management Area <p>Brief descriptions of the park classification within NEPOSS are outlined below:</p>	<p>In such areas, there is more than one property, and more than one classification. Could the owners coordinate with one another to develop one management plan—to reduce costs involved?</p> <p>“The classification is based on the natural heritage resources and cultural heritage resources...” - Should scenic resources also be included? Natural heritage features, functions and areas are the terms used in the other Plans and PPS. Recommend that natural heritage resources be amended to be more consistent with the nomenclature of other Provincial documents.</p>
Nature Reserve	<p>These areas represent and protect the most <i>significant</i> natural heritage features and landforms along the Niagara Escarpment, such as provincially significant <i>wetlands</i> and provincially significant <i>Areas of Natural and Scientific Interest</i>. Management practices will ensure that the features and values for which the reserve was established are protected.</p> <p>Access to these areas will not be widely promoted and activities will be limited to those that can further scientific understanding and education (i.e., scientific research, natural history interpretation, and trails). The minimum amount of facilities necessary to support these activities will be provided.</p>	<p>The term “natural heritage features” is used in this section but not consistently used elsewhere throughout the Plan.</p> <p>Both Life and Earth Science ANSIs?</p>
Natural Environment	<p>These lands are characterized by, and serve to protect, a variety of outstanding natural heritage resources and <i>cultural heritage resources</i>, and <i>scenic resources</i>.</p> <p>Activities may range from back-country hiking in the interior of these areas to car-camping and day use activities in more developed or accessible areas.</p>	<p>See comment above regarding nomenclature and the use of the term natural heritage resources.</p>
Recreation	<p>These are some of the best recreational environments along the Escarpment that occur naturally or can be developed to provide a</p>	<p>Not clear what is intended by “supporting infrastructure for recreational activities, where appropriate”. Will criteria be</p>

	<p>variety of outdoor recreational opportunities in attractive Escarpment surroundings. Recreation parks or open spaces may include day-use activities, outdoor recreational activities, which may include hiking, mountain biking, <i>rock climbing</i>, <i>zip lines</i> and athletic fields, and supporting <i>infrastructure</i> for recreational activities where appropriate. Facilities for overnight camping may also be provided, including <i>campgrounds</i>, temporary yurts, tents, lean-to's and unserviced camper's cabins. Special purposes buildings that include overnight accommodations and meals for guests may also be permitted in accordance with Part 3.1.6.4.</p>	<p>developed? Infrastructure for recreational uses would differ than what the definition for "infrastructure" in the Plan currently suggests. Infrastructure for recreational purposes may include lighting, fencing, irrigation, maintenance/storage buildings, servicing, etc.</p>
Escarpment Access	<p>These generally small areas will complement the larger, and in some cases, more developed parks or open spaces by providing opportunities for public access to the Niagara Escarpment. These areas may provide modest facilities to support day use activities at points of interest (e.g., trailheads, picnic sites, scenic areas, fishing areas, beaches).</p>	<p>What does "generally small" mean?</p>
Resource Management Access	<p>This classification includes certain public lands that are managed primarily to provide resource related benefits, such as forest products, fish and wildlife, or flood control.</p> <p>These areas also provide recreation opportunities and protect natural heritage resources and <i>cultural heritage resources</i>. In most cases, these areas will include more resource management activities relative to other classifications in the System.</p>	<p>Natural heritage features, functions and areas are the terms used in the other Plans and PPS. Recommend that natural heritage resources be amended to be more consistent with the nomenclature of other Provincial documents.</p>
3.1.5 Parks and Open Space Zone Policy	<p>An inventory of natural heritage resources and <i>cultural heritage resources</i> is essential to develop park and open space zones, with consideration given to the underlying land use designation(s) of the Niagara Escarpment Plan. The development of zone mapping and zone policies is required for orderly planning, <i>compatible</i> development and effective management of a park or open space. Zones recognize that every park or open space includes a particular combination of <i>significant</i> natural heritage resources and <i>cultural heritage resources</i> and potential or existing development. Zones will assign uses to lands based on their significance for <i>protection</i> and their potential for recreation within the context of the Park and Open Space Classification Policy in Part 3.1.4. It is anticipated</p>	<p>How is an "inventory of natural heritage resources and cultural heritage resources" accomplished? Via what sort of study?</p> <p>Natural heritage features, functions and areas are the terms used in the other Plans and PPS. Recommend that natural heritage resources be amended to be more consistent with the nomenclature of other Provincial documents.</p>

3.1.5.1 Master/Management Planning Policy		<p>Could one management plan be undertaken for systems of parks (like the Cootes to Escarpment EcoPark System)?</p> <p>Is a Master Plan required for a park and open space? How does the MNRF intend to require this of agencies/municipalities?</p>
3.1.5.2 Aboriginal Engagement and Public Stakeholder Consultation	<ol style="list-style-type: none"> Public and stakeholder consultation will be undertaken by a <i>NEPOSS agency</i> during the Master/Management planning process, in accordance with the Manual and respective <i>NEPOSS agency</i> policies, procedures and guidelines. Comments received through the consultation process will be considered in the development of the Master/Management Plan. 	<p>It should be “required” to engage/consult?</p>
3.1.6 Recreation and Commercial Uses in Parks and Open Spaces	<ol style="list-style-type: none"> Permitted uses and the recreational experience within a park or open space are closely linked to the area’s values and objectives. Where permitted by the park and open space classification, recreational uses and development will be incidental or secondary to the <i>protection</i> of natural heritage resources and <i>cultural heritage resources</i>. 	<p>What is meant by “recreational uses and development”? Different from the listed uses in 3.1.6.3?</p>
	<ol style="list-style-type: none"> Notwithstanding Part 3.1.6.3, special purpose buildings designed and operated to support environmental, cultural and/or UNESCO World <i>Biosphere Reserve</i> programming that include meals and overnight accommodations for specific park user groups (e.g., school boards, youth organizations, hiking clubs) may be permitted as an <i>accessory use</i> in Nodal parks or Recreation parks if appropriately scaled for the site and identified in the Development Zone of an approved Master/Management Plan. 	<p>Again, what does “appropriately scaled” mean?</p>
	<ol style="list-style-type: none"> <i>Rock climbing</i> may be permitted in other park and open space classes, where a climbing management plan to address and minimize environmental impacts is developed by the <i>NEPOSS agency</i> in consultation with the Niagara Escarpment Commission and the Ministry of Natural Resources and Forestry. 	<p>The policy should stipulate that Rock climbing is prohibited in nature reserve areas, as defined in Part 3.1.4.</p>

	<p>9. The establishment of a new trail within a Nature Reserve or Nature Reserve Zone as defined in Parts 3.1.4 and 3.1.5 respectively may be permitted if, in consultation with the Niagara Escarpment Commission and Ministry of Natural Resources and Forestry:</p> <ul style="list-style-type: none"> a) the use is approved by the landowner after a detailed environmental review; or b) the use is required for human safety (e.g., emergency access) where there is no feasible alternative; or c) the use has been appropriately identified in an approved Master/Management Plan, and a detailed environmental review has been conducted. 	<p>Subsection a) - Criteria or specific study requirements for “detailed environmental review”?</p>
	<p>10. Off-road vehicles, as defined in the <i>Off-Road Vehicles Act</i>, are not permitted in Nature Reserve or Natural Environment parks or Nature Reserve Zones. The use of off-road vehicles may be permitted (e.g., for hazardous tree removal, maintenance or emergency access), provided there are no feasible alternatives.</p>	<p>This policy contains internal contradictions. We suggest the following revisions to eliminate contradictions (or similar): “Off-road vehicles, as defined in the <i>Off-Road Vehicles Act</i>, are not permitted in Nature Reserve or Natural Environment parks or Nature Reserve Zones for recreational purposes. The use of off-road vehicles by the implementing authority or authorized agency/contractor may be permitted for non-recreational purposes to assist in parks and open space operations/management (e.g., for hazardous tree removal, maintenance or emergency access), provided there are no feasible alternatives.”</p>
	<p>12. Motorized snow vehicles may be permitted in other park and open space classes and zones in an approved Master/Management Plan, except where the use is restricted to Ontario Federation of Snowmobile Club trails managed in partnership with the <i>NEPOSS agency</i> to ensure environmentally responsible and sustainable use.</p>	<p>What is intended by “environmentally responsible and sustainable use”?</p>
<p>3.3 Municipal Parks and Open Space</p>	<p>Municipal parks and open spaces not identified in Appendix 1 or on Map 10 may, upon request by the municipality and with agreement of the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission, be included in NEPOSS.</p>	<p>Earlier in Part 3 it can be inferred that it is not optional (i.e., if land is owned/managed by a public agency in the NEP it must be part of NEPOSS).</p>

7 Definitions	The following definitions have been compiled to assist the reader with the interpretation of the Niagara Escarpment Plan. Where indicated, there are a number of the terms that are used in this glossary that originated in the Provincial Policy Statement, 2014. For convenience, these definitions have been reproduced in this glossary with the same meaning and definition as in the Provincial Policy Statement, 2014.	Normal Farm Practices is defined in the other Plans and is referenced in the NEP; therefore, recommend that it be included in this Plan. The definition for “Bruce Trail” should not be deleted.
Accessory Facility	A detached building, structure or other installation that is not used for human habitation and for which the use of is naturally and normally incidental subordinate, and exclusively devoted to a principal use located on the same lot.	What does this term mean in the context of parks/open spaces?
Accessory Use	The use of any land, building, structure or facility that is naturally and normally incidental, subordinate and exclusively devoted to the principal use located on the same lot.	What does this term mean in the context of parks/open spaces?
Compatible	Where the building, structure, activity or use blends, conforms or is harmonious with the <i>Escarpment environment</i> .	The use of this term throughout the Plan is problematic. Not clear how compatible will be determined; requires clear and consistent criteria.
Conserve/conserved/conservation	In a cultural heritage context means the identification, <i>protection</i> , management and use of <i>built heritage resources, cultural heritage landscapes and archaeological resources</i> in a manner that ensures their <i>cultural heritage value or interest</i> is retained under the <i>Ontario Heritage Act</i> . This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments (Provincial Policy Statement, 2014).	The PPS only refers to the term “conserved”.
Conservation Organization	A non-government conservation body that includes a land trust, conservancy or similar not-for-profit agency governed by a charter or articles of incorporation or letters patent, and with by-laws and objectives that support the protection of the natural environment of the Niagara Escarpment. Such an organization must have registered charitable status. <i>A conservation organization shall be considered to have an “approved” status under this Plan once the Ministry of Natural Resources and Forestry and Niagara Escarpment Commission have been satisfied that a conservation organization has an</i>	Does the NEC have a separate policy that would provide guidance on the conservation organization approval criteria and the approval process? We understand one was approved by the NEC on June 15, 2006, but are unsure whether it is still applicable. If it is still applicable, this policy should be referenced specifically in this definition. Please also specify where the list of “approved” conservation organizations can be viewed by the public.

	environmental purpose consistent with the purpose, objectives and policies of the Niagara Escarpment Plan. This would include commitment, public support, organizational ability, sustained activity in the interests of conservation over several years and a legally binding arrangement to ensure that all lands acquired or held as nature preserves remain protected should the organization cease to exist.	
Cultural heritage value or interest	A <i>property</i> may be determined to have <i>cultural heritage value or interest</i> if it meets one or more of the criteria found in Ontario Regulation 9/06 under the <i>Ontario Heritage Act</i> . A <i>property</i> may be determined to have <i>cultural heritage value or interest</i> of provincial significance if it meets one or more of the criteria found in Ontario Regulation 10/06 under the <i>Ontario Heritage Act</i> .	Regulations are subject to change; therefore, recommend that this definition refer more generally to the parent legislation or include “as amended from time to time”.
Endangered Species	Means a species that is classified as an <i>endangered species</i> in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the <i>Endangered Species Act, 2007</i> , as it may be amended from time to time.	Definition in PPS for this term; therefore, the definition in the NEP should be harmonized.
Escarpment environment	The physical and natural heritage features and cultural heritage and <i>scenic resources</i> associated with the Escarpment landscape.	<p>The use of the term “Escarpment environment” is problematic throughout the Plan. The definition for “Escarpment environment” includes physical and natural heritage features, cultural and scenic resources, which all need to meet different tests under the Plan or PPS. It may not be appropriate to demonstrate “minimal negative impact” on all elements of the Escarpment environment, as some natural heritage features are required to meet different tests (e.g., no negative impact) while others (e.g. cultural and scenic resources) do not.</p> <p>As noted above, the use of the term “Escarpment environment” is problematic throughout the Plan. What does “substantial negative impact” (2.3.3) mean in the context of each of the elements considered under “Escarpment environment”?</p> <p>“minimize negative impacts on the natural environment”. How is this achieved given how broad the definition of natural environment is? Negative impacts is defined relative to specific features and not necessarily one in the same with the definition for natural environment.</p> <p>The revised definition should be expanded to include natural</p>

		heritage areas, key hydrologic features, natural heritage systems, and the ecological functions associated with each.
Event	In the case of a <i>winery</i> , this means an <i>event</i> that is accessory to the principal use of the <i>property</i> .	It may be worthwhile to expand this definition to account for events that are unrelated to wineries (that would require a Development Permit).
Forest Management	The sustainable management of forests for the production of wood and wood products, and to provide outdoor recreation, to maintain, restore or enhance environmental conditions for wildlife, and for the <i>protection</i> and production of water supplies.	Should be made clear how this differs or relates to woodland management.
Heritage Conservation Easement Agreement	Means a covenant or agreement that may be entered into by the owner of real <i>property</i> and either a municipality or the Ontario Heritage Trust, is registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss. A heritage conservation easement may be entered into under either Parts II (Section 10) or IV (Section 37) of the <i>Ontario Heritage Act</i> .	Should the buildings not be designated?
Home Industry	A use, providing a service primarily to the rural or farming community and that is accessory to a <i>single dwelling</i> or agricultural operation, performed by one or more residents of the <i>household</i> on the same <i>property</i> . A <i>home industry</i> may be conducted in whole or in part in an <i>accessory facility</i> and may include an animal kennel, carpentry shop, a metal working shop, a welding shop, an electrical shop or blacksmith's shop, etc., but does not include an auto repair or paint shop, or furniture stripping.	The definition should continue to refer to the use as "small scale".
Infrastructure	Means physical structures (facilities and corridors) that form the foundation for development. <i>Infrastructure</i> includes <i>green infrastructure</i> and <i>utilities</i> as defined in this Plan, in addition to transportation corridors and facilities, including rights-of-way for the movement of people and goods.	Do any other of the examples provided in the PPS definition for infrastructure apply to the NEP?
Institutional Use	Use of land, building or structure for some public or social purpose that may include governmental, religious, educational, charitable, philanthropic, hospital or other similar use, including cemeteries, to serve the immediate community.	Would a privately owned cemetery be considered an institutional use?
Negative Impact	Means <ul style="list-style-type: none"> a) in regard to water, degradation to the quality or quantity of surface or ground water, key hydrologic features and their related <i>hydrologic functions</i>, due to single, multiple 	The use of the term "Escarpment environment" is problematic throughout the Plan. The definition for "Escarpment environment" includes physical and natural heritage features, cultural and scenic resources, which all need to meet different

	<p>or successive development;</p> <p>b) in regard to key and other natural heritage features, degradation that threatens the health and integrity of the natural features or <i>ecological functions</i> for which an area is identified due to single, multiple or successive development;</p> <p>c) in regard to <i>fish habitat</i>, any permanent alteration to, or destruction of <i>fish habitat</i>, except where, in conjunction with the appropriate authorities, it has been authorized under the <i>Fisheries Act</i>;</p> <p>d) in regard to <i>scenic resources</i>, a degradation to the quality of the <i>visual impact</i>; and</p> <p>e) in regard to <i>cultural heritage resources</i>, degradation or destruction of <i>built heritage resources</i>, <i>cultural heritage landscapes</i>, <i>archaeological resources</i>, including a <i>visual impact</i>, when <i>heritage attributes</i> include the visual setting of a <i>cultural heritage resource</i> and other features of <i>significant cultural heritage value or interest</i>, including heritage and archaeological sites of critical importance to Aboriginal peoples.</p>	<p>tests under the Plan or PPS. It may not be appropriate to demonstrate “minimal negative impact” on all elements of the Escarpment environment, as some natural heritage features are required to meet different tests (e.g., no negative impact) while others (e.g. cultural and scenic resources) do not.</p> <p>What does “substantial negative impact” (2.3.3) mean in the context of each of the elements considered under “Escarpment environment”?</p> <p>“minimize negative impacts on the natural environment”. How is this achieved given how broad the definition of natural environment is? “Negative impacts” is defined relative to specific features and not necessarily one in the same with the definition for natural environment.</p> <p>Subsection d) - How will degradation of the quality of the visual impact be determined?</p>
NEPOSS agency	<i>Public agencies/bodies</i> and approved conservation organizations that own/manage land within NEPOSS.	The term “conservation organizations” should be italicized as it is a defined term.
Scenic quality	A reference to the scenic rankings derived from the Niagara Escarpment Plan: A Landscape Evaluation Study and updates to the study. There are six rankings: Very Attractive, Attractive, Average, Low and Very Low.	The definition for scenic quality refers to items that are not referenced anywhere within the NEP (external old study/guidelines). HAPP recommends that the definition be updated to reflect current terminology.
Significant	Means <p>a) in regard to <i>wetlands</i> and <i>areas of natural and scientific interest</i>, an area identified as provincially significant by the Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;</p> <p>b) in regard to <i>woodlands</i>, an area that is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the</p>	Subsection b) - This definition should be revised to specify what to do when no MNRF criteria exists, or where a municipality has opted to develop its own criteria that goes above and beyond the MNRF criteria.

	<p>amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ministry of Natural Resources and Forestry;</p> <p>c) in regard to other features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. These are to be identified using criteria established by the Ministry of Natural Resources and Forestry; and</p> <p>d) in regard to cultural heritage and archaeology, resources that have been determined to have <i>cultural heritage value or interest</i> for the important contribution they make to our understanding of the history of a place, an event, or a people.</p> <p>Criteria for determining significance for the resources identified in sections c) and d) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.</p> <p>While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.</p>	
Stream/watercourse	A feature having defined bed and banks, through which water flows at least part of the year.	This is not the same definition used in CA Act/regulation – that definition should be used.
Threatened species	Means a species that is classified as a <i>threatened species</i> in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the <i>Endangered Species Act, 2007</i> , as it may be amended from time to time.	Recommend that this definition be harmonized with PPS definition.
Trail activities	Recreation oriented to trails, (e.g., horseback riding, cross-country skiing, hiking, snowmobiling).	HAPP recommends that “cycling” be added.
Vegetation protection zone	A vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature within which only those land uses permitted within the feature itself are permitted. The width of the <i>vegetation protection zone</i> is to be determined when new development occurs within 120 metres of a key natural heritage	Why is the 2005 Greenbelt Plan referenced? Recommend that the Greenbelt Plan, Growth Plan and NEP all use the same definition. No need to cross-reference other Plans.

	feature or key hydrologic feature, and is to be of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function (Greenbelt Plan, 2005).	
Waste disposal site	<p>Any land or land covered by water, upon, into or through which, or building or structure in which <i>waste</i> is deposited, stored and processed and includes such sites defined and classified in regulations under the <i>Environmental Protection Act</i>, as amended, including derelict motor vehicles sites, transfer or container stations or incineration sites, but does not include:</p> <ul style="list-style-type: none"> a) a structure that is wholly utilized for the temporary collection of <i>waste</i> (e.g., commercial and industrial dumpsters associated with an <i>existing use</i>); b) domestic storage and composting of waste sites; c) existing hospital incinerators; d) agricultural waste sites (e.g., agricultural manure and disposal); e) on-site incinerators at the site of a crematorium within the meaning of the <i>Cemeteries Act</i>; f) on-site incinerators at the site of a veterinary hospital/clinic; g) recycling depots for paper, glass and cans etc., serving the local community; and disposal of domestic sewage sludge on farmland. 	Subsection g) - The definition should continue to refer to the use as "small scale".