

**Subject:** Proposed Provincial Planning Statement – Natural Heritage Policies

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, July 12, 2023

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## **Recommendations**

1. That this Report **BE RECEIVED** for Information; and
2. That Report PDS 22-2023 **BE CIRCULATED** to the Local Area Municipalities and the Niagara Peninsula Conversation Authority (NPCA).

## **Key Facts**

- The purpose of this report is to inform Regional Council that the Province released the natural heritage policies for the proposed Provincial Planning Statement (2023) on June 16, 2023.
- In comparison to the existing Provincial Policy Statement (2020), there are no changes to the natural heritage policies. Several changes have been made to the associated natural heritage definitions.
- The proposed PPS (2023) has not carried forward the “Natural Heritage System for the Growth Plan” which was introduced in the 2017 Growth Plan and fully integrated into the Niagara Official Plan which was approved by the Province in November 2022.

## **Financial Considerations**

There are no financial consideration arising from this report.

## **Analysis**

### **Background**

On April 6, 2023, the Ministry of Municipal Affairs and Housing (MMAH) posted a proposal on the Environmental Registry of Ontario (ERO) for the formation of a new Provincial Planning Statement (proposed PPS, 2023). This new planning instrument is proposed to combine the existing Provincial Policy Statement (PPS, 2020) and A Place

to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2019) into a single province-wide planning document with a focus on housing.

The proposed PPS (2023) was introduced to Regional Council through CWCD 2023-77 (April 21, 2023) and Regional Council was advised of staff comments on the proposed PPS through PDS-C 20-2023 (June 7, 2023).

At the time of the initial April 6, 2023 release of the proposed PPS (2023) the natural heritage policies and their associated definitions were deferred. On June 16, 2023 the natural heritage policies and associated definitions were released by the Province for comments. The deadline for submitting comments on the ERO posting has been extended to August 4, 2023.

### **Proposed Policies and Definitions**

In comparison to the existing Provincial Policy Statement (2020), there are no changes to the natural heritage policies. Several changes have been made to the associated natural heritage definitions. Firstly, the definition of “significant” as it applies to wetlands has been updated to reflect the revised process for identifying provincially significant wetlands which was introduced by the Province in late 2022. Secondly, “habitat of endangered species and threatened species” has been removed from the definition of “natural heritage features and areas”, this change is not considered significant given that proposed policy 4.1.7 continue to prohibit development and site alteration in the habitat of endangered species and threatened species, except in accordance with provincial and federal requirements, and these habitats would continue to be protected through the Endangered Species Act.

There continues to be a requirement for municipalities to identify and protect natural heritage systems, including the consideration of connectivity and linkages (proposed policy 4.1.2) and adjacent lands (proposed policy 4.1.8). Previously released draft policies continue to require municipalities to identify a water resource system (proposed policy 4.2.1 c)).

Notably, the Province has not included a policy which prevents municipalities from going beyond the minimum standards of the proposed PPS (which were included for certain draft policies related to agriculture and employment). The introduction of the proposed PPS continues to states that “policies represent minimum standards” and “planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community”. This would suggest that natural

systems going beyond minimum standards – such as natural environment system (NES) option 3C implemented through the Niagara Official Plan would still be considered consistent with the proposed PPS.

### **Natural Heritage System for the Growth Plan**

When the updated Growth Plan for the Greater Golden Horseshoe was released in 2017 and subsequently revised in 2019, it included policies, definitions, and mapping for a “Natural Heritage System for the Growth Plan”. Municipalities were required to incorporate and implement the policies and mapping into their official plans. The Natural Heritage System for the Growth Plan was included as part of the integrated NES that was approved by the Province as part of the Niagara Official Plan in November 2022.

As the proposed PPS (2023) will integrate the PPS (2020) and Growth Plan (2019), there will no longer be a stand alone Growth Plan document. The Natural Heritage System for the Growth Plan is not proposed to be included as part of the proposed PPS (2023), and would therefore no longer be Provincial policy.

Staff are currently considering the impacts of the loss of the Natural Heritage System for the Growth Plan and intend to provide comments to the Province including requesting that the “Proposed Approach to Implementation of the proposed Provincial Planning Statement” document be updated to provide further guidance to municipalities that have already fully integrated the Natural Heritage System for the Growth Plan into their municipal official plans. Staff will report back to Council once the analysis has been complete and comments have been submitted to the Province.

### **Greenbelt Plan Natural Heritage System**

Through the “Proposed Approach to Implementation of the proposed Provincial Planning Statement” document that was included as part of the original ERO on April 6, 2023, it is understood that there are no proposed changes to the Greenbelt Plan policies and how the Greenbelt Plan is to be implemented. It is therefore understood that the Greenbelt Plan Natural Heritage System, first introduced in 2005, would continue to be Provincial policy and implemented by municipalities. The Greenbelt Plan Natural Heritage System policies and mapping form part of the Region’s integrated NES.

## **Alternatives Reviewed**

As this report is for information, there are no alternatives reviewed.

## **Relationship to Council Strategic Priorities**

Reviewing and commenting on proposed changes to Provincial natural heritage policies aligns with Council's strategic priority of protecting Niagara's natural environment.

## **Other Pertinent Reports**

- CWCD 2023-77 - Provincial Consultation on Bill 97 and a new Provincial Policy Instrument (April 21, 2023)
- PDS-C 20-2023 - Staff Comments on the Proposed Provincial Planning Statement (June 7, 2023)

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