

New PPS issued -- in effect as of April 30, 2014

After a long delay, on February 24 the Province of Ontario finally issued the new version of its Provincial Policy Statement, issued under the *Planning Act*. The PPS is the key policy reference for any arguments before the Ontario Municipal Board. The next round of Comprehensive Official Plan review (in 2019) must bring the Plan in conformity with the new PPS. The new policy comes into effect on April 30, 2014.

What's new, compared to the 2005 PPS? How different is it from the draft issued in September 2012? Faith Blacquière has put together a document (1 MB, 60 pp.) that displays pair-wise comparisons in three columns: the current 2005 PPS vs. the September 2012 draft; the 2012 draft vs. the final and official 2014 PPS.

Did our extensive comments on the September 2012 draft make a difference?

Here are some highlights in answer to these questions.

What's new in the 2014 PPS compared to the 2005 PPS?

There are no show-stopping changes. However, there is more supportive language about rural areas. There is explicit support for "green infrastructure" (a defined term) and for alternative energy supply. A municipality now "shall" identify its "natural heritage system" (NHS). The Province imposes its criteria for declaring woodlands significant. Protection of fish habitat is further degraded.

[*Read more*]

+ The language about rural areas is more expansive. E.g., while there was no introductory text before, section 1.1.4 (Rural Areas in Municipalities) now starts with: "Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy." A new section 1.1.5 called "Rural Lands in Municipalities," makes a fine distinction with section 1.1.4 which was about "Rural Areas." "Rural Lands" is a new definition (introduced after the 2012 draft), meaning "lands which are located outside *settlement areas* and which are outside *prime agricultural areas*" which is pretty much the old definition of "Rural areas" while "Rural Areas," as the above text already states, now means "a system of lands within municipalities that may include rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas." Confused? Ottawa has "rural areas," it seems, and some of these are "rural lands" as long as they're not "prime agricultural areas." Can you hear the hours of argument before the OMB already?

+ A new section 1.2.6 (Land Use Compatibility) has as its one and only policy: "1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent **or mitigate** adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*." (The bolded words were added after the 2012 draft.) Alas, this does little for protecting natural areas: "sensitive land uses" are still defined as in 2005 -- with some reference to "outdoor spaces" and the "natural environment" but clearly aimed at uses such as "residences, day care centres and educational and health facilities."

+ In several policies "alternative transportation" has now become "active transportation." Count your victories!

+ In 2005 impacts on "provincial parks, conservation reserves and other protected areas" merely had to be considered, now they have to be recognized and negative impacts have to be minimized (s. 1.5.1 d).

+ "Green infrastructure" is explicitly encouraged (new s. 1.6.2 c). It is defined as: "natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, **street trees**, urban forests, **natural channels**, permeable surfaces, and green roofs." (Bolded words were added after the 2012 draft.)

+ There is a new section on Energy Supply with a policy that says "1.6.11.2 Planning authorities should promote *renewable energy systems and alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*." (Bolded words were added after the 2012 draft.)

+ An old policy in section 1.8 (Energy and Air Quality) -- "e) promote design and orientation which maximize the use of alternative or renewable energy, such as solar and wind energy, and the mitigating effects of vegetation." -- has now expanded with new policies in a renamed section 1.8 (Energy Conservation, Air Quality and Climate Change) stating: "f) promote design and orientation which: 1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and 2. maximizes opportunities for the use of *renewable energy systems and alternative energy systems*; and g) maximize vegetation within *settlement areas*, where feasible."

+ Under Natural Heritage, a new policy now requires ("shall") municipalities to identify their natural heritage system: "2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E1, recognizing that *natural heritage systems will vary in size and form* in *settlement areas, rural areas, and prime agricultural areas*." (Bolded words were added after 2012.) The definition of NHS is slightly improved in describing linkages as part of the System: "**Natural heritage system**: means a system made up of *natural heritage features and areas*, **and linkages intended to provide connectivity (at the regional or site level) and support natural processes** which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems" (my bolding). And the definition GOES ON: "These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used. "

+ Section 3 now states explicitly that development should "not create new or aggravate existing hazards" for public health or safety.

+ "Significant woodlands" are to be identified "using criteria established by the Ontario Ministry of Natural Resources". Unlike other elements of "significant" features, a municipal equivalent for woodlands is not allowed.

+ The "two zone concept" in flood plain management is now a defined term.

What changed since the September 2012 draft?

In brief, that degradation of fish habitat protection happened after the 2012 draft: the prohibition against "disruption" (still there in 2012) was dropped in favour of prohibiting only "permanent alteration;" moreover, the principle of "no net loss of productive capacity" was dropped.

There are new references to "second units" in housing and to "older persons." Some storm water management requirements were strengthened.

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In addition to a number of amendments made after the 2012 draft and noted under the previous heading, here are some other highlights of what changed after we saw the 2012 draft.

+ In section 1.1.1 b, besides affordable housing, there is now also reference to "second units" and "housing for older persons." Similarly, in the same section, improving accessibility is now a policy not only for people with disabilities but also for "older persons." The definitions of "Institutional Use" and "Special Needs" also refer to "older persons." There is another new reference to "second units" in policy 2 of section 1.4.3.

+ Policy 1.1.3.5, which requires municipalities to establish and implement minimum targets for intensification and redevelopment, gains a bit more flexibility by seeing added "based on local conditions."

+ In planning storm water management (s. 1.6.6.7), a 2012 proposal to require a plan to "maintain or increase" the extent and function of vegetative and pervious surfaces, in the final version has become a requirement to "maximize" them. (Similarly, in the Energy Conservation section, a policy that in the 2012 draft required support for maintaining or increasing vegetation within settlement areas has now become a requirement to "maximize" it.) "Low impact development" is, along with attenuation and re-use of stormwater, included in best practices.

+ The aggregates industry is given a nod to include aggregate re-cycling facilities in their operations (s. 2.5.2.3.)

+ In defining negative impacts on fish habitat, in 2005 "disruption" was included and maintained in the 2012 draft but that word has disappeared in favour of "permanent alteration." As well, reference to "the guiding principle of no net loss of productive capacity" has disappeared (definition of "Negative Impacts" - b).

Did our comments on the 2012 draft make any difference?

That's always hard to say. By the numbers:

+ Of the total of 86 comments we made, 25 expressed support for something that was proposed. None of these points were dropped. Count your blessings!

+ Of the 39 points where we suggested further strengthening, we scored 4 in whole or in part.

+ Of the 8 points where we agreed with Ottawa City staff's comments, only one was adopted, namely the inclusion of "street trees" in the definition of green infrastructure.

+ We disagreed with 3 comments made by staff. The Province did not take these comments in either.

+ Naturally, we did not expect to be heard (the 11 remaining points) when we went on record as advocating a definition of "limited residential development" in rural areas and as (constructively) protesting the privileged position of the aggregates industry and that policy's unscientific basis.

Erwin Dreessen, with thanks to Faith Blacquière -- without her table this post would have taken a lot more effort!

11 March 2014