

## ATTACHMENT 5 – Applicable Natural Heritage Policies

### Provincial Policy Statement (2014)

#### 2.0 Wise use and management of resources

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##### 2.1 Natural heritage

2.1.1 Natural features and areas **shall be protected** for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E<sup>1</sup>, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.

2.1.5 **Development and site alteration shall not be permitted in:**

- a. *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E<sup>1</sup>;
- b. **significant woodlands** in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
- c. *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
- d. **significant wildlife habitat;**
- e. *significant areas of natural and scientific interest;* and
- f. *coastal wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup> that are not subject to policy 2.1.4(b)

**unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.**

2.1.7 *Development and site alteration* shall not be permitted in ***habitat of endangered species and threatened species***, except in accordance with *provincial and federal requirements*.

2.1.8 ***Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas*** identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

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**Significant:** means

b) in regard to *woodlands*, an **area** which 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 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 Ontario Ministry of Natural Resources;

c) in regard to other features and areas in policy 2.1, *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*;

Staff notes that the new PPS, 2020 was released on February 28, 2020. The PPS, 2020 supports implementation of **More Homes, More Choice**: Ontario's Housing Supply Action Plan and includes key changes to:

- Encourage an increase in the mix and supply of housing
- Protect the environment and public safety
- Reduce barriers and costs for development and provide greater certainty
- Support rural, northern and Indigenous communities
- Support the economy and job creation

All decisions affecting land use planning matters made after May 1, 2020 shall be consistent with the PPS, 2020.

Draft PPS policies (July 2019) enhanced direction to prepare for impacts of changing climate. The new PPS added references to further support a changing climate and green infrastructure. I note here the Section 1.8.1 f) and g) that directs the municipalities to “maximize the vegetation within settlement areas, where feasible”.

## Planning Act

The *Planning Act*, R.S.O. 1990 (the 'Act') is Provincial legislation that governs matters of land use planning within the Province of Ontario. All land use planning decisions in the Province of Ontario must be consistent with Part 1 (2) of the Act, which broadly sets out matters of provincial interest. The objective of Section 2 of the Act is to ensure due consideration is given by a decision body to identified matters of Provincial interest:

- (a) "the protection of ecological systems, including natural areas, features and functions;"
  - (p) "the appropriate location of growth and development;"
  - (s) "the mitigation of greenhouse gas emissions and adaption to a changing climate;"
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## [A Place to Grow: Growth plan for the Greater Golden Horseshoe, 2019](#)

### 4.2.2 Natural heritage system

1. A *Natural Heritage System for the Growth Plan* has been **mapped** by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The *Natural Heritage System for the Growth Plan* **excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017.**
2. Municipalities will incorporate the *Natural Heritage System for the Growth Plan* **as an overlay in official plans**, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.
4. **Provincial mapping** of the *Natural Heritage System for the Growth Plan* **does not apply until it has been implemented in the applicable upper- or single-tier official plan.** Until that time, the policies in this Plan that refer to the *Natural Heritage System for the Growth Plan* will apply outside settlement areas to the *natural heritage systems* identified in official plans that were approved and in effect as of July 1, 2017.
5. Upper- and single-tier municipalities may refine provincial mapping of the *Natural Heritage System for the Growth Plan* at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the *Natural Heritage System for the Growth Plan* has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*.
6. Beyond the *Natural Heritage System for the Growth Plan*, **including within settlement areas**, the municipality:
  - a. **will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and**
  - b. may continue to protect any other *natural heritage system* or identify new systems in a manner that is consistent with the PPS.

Schedule B1, Development Constraints Urban Area Detail, of the Municipality of Port Hope identifies a woodland and unevaluated wetland feature within the eastern portion of the subject site, adjacent to Victoria Street South.

## **C5.2 NATURAL HERITAGE OUTSIDE OF THE OAK RIDGES MORaine**

### **C5.2.1 General**

The Natural Heritage classification on Schedules B and **B1** identifies lands that are recognized by the Province, Ganaraska Region Conservation Authority and Council as containing one or more of the following significant or sensitive natural features or functions:

c) **Woodlands** - are treed areas that provide environmental and economic benefits to the private landowner and the general public, such as erosion prevention, hydrogeologic and nutrient cycling, provision of clean air and long term storage of carbon, provision of wildlife habitat, outdoor recreation opportunities and the sustainable harvest of woodland products. These areas are specifically identified on Schedule B;

e) Wildlife Habitat - are areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Significant Wildlife Habitat may include seasonal concentrations of animals (e.g. deer wintering areas, heronries), specialized habitats of rare vegetation communities, and habitat of species of special concern. Specific wildlife habitats of concern may also include areas where species concentrate at a vulnerable point in their life cycle; and areas that are important to migratory and non-migratory species. Known areas of Significant Wildlife Habitat are limited, and are shown on Schedule B to this Plan. However the entire Municipality shall be considered to have the potential for Significant Wildlife Habitat. All proposals for development and site alteration will therefore be assessed for these habitats and provided with appropriate protection. The Ministry of Natural Resources and Forestry's Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules for the Identification of Significant Wildlife Habitat should be used by proponents to identify Significant Wildlife Habitat.

The Municipality will require that proponents proposed the following types of development to assess the site for the presence of **significant wildlife habitat**:

- Creation of more than three lots through either consent or **plan of subdivision**;
- **Change in land use**, not including the creation of a lot, that requires approval under the Planning Act;

g) Threatened and Endangered Species Habitat - With respect to Endangered Species, is a species, listed or categorized as Endangered Species on the Ontario Ministry of Natural Resources and Forestry's official species at risk list, as updated and amended from time to time. With respect to Threatened Species: is a species listed or categorized as Threatened Species on the Ontario Ministry of Natural Resources and Forestry's official species at risk list, as updated and amended from time to time.

These areas have not been specifically identified on Schedule B in order to protect Threatened and Endangered Species habitats from disturbance.

However, the municipality will:

- i require the protection of Endangered/Threatened Species habitat, in compliance with the requirements of the Provincial Policy Statement, Section 2.1.7;
- ii review development applications or changes in designation using the best available information on Endangered/Threatened Species location that is available from the Ministry of Natural Resources and Forestry and will do so in a confidential manner so as not to disclose the location information related to the species; and
- iii accept updates of the Endangered/Threatened Species information for the purpose of the above point, as it becomes available from the Ministry of Natural Resources and Forestry.
- iv in order to determine the presence of Threatened or Endangered Species and to assess the impacts that proposed activities may have on the habitat of Threatened or Endangered Species, a site assessment by a qualified professional is required to be completed at the appropriate time of year. The assessment must identify whether any endangered or threatened species are present and whether the proposed activities will have any impact on Threatened or Endangered Species or their habitat.

The Ministry of Natural Resources and Forestry can be contacted for further direction regarding site specific proposals.

### **C5.2.2 Policies**

Council shall protect lands classified as Natural Heritage from incompatible development. No development or site alteration will be permitted within a provincially significant wetland. Provincially significant and evaluated wetlands, as identified on Schedule B, will be similarly designated in the implementing zoning by-law as no development zones. Further, development or site alteration shall not be permitted in fish habitat or the habitat of endangered and threatened species except in accordance with provincial and federal requirements. Existing uses, including agricultural operations will be permitted to continue. **Development within natural heritage features shall meet the requirements laid out in Table 1.**

Without forgoing the above noted policy, **any proponent of development or site alteration within or adjacent to lands classified as Natural Heritage shall demonstrate in accordance with provincial legislation, policies and appropriate guidelines and to the satisfaction of Council that there shall be no negative impacts on the natural feature or the ecological function for which the area has been identified, that cannot be mitigated. Proponents proposing development within or adjacent to natural heritage features as defined in Table 1 shall complete an**

**environmental impact study in accordance with Section C20.3 of this Plan.** For all development applications proposed within or adjacent to a Natural Heritage area, the Ganaraska Region Conservation Authority will be consulted. The Municipality may scope the requirements of an environmental impact study where appropriate, based on consultation with the Ganaraska Region Conservation Authority or other appropriate agency.

### Application of Policies

When determining the application of the above policies and the need to demonstrate that a particular development proposal within and/or adjacent to a Natural Heritage designation area will not result in negative impacts to the feature or its ecological function, Table 1 sets out how the boundary is defined, the extent of the adjacent lands and the conditions under which development and site alteration may be permitted.

**Table 1 - NATURAL HERITAGE FEATURES**

<b>Feature</b>	<b>Boundary Definition</b>	<b>Extent of Adjacent Lands</b>	<b>Conditions under which development and site alteration may be permitted</b>
Wetlands	Prov. Significant wetlands, based on evaluation carried out in accordance with the Ontario Wetland Evaluation System and approved by the Ministry of Natural Resources and Forestry.  Coastal wetlands identified in accordance with the definition in the Provincial Policy Statement (PPS)	120 metres	Development within a significant wetland shall not be permitted. Development adjacent to a significant wetland, or within or adjacent to a non-Provincially Significant Wetland coastal wetland may be permitted provided that an Environmental Impact Study (EIS) demonstrates no negative impacts on the natural features and their sustaining ecological or hydrologic functions.
<b>Habitat of threatened or endangered species</b>	As defined by Provincial or Federal authorities or an accredited professional and approved by the Ministry of Natural Resources and Forestry.		Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
Fish and their habitat	All water features – including permanent or intermittent streams, headwaters, seasonally flooded areas, municipal or agricultural surface drains, lakes and ponds (except human-made off-stream ponds) will be considered fish habitat unless otherwise demonstrated by the proponent.	120 metres from the high-water mark	EIS indicates no negative impact to the fish habitat features or functions, or where authorization has been obtained under the Fisheries Act.  A minimum setback of 30 metres for all development or site alteration from the high-water edge of an aquatic habitat or as defined through the EIS will be required.
Locally significant wetlands	Wetlands other than provincially significant wetlands defined using a	50 metres	EIS demonstrates no negative impacts on the natural features and the ecological or hydrologic functions that

Feature	Boundary Definition	Extent of Adjacent Lands	Conditions under which development and site alteration may be permitted
	Wetland evaluation carried out according to procedures established by the MNRF.		sustain them.
<b>Woodlands</b>	<p>In addition to the Significant Woodlands shown on Schedule B and Woodlands shown on Schedule B-1, all woodlands 4 hectares or greater in area and all woodlots of any size straddling or immediately adjacent to a watercourse will be considered significant woodlands.</p> <p>For the purposes of development of aggregate resources, significant woodlands will be defined based on the criteria in the Natural Heritage Reference Manual.</p>	120 metres	EIS demonstrates no negative impacts on the natural features of the woodlands and the ecological functions that sustain them.
Valley lands (not included in Schedules)	Natural areas found within Ganaraska Region Conservation Authority regulatory lines, flood plain mapping or stable top-of-bank, determined in consultation with the Conservation Authority, whichever is greater	120 metres	EIS demonstrates there will be no negative impacts on the natural features of the valley lands and the ecological functions that sustain them.
Watercourses and Municipal drains without mapping or regulations from GRCA	The top of bank of the watercourse or drain as defined in consultation with the GRCA.	Lands within 15 metres of the top of bank, or a feature defined by Section C5.2.1 of this Plan.	EIS demonstrates no negative impacts upon any present natural feature and their sustaining ecological functions.
Areas of natural and scientific interest (ANSI)	as defined by MNRF	120 metres for a Life Science ANSI  50 metres for an Earth Science ANSI	EIS demonstrates no negative impacts on the ANSI and the ecological or geological functions that sustain them.
<b>Significant Wildlife Habitat</b>	<b>as defined by GRCA in accordance with MNRF criteria for significance</b>	<b>120 metres</b>	<b>EIS to demonstrate no negative impacts on the significant wildlife habitat and the ecological functions that sustain them</b>

### **C20.3 ENVIRONMENTAL IMPACT STUDIES**

Purpose

The purpose of an Environmental Impact Study (EIS) is to determine whether a proposed development or infrastructure undertaking within or adjacent to lands identified as Natural Heritage on Schedules B or B1 or Natural Hazards on Schedules B2 or B1 will result in negative impacts to the feature or its ecological function and to determine whether a particular development is appropriate and to recommend necessary mitigation measures where development is deemed to be appropriate in accordance to the policies of this Plan.

Scope

Environmental impact studies may vary in scope and may include cultural heritage aspects, hydrogeological and terrain analysis and impacts of nitrates on groundwater depending on size, nature and intent of the proposal and the environment under study as determined in consultation with the Ganaraska Region Conservation Authority.

Matters to Address

Where an Environmental Impact Study is required, such a study should:

- a) identify existing natural features of the area, such as geomorphology, drainage, flora fauna, microclimate, air quality and soils;
- b) identify and evaluate the precise location and boundaries of all the natural features/areas and associated natural heritage corridors/linkages on, or adjacent (as defined by the Provincial Policy Statement, and the Natural Heritage Reference Manual) to the site on clearly legible, scaled maps, including identification of vegetation communities using the Ecological Land Classification (ELC) system;
- c) identify if suitable habitat exists on the site for known species at risk (those listed on the Species at Risk in Ontario list) as well as suitable habitat for any species at risk that were observed on site.
- d) be conducted by a qualified professional;
- e) describe the survey methods and level of effort undertaken including the dates, weather conditions and number of field visits/surveys to demonstrate that assessments were conducted using appropriate methodologies at the appropriate time of year;
- f) identify significant natural functions of the area, such as wildlife shelter habitat and corridors and natural recharge or discharge areas;
- g) describe the proposal in detail. For areas on and adjacent to the site, include descriptions and clearly legible, scaled maps of the existing land uses, existing Official Plan designations, and the proposed development and site alteration, including all proposed buildings, structures, driveways and parking areas, and sources of human intrusion, light, noise, dust, etc.;
- h) identify those natural features and functions likely to be affected by the proposal;



- i) assess the potential impacts and potential cumulative impacts of the proposal on key natural features and functions;
- j) identify, explain and recommend specific actions which would be undertaken to eliminate, reduce or compensate for the expected impacts consistent with accepted ecological, planning, engineering, and resource management techniques and practices;
- k) indicate the nature and extent of public consultation and/or input;
- l) demonstrate how a particular development proposal may occur so as to result in no negative impacts to a particular natural heritage feature/area or its ecological functions; and
- m) conclude with an independent professional opinion as to whether or not residual impacts (after mitigation) of the development and site alteration are negative, and whether the development proposal is consistent with the intent of the Provincial Policy Statement.

Proponents may consult with the Ganaraska Region Conservation Authority to see if opportunities exist to scope any required Environmental Impact Study.

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## **Northumberland County Official Plan**

(As Approved by the Ontario Municipal Board on November 23, 2016)

### **D1 NATURAL HERITAGE RESOURCES**

#### **D1.1 OBJECTIVES**

It is the objective of this Plan to:

- a) Provide the basis for the **establishment of a natural heritage system** through the preparation of an Official Plan Amendment that is initiated by the County;
- b) Raise the public's awareness that *natural heritage features* are important to the County of Northumberland and to its local municipalities and should be protected for future generations;
- c) Maintain, improve and where possible, restore the health, diversity, size and connectivity of natural heritage features, hydrologically *sensitive* features and related *ecological functions*;
- d) Maintain natural stream form and flow characteristics and the integrity and quality of watercourses;
- e) Ensure that only land uses that maintain, improve or restore the ecological and hydrological functions of the natural heritage and hydrologic features are permitted;
- f) Encourage the acquisition of land that is the site of *significant* natural heritage features by public authorities for conservation purposes;
- g) Provide the tools to properly assess *development* applications located in close proximity to natural heritage features;
- h) Ensure that *development* is appropriately setback from *significant* natural heritage features;
- i) Encourage and support the Ministry of Natural Resources and the appropriate Conservation Authority in conducting evaluations of unevaluated *wetlands* within the County; and,
- j) Provide opportunities, where appropriate, for passive outdoor recreational activities.

#### **D1.2 ESTABLISHING A NATURAL HERITAGE SYSTEM**

The County of Northumberland is committed to maintaining and promoting a healthy natural environment and protecting its unique and special natural heritage features for the present generation and all successive generations.

On the basis of this, it is a policy of this Plan that a *natural heritage system* be established, in consultation with the Ministry of Natural Resources and Forestry, resulting in an Official Plan Amendment to identify the system and incorporate appropriate policies. This Amendment will be undertaken within three years of the approval of this Plan.

#### **D1.3 COMPONENTS OF A NATURAL HERITAGE SYSTEM**

The following are components of the natural heritage system:

- a. Provincially *significant wetlands* and *Areas of Natural and Scientific Interest*, which are designated Environmental Protection Area on Schedule A to this Plan;
- b. Provincially *significant coastal wetlands*;
- c. *Habitat of endangered species and threatened species*;
- d. *Areas of Natural and Scientific Interest*;
- e. *Significant wildlife habitat* areas and other *wildlife habitat* areas;
- f. *Significant woodlands* and other *woodlands*;
- g. *Significant valleylands* and other *valleylands*;
- h. *Fish habitat*;
- i. Non-Provincially *significant coastal wetlands* and other *wetlands*;
- j. Watercourses;
- k. County forests and lands owned by the Conservation Authority; and,
- l. Linkage areas subject to Section D1.4 of this Plan.

#### **D1.4 LINKAGE AREAS**

Linkage areas may include linear natural features such as streams, *floodplains*, and steep slopes, valleys, contiguous narrow *woodlands* and *wetlands* that connect two or more natural heritage features which provide for movement of plants and animals. It is the intent of the County to identify these corridors when a *natural heritage system* is developed in accordance with Section D1.2 of this Plan.

#### **D1.5 DEVELOPMENT AND SITE ALTERATION**

- a) Development and site alteration shall not be permitted in significant wetlands and significant coastal wetlands.
- b) Development and site alteration shall not be permitted in the following features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions:
  - i. Significant **woodlands**;
  - ii. Significant valleylands;
  - iii. Non-significant coastal wetlands;
  - iv. Significant **wildlife habitat**; and,
  - v. Significant Areas of Natural and Scientific interest.
- c) Development and site alteration shall not be permitted in fish habitat except in accordance with Provincial and Federal requirements.
- d) Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

#### **D1.6 SPECIAL POLICY ON HABITAT OF ENDANGERED SPECIES AND THREATENED SPECIES**

- a) The Ministry of Natural Resources and Forestry (MNRF) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MNRF is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The MNRF is responsible for approving the delineation of habitat for species identified as endangered and threatened.
- b) Environmental Impact Studies or other planning reports may help with identifying the extent of the habitat of endangered species and threatened species. Development and site alteration shall not be permitted on the adjacent lands to habitat of endangered species and threatened species, except for work authorized under the ESA.
- c) The County recognizes that information regarding the locations of endangered and threatened species and their habitat is incomplete. The County and the local municipalities will accept information regarding endangered and threatened species habitat from the Ministry of Natural Resources and Forestry (MNRF) as it becomes available and will use this information, in confidence, to screen all planning applications for potential development constraints. The municipality will consult with MNRF as appropriate.
- d) In order to determine the presence of threatened or endangered species and to assess the impacts that proposed activities may have on the habitat of threatened and endangered species, a site assessment by a qualified professional is required to be completed at the appropriate time of year. The assessment must identify whether any endangered or

threatened species are present and whether the proposed activities will have any impact on threatened or endangered species or their habitat. MNRF can be contacted for further direction regarding site specific proposals.

### **D1.7 SIGNIFICANT WILDLIFE HABITAT**

- a) Significant wildlife habitat may include: seasonal concentrations of animals (e.g. deer wintering areas, heronries), specialized habitats and rare vegetation communities, habitats of species of special concern. Ministry of Natural Resources and Forestry's Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules for the Identification of Significant Wildlife Habitat should be used by proponents to help identify significant wildlife habitat.
- b) Through the process of considering an application for development, the approval authority will require that proponents proposing the following types of development will be required to assess the site for the presence of significant wildlife habitat:
  - i) Creation of more than three lots through either consent or plan of subdivision;
  - ii) Change in land use, not including the creation of a lot, that requires approval under the Planning Act;
  - iii) Shoreline consent along a large inland lake or large river (denoted on 1:50,000 National Topographic System maps as being two lined that is within 120 metres along the shoreline of an existing lot of record or a lot described in an applications for subdivision or consent; and
  - iv) Construction for recreational uses (e.g. golf courses, serviced playing fields, serviced campgrounds and ski hills) that require largescale modification of terrain, vegetation or both.

### **D1.9.3 Environmental Impact Studies**

Where the policies of this Plan require that an Environmental Impact Study ('EIS') be prepared, such an EIS shall be prepared in accordance with the requirements of this section of the Plan.

#### **D1.9.3.1 Purpose of an Environmental Impact Study**

The purpose of an EIS is to:

- a) Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of natural heritage features and associated ecological and hydrological functions that exist;
- b) Determine whether there are any additional natural heritage features on the lands and adjacent lands; and,
- c) Make an informed decision as to whether or not the proposed development and/or site alteration will have a negative impact on the natural heritage features and ecological and hydrological functions.

The approval authority, in consultation with the appropriate Conservation Authority and Parks Canada as appropriate, must be satisfied with an EIS prior to the granting of development

approvals. The recommendations of an EIS shall be implemented through Official Plan Amendments, zoning bylaws, subdivision conditions, site plan control, and/or applicable regulations.

#### **D1.9.3.2 What an Environmental Impact Study Should Demonstrate**

Before development is considered for approval in the area subject to the EIS, the EIS shall demonstrate that the use will not have a negative impact on significant natural heritage features and related ecological functions.