

Notes on Planning & Natural Heritage Protection & Application to High Park

prepared by Leslie Gooding, Nov. 2, 2014

- Planning Act passed by Ontario legislature
- Acts are usually general, therefore implementation instructions are in regulations promulgated by relevant Minister ie government of the day without legislative scrutiny→Provincial Policy Statement (PPS) serves as regulation under the Planning Act
- There are also growth plans eg Growth Plan for the Greater Golden Horseshoe which direct municipalities as to eg the number of housing units they are to provide & growth plans override the PPS. EXCEPTION natural heritage and public health take precedence.
- New PPS effective April 2014 (previous PPS 2005).
- Natural heritage: Section 2.1
 - Shall be protected for the long term
 - Includes provincially significant life ANSIs, habitat for endangered or threatened species, and significant wildlife habitat
 - Development and site alteration shall not be permitted in natural heritage features and areas or their adjacent lands unless it has been demonstrated that there will be no negative impactson the natural features or their ecological functions. (Note: “adjacent” means within 120 metres. A recent OMB decision determined that land north of Bloor St. is still adjacent to High Park even though separated by the street.)
 - Negative impact means degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.
- PPS 2.1 (2005 version) was not being properly implemented by municipalities as they did not have the expertise; hence guidance in 2010 [Natural Heritage Reference Manual](#), produced by MNR—if municipalities choose not to follow the guidance it is incumbent on them to explain how they are implementing the PPS
 - Evaluation of natural features triggered by a development proposal
 - Adjacent—magnitude, purpose, buffers (protect natural feature from outside activities)
 - Samples of negative impact eg trampling & compaction & of solutions eg all trails outside the natural features, by-law enforcement
 - Early consultation, including of community groups
- High Park
 - Not in compliance with NHRM eg no buffers, trails through natural areas (development precedes both ANSI designation and NHRM)
 - Know from Parks Plan 2013-2017 that natural areas are overused & have insufficient infrastructure to direct activity away from the natural areas, but no plan to address impact of development on north border of park
- City of Toronto Official Plan (OP): provincial policies are effected through a municipality's official plan; environmental policies are in Section 3.4 & accord with the PPS. In particular, activities on sensitive lands will be limited to those that are compatible with the preservation of natural features and ecological functions(OP 3.4.13)
- New City of Toronto Official Plan draft guidelines for provincially significant areas & ESAs, if applied to development north of High Park, would not comply with the PPS as they do not recognize the successive nature of the Avenue designation, nor is an alternate means of protecting the High Park ANSI proposed