May 19, 2021

# P3: STAFF REPORT

**Commission Review and Approval of**

**Draft Technical Criteria for Vegetation Protection Plans**

# BACKGROUND

A Vegetation Protection Plan (VPP) is a technical drawing and/or report that identifies existing vegetation and proposes practical strategies for its protection against the impacts of development. Without careful consideration, construction, site alteration or demolition activities can alter growing conditions or cause physical injury to vegetation. The Niagara Escarpment Plan (NEP) and the *Niagara Escarpment Planning and Development Act* (NEPDA) require the protection of natural heritage features and functions, and the preservation of natural scenery. These technical criteria are intended to support the implementation of NEP policies and provide a standardized approach for the preparation of VPPs.

Draft Guidelines for Vegetation Protection Plans have been in use since 2012 and were last updated in 2017. Developing technical criteria for VPPs was identified as a priority in a report to the Commission in October 2017. In October 2018, the Commission directed staff to initiate a process to develop technical criteria to replace the draft guidelines and return to the Commission with the proposed technical criteria prior to consultation. NEC staff have since completed research, development, and preliminary consultation. Staff are bringing forward this report to seek Commission approval of the Draft Technical Criteria for Vegetation Protection Plans (see Attachment #1) and direction to initiate a targeted consultation process.

## PLANNING CONTEXT

The NEP provides for the development of guidance material and technical criteria to assist the NEC with implementing the policies of the Plan. This document is intended to support but not add to or detract from the policies of the Plan.

## SCOPE AND CONTENT

The Draft Technical Criteria for Vegetation Protection Plans provides helpful information for applicants and their consultants on best practices for vegetation protection and minimum requirements for the preparation of a VPP. The technical criteria also address:

* Policy context for vegetation protection
* Types of applications where a VPP may be required
* Professional expertise required to undertake a VPP (e.g., ability to identify plant species and assess their capacity to withstand impacts of development)
* Scope of work for a VPP including area of consideration, inventory and assessment of existing vegetation, identification of any vegetative Species at Risk, recommendation of mitigation measures
* Format of a VPP submission
* Review and approval process for a VPP
* Overview of related plans (e.g., natural heritage evaluation) and relevant terminology (e.g., development envelope, vegetation protection zone, zone of impact)

## ANALYSIS AND DISCUSSION

For applications proposing development within or adjacent to treed or vegetated areas, where existing vegetation may be impacted, the Niagara Escarpment Commission (NEC) applies a Condition of Approval that necessitates the submission of a VPP. At this stage of the approvals process, the VPP provides important information on how vegetation protection will be implemented. In some cases, however, vegetation protection may need to be addressed at an earlier stage in the application process to determine if the proposed development is compatible with the natural environment.

The need for, scope, and timing of a VPP submission is determined by NEC staff in the context of the development proposal and site conditions. Other considerations include the findings of related studies (e.g., natural heritage evaluation, environmental impact study) and any external agency requirements (e.g., setbacks). NEC staff consult with applicants facing a VPP submission to confirm study requirements and provide guidance materials. The Technical Criteria for Vegetation Protection Plans will be a useful resource for NEC staff and ensure that applicants and their consultants have the information they need to proceed.

Applicants will gain an understanding of why a VPP is required, the importance of protecting vegetation, and best practices for avoiding, minimizing or mitigating impacts on existing vegetation. Consultants will have a clear understanding of how to scope their work and the level of detail required which will result in better quality VPPs, fewer revisions and resubmissions, and a streamlined submission and approval process.

## PROCESS AND TIMING

The targeted consultation process will invite key stakeholders, including qualified professionals with expertise in vegetation protection, and municipalities and conservation authorities within the Plan area to review and comment on the Draft Technical Criteria for Vegetation Protection Plans. NEC staff will return to the Commission upon completion of the consultation phase for approval of the finalized technical criteria in late 2021.

## RECOMMENDATION

That the Niagara Escarpment Commission:

1. Approve the Draft Technical Criteria for Vegetation Protection Plans attached to this staff report; and,
2. Direct staff to undertake targeted consultation with key stakeholders and municipalities within the Plan area.

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