**Stakeholder Consultation Summary**

**Technical Criteria for Vegetation Protection Plans and Landscape Plans**

**May 25, 2023**

# CONSULTATION PROCESS

The purpose of the consultation was to engage members of the public, agency staff and qualified professionals in the development of relevant and comprehensive technical criteria for vegetation protection plans and landscape plans.

Stakeholder consultation was launched on August 30, 2021. The draft technical criteria were made available to the public on the Niagara Escarpment Commission website and a link was distributed by email to stakeholder agencies, relevant professional organizations, and qualified professionals. The consultation period closed on September 30, 2021.

All comments were compiled and reviewed. Key feedback is summarized below. The final technical criteria address key stakeholder feedback, reflect the diverse needs of partner agencies, balance the purpose and objectives of the Niagara Escarpment Plan (NEP), minimize unnecessary burden for applicants, and ensure an appropriate level of diligence is achieved in the preparation of vegetation protection and landscape plans.

# 2.0 STAKEHOLDER FEEDBACK

The following agencies and individuals responded with comments:

* Grey County
* Halton Region
* Town of Caledon
* Town of Grimsby
* City of Hamilton
* Hamilton Conservation Authority (HCA)
* Conservation Halton (CH)
* Credit Valley Conservation (CVC)
* Toronto and Region Conservation Authority (TRCA)
* Nottawasaga Valley Conservation Authority (NVCA)
* Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)
* Society for Ecological Restoration (SERO)
* Eight professionals working in the fields of arboriculture and landscape architecture

Stakeholders were supportive of the general direction taken with the technical criteria:

* Credit Valley Conservation (CVC) staff found the draft technical criteria to be relevant, comprehensive and easy to understand, and commended NEC for taking this initiative as it will aid in plan review and help focus appropriate site design, landscaping and restoration.
* Grey County staff commented that the technical criteria provide a relevant and thorough review of the expectations and requirements for each type of Plan, in a clear and comprehensive manner, and that the documents appear to be well prepared for a general audience.
* Town of Grimsby staff noted that the technical criteria are relevant and will be helpful to applicants.
* City of Hamilton staff noted that the technical criteria are relevant and comprehensive and appear to be straightforward for any industry professionals reviewing the criteria, or those who are preparing said plans/documents.
* Ministry of Northern Development and Mines, Natural Resources and Forestry (NDMNRF) staff commented that the technical criteria are well done and relevant to their respective fields, comprehensive with supporting direction to the NEP and NEPDA, and easy to understand in their application.

Stakeholders also identified several criteria that required further detail or enhancement. The below summary provides an overview of feedback received and how comments have been addressed in the final technical criteria document.

## 2.1 Technical Criteria for Vegetation Protection Plans (VPP)

* Types of vegetation: There was a concern that this document focused too heavily on trees and did not sufficiently address other forms of vegetation that would also require protection. This has been addressed in the final VPP by using the term ‘vegetation unit’ and providing a clear definition. (CH, TRCA, CVC)
* Significance of vegetation: More emphasis on the importance of retaining vegetation was suggested. Reference to NEP policy and discussion of the principle of avoidance has been included. (Town of Grimsby)
* Equivalency: Several comments referred to a need for greater consistency with municipal requirements (e.g., tree size for surveying) and/or a need to discuss equivalency with respect to other types of studies required by agencies (e.g., what if there is more specific municipal or conservation authority criteria). NEC consults with other agencies and coordinates the requirements. Agency requirements apply and, where there are differences, the most stringent criteria must be met. This has been clarified in the document. Additionally, the minimum tree size for surveying has been reduced to 10 cm diameter at breast height for greater consistency across agencies throughout Plan Area. (Halton Region, Town of Grimsby, City of Hamilton, Caledon, CH, HCA, CVC)
* Equivalency of VPP to other studies like tree protection plans, environmental impact studies: It was not clear what the difference was between a VPP and other similar studies. This has been addressed with the addition of definitions and with descriptive text. (Halton Region)
* Triggers for a VPP: Clarification was requested on what types of development or site conditions would trigger the VPP requirement, if a VPP applies to streamlined Development Permit applications, and at what stage in the review process that a VPP is initiated. Additional context was included on the types of applications and site conditions that may trigger a VPP and the role of NEC staff is making that determination and communicating that with the applicant in a timely manner. Streamlined DPAs were not discussed in the technical criteria because the minor development that is eligible for a streamlined process would not require a detailed VPP or other such studies. (Grey County, Hamilton)
* Terminology: Some terms used in the draft document were insufficiently defined and confusing in the context of relevant legislation (e.g., no-go zone, area of consideration, and zone of impact). These terms have been removed and replaced with more consistent terminology (e.g., vegetation protection zone). (Halton Region, Hamilton)
* Natural heritage evaluation: It was unclear whether evaluation of natural heritage features (e.g., wetlands) was to be included in the scope of a VPP. Greater emphasis has been placed on how the VPP is different from an environmental impact study or other natural heritage evaluation. (TRCA)
* Study area: It was suggested that the criteria for surveying boundary adjacent properties be clearly identified to avoid impacts to boundary trees and trees on adjacent properties. The document now includes a requirement to survey trees up to 6 metres onto adjacent properties, where appropriate, which is in keeping with Hamilton and Caledon criteria. (Caledon)
* Review and approvals: Some plans will require agency review in addition to NEC review. The potential for a coordinated review has been incorporated into the Approvals section of the document. (NVCA)
* Vegetation inventory criteria: Further clarification was needed on whether a full botanical inventory is required or if a general characterization will suffice and what protocol would apply. The document now clearly indicates the amount of detail needed in an inventory. General characterization is sufficient for a VPP; Ecological Land Classification protocols do not apply. (Hamilton, NVCA, CH, CVC)
* Tree condition: Further information was requested pertaining to how tree condition was to be evaluated. Standard ratings for tree condition have been added to the document. (CH, Hamilton)
* Rationale for removal: It was suggested that criteria be added to require that a robust rationale for tree removal be supplied as part of the VPP. Often vague rationale is provided that does not demonstrate how the design is working with nature. Rationale has been included in the criteria and a note that revisions to the design may be required to minimize impacts. (CH, Hamilton)
* Protective fencing placement: Many municipalities have adopted other methods for determining ideal fence placement for tree protection based on industry standards that are derived from tree diameter rather than dripline (e.g., critical root zones, or minimum tree protection zones). The document has noted that the 1.0 m offset is a minimum requirement and that the preferred approach is to protect the largest possible root zone area. (Hamilton, CVC)
* Replacement criteria: Several agencies commented that more specific replacement ratio criteria should be included in the document and/or refer to other agencies that have more specific replacement or compensation requirements. The document has been updated to state that NEC consults with agencies on the most appropriate replacement strategy. (CVC, TRCA, CH, HCA)

## 2.2 Technical Criteria for Landscape Plans

* Types of landscape development: It was suggested that the criteria be expanded to include the whole spectrum of landscape development projects that might need a landscape plan above and beyond planting (e.g., parks, trails, sports fields, etc.). The description of landscaping was expanded and clarification was provided to differentiate typical landscape plans (for planting) and more complex plans (for larger projects). (Hamilton, CH)
* Level of detail: Clarification was requested on the difference between basic and complex landscape plans. The type of landscape plan and the level of detail needed is largely dependent on the complexity of the proposed development and the relevant agency requirements. The document was reorganized to focus on a typical landscape plan with reference made to when more complex plans may be needed. (HCA, CH)
* Equivalency: In some circumstances, the landscape plan needs to meet municipal official plans and associated guidelines, conservation authority guidelines, etc. It has been clarified that the objectives for the landscaping are to be confirmed with NEC in consultation with regulatory agencies so that the applicant is fully aware of any specific criteria that are to be met. (Halton Region, HCA, CH, Town of Grimsby)
* Expertise: Some agencies suggested expanding the list of qualified professionals to include ecologists and agency staff with relevant expertise whereas others suggested limiting it to certified Landscape Architects to meet the more stringent criteria laid out by municipalities. The document has been updated to highly recommend landscape architects as the most qualified but notes that other types of designers/professionals may be acceptable where confirmed by NEC staff. (TRCA, Hamilton, Town of Caledon, HCA, SERO)
* Triggers for a landscape plan: Clarification was requested on what types of development or site conditions would trigger the landscape plan requirement and if a landscape plan applies to streamlined Development Permit applications. Additional context was included on obligation, which describes the role of NEC staff in making that determination in consultation with regulatory agencies. Streamlined DPAs were not discussed in the technical criteria because a landscape plan does not generally apply to the types of minor development that qualifies for streamlining. (Grey County)
* Landscape standards: Several reviewers suggested adding more detailed guidance on acceptable plant species, plant spacing, erosion control measures, and materials and techniques. This would be very difficult to do in a comprehensive manner. Standards vary across regions and often project-specific criteria apply that have been derived from technical studies and/or regulatory requirements. Rather than speak to specifics (e.g., planting densities, etc.), the document now speaks to the importance of meeting required objectives for the planting which is determined in consultation with regulatory agencies and/or through technical study. Additionally, regulatory agencies have useful guidance materials that do not need to be duplicated in this document. (CH, CVC, Grimsby, Town of Caledon, NVCA)
* Low Impact Development (LID): Conservation authorities encourage LID solutions where the use of impervious surfaces cannot be minimized. A reference to agency guidance materials has been added to the document. (TRCA, Hamilton)
* Certification: Clarification was requested on what is expected of applicants with regards to certification of completed landscape works, warranty period and inspections, etc. These details are project-specific and are best stipulated in permit conditions. This has been described in the document. (CH, HCA)