# TECHNICAL CRITERIA FOR PRE-CONSULTATION AND COMPLETE APPLICATIONS

## Niagara Escarpment Plan Amendment and Development Permit Applications

## March 2022

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## INTRODUCTION

In accordance with the Niagara Escarpment Plan, 2017 (NEP), as amended, the Niagara Escarpment Commission (NEC), in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry, can issue technical criteria to assist the implementing authority[[1]](#footnote-1) with applying and interpreting the policies of the Plan in the review of applications submitted under the *Niagara Escarpment Planning and Development Act* (NEPDA).

The policies of the NEP require the submission of technical reports for certain types of development (as identified on the checklists in Part 4). For example, a natural heritage evaluation is required if the proposal has the potential to have a *negative impact* on a key natural heritage feature (NEP Part 2.7.6).

The Technical Criteria for Pre-consultation and Complete Applications have been developed to help applicants for Niagara Escarpment Plan Amendment and Development Permits in understanding the planning process for NEC applications and knowing how to submit an application that provides enough information to evaluate the development proposal or policy change.

These Technical Criteria contain two parts. Part 1 explains the Pre-consultation process and Part 2 contains a checklist for standard and complex applications. The checklist will be completed by NEC staff and provided to the applicant following a pre-consultation meeting.

**NOTE:** Pre-consultation is not mandatory and an application lacking complete information will still be processed by NEC staff, at the request of the applicant. However, application processing times may be longer as a result because staff may be unable to evaluate whether the proposed development meets NEP policy. The information requested as part of the NEC process will also likely be required for any subsequent planning or environmental approvals (municipal/conservation authority), so it is in the best interest of the applicant to provide the requested information at the earliest opportunity.

## INITIAL ASSESSMENT AND CONTACT INFORMATION

**Step 1**. Is my property subject to the policies of the Niagara Escarpment Plan, a provincial land use plan? Is my property in the Area of Development Control? Do I need a permit or planning approval from the Niagara Escarpment Commission?

Check the Interactive Map on the website of the Niagara Escarpment Commission before you contact our offices. It will show you if your property is in the Niagara Escarpment Plan Area or Area of Development Control (where municipal zoning is not in effect).

[Interactive Map - Niagara Escarpment Commission](https://escarpment.org/development-permits/interactivemap/)

If you are outside the Niagara Escarpment Plan Area, contact your local municipality for planning/building approvals.

If you are *in* the Niagara Escarpment Plan Area and Area of Development Control, go to Step 2.

**Step 2**. For more information about the Niagara Escarpment Plan Amendment and Development Permit application processes or to talk to staff of the Niagara Escarpment Commission about setting up a pre-consultation, please contact our offices at:

Georgetown Office

nec@ontario.ca

905-877-5191

(For applications in Niagara, Hamilton, Halton, or Peel)

Owen Sound Office

nec@ontario.ca

519-371-1001

(For applications in Dufferin, Bruce, Grey, or Simcoe)

## PRE-CONSULTATION

## Niagara Escarpment Plan Amendment and Development Permit Applications

Pre-consultation is a process that may be undertaken by staff of the Niagara Escarpment Commission (NEC) to assist you in understanding the process that will be followed to review your application. It is also an opportunity for staff to:

* confirm their understanding of your proposal;
* let you know if additional information is required to help us process your application; or,
* identify any components of the proposal that conflict with the Niagara Escarpment Plan (NEP).

Pre-consultation can occur before an application is submitted, but consultation can also take place after it has been submitted but before it is circulated, and during the application review process if NEC staff or an external agency identifies the need for more information to assist in assessing whether the application complies with the Niagara Escarpment Plan, a municipal Official Plan, or a Conservation Authority regulation.

Frequently Asked Questions

1. Is pre-consultation required before applying to the Niagara Escarpment Commission (NEC) for a planning approval?
* Pre-consultation is not mandatory but highly recommended to ensure the efficient and timely processing of your complete application;
* Pre-consultation about NEC applications may take place together with another agency or municipality if other planning or environmental approvals are required. (e.g., municipal, conservation authority)
1. Is there a fee for pre-consultation?
* There is no fee to have a pre-consultation meeting with NEC staff.
1. How do I set up a pre-consultation?
* Please email or call one of our offices to arrange a meeting
	+ Georgetown: 905-877-5191 or nec@ontario.ca
	+ Owen Sound: 519-371-1001 or nec@ontario.ca
* The meeting can be held over the phone or through a video call, or in person when possible.
1. What happens if I have already applied and did not have a pre-consultation meeting?
* The NEC planner who has been assigned to your application will contact you to discuss your application and any additional information required to process your file.
1. I am the property owner. If pre-consultation is scheduled for my application, do I have to attend?
* Your attendance at the meeting will help you to understand the application process and the NEC requirements. Someone else that you name could attend in your place if you give them permission and provide a copy of that authorization to NEC staff.
* If you have a professional representing you in the application process, they are encouraged to attend the pre-consultation with you or on your behalf. Your agent could be a planning consultant, architect, engineer, landscape architect, or real estate agent, for example.
1. What information should I bring to a pre-consultation?
	* Please bring a complete description of your proposal for the site, including any proposed construction, site alteration or land use changes to ensure that we can advise you on what types of development, uses or activities do or do not require a permit or planning approval;
	* A site plan, air photo, building plans, legal description, or assessment roll number for your property or a survey could be shared with NEC staff before the pre-consultation meeting or phone call; you can also provide a list of any studies or other technical reports that have been or may be prepared to support your application.
	* Scaled plans and drawings that show existing and proposed development (e.g., houses, sheds, garages, barns, storage containers, pools, patios) and environmental features on the property (e.g., ponds, streams, woodlots, wetlands) will allow NEC staff to better guide you on what detailed studies may be needed;
	* If you do not have any details about your project, you may not be ready for pre-consultation. Consider an email to the NEC general inquiry mailbox or a phone call to the appropriate NEC staff person, if you are just gathering information for a future application.
2. What will I learn at a pre-consultation meeting?
* NEC staff will advise you if your application has all the information that is required by the policies of the NEP (e.g., the application form has been fully completed, you have provided an accurate site plan, the proposed development is identified as a Permitted Use, additional information or studies are needed to support your application) as required by the NEP;
* If the pre-consultation is held jointly with a municipality or conservation authority, their staff will tell you if they have other application requirements (under the *Planning* Act or other legislation) and will explain how their planning or environmental approval process works;
* NEC staff may provide information about applicable policy and whether there are any policy considerations that would impact your ability to undertake your development or bring a new use to your property;
* That approvals from the NEC must precede any other planning or development approvals and any development on your property (NEPDA S. 24(3)).
1. What happens after pre-consultation?
* After pre-consultation on a standard application, staff will confirm the discussion by completing a checklist describing what you need to submit. Once you provide the information requested, then staff can start to process the application; the process will include consultation with other agencies, a site visit to the property and the review of the plans and other information provided in support of the application and concludes with a staff report with a recommended decision on the application.
* After a formal pre-consultation involving other agencies on a complex application, you will receive a checklist of application requirements to confirm what was discussed. Once the requested information has been received, staff will commence processing the application, including the steps noted above.
1. What happens if I cannot or do not wish to provide requested information to support my application?
* It is in an applicant’s best interest to provide all requested information to assist in assessing your application against the NEP and other relevant policies;
* If an applicant advises NEC staff that they will not provide the requested information and that nevertheless they would like their application to proceed to a final decision, other agencies may not be able to provide comments which could delay a decision on your application, and/or
* NEC staff may take a report to the NEC with a recommendation to refuse the application as it has not been justified or there is insufficient information to demonstrate that the policies of the NEP have been met.

## COMPLETE APPLICATION CHECKLIST

### Part A – Standard Applications

As review of the application gets under way, additional planning issues may arise, and this may result in the need for additional plans or studies to be submitted.

This checklist is to be used for routine Development Permit applications. Examples of such applications *may* include:

* accessory buildings
* agricultural buildings
* single dwellings
* additions to existing buildings
* lot creation

Checklist (minimum required information):

* application form with all applicable questions answered
* application form signed by the applicant and the property owner
* an accurate, detailed site plan drawn to scale showing all existing and proposed development and distances to property lines

Date:

Name of applicant/agent:

Name of NEC staff person:

**NOTE: Participation in the pre-consultation process does not authorize any construction or preparatory work on site, including the clearing of trees or vegetation, placement or removal of fill or other site alteration.**

### Part B – Complex Applications

This checklist is to be used in pre-consultation for Niagara Escarpment Plan Amendment and complex Development Permit applications[[2]](#footnote-2). Examples of such applications *may* include:

* Proposed changes in NEP policy, land use designation, or new site-specific policy
* Mineral Aggregate Resources – proposed pit or quarry or expansion of same
* Urban uses such as commercial or industrial land uses in Urban Areas or Minor Urban Centres or Escarpment Recreation Areas
* Development impacting key natural heritage features or key hydrologic features
* Development impacting cultural heritage, scenic resources
* Depositing fill
* Proposals for new Infrastructure – roads, water and sewer, hydro lines
* Development that involves additional uses and development which tends to be more complex by its nature (e.g., expansion or alteration to existing uses, institutional uses, on-farm diversified uses, home occupations or home industries, second dwellings)

Complete Application Checklist (to be completed by NEC staff following pre- consultation)[1](#_bookmark0)

1. Application forms/Plan/drawings

Application forms (Plan Amendment and/or DPA) Application fee [n/a][2](#_bookmark1)

Record of Pre-consultation

Location map, site photos or aerial photography

Site plan or subdivision plan (must be to scale and include setbacks from property lines for all buildings and structures)

Building plans (to scale)

Elevation drawings, building renderings drawn to scale

Fill management plan (NEP Part 2.13.9)

Landscape plans/vegetation protection plans

Lighting plan

Copies of related applications (e.g. ARA licence application, official plan amendment, zoning by-law amendment, site plan) or list of other applications or processes to be undertaken subsequently or concurrently (e.g. Certificate of Approval, PTTW, CA Permit, Record of Site Condition)

1. Required studies (check all that apply)[3](#_bookmark2):

Agricultural impact assessment/agrologist report: (NEP Part 2.8.3, 2.9.3 f, 2.12.6)

Air quality impact assessment

Archaeological assessment/cultural heritage impact assessment or screening checklists: (NEP Part 2.10.2)

Blasting study

Climate impact assessment (LID, green infrastructure): (NEP Part 1.6.8.5, 1.6.8.9 e, 1.7.5, 1.8.5.2, 2.2.6, 2.12)

Environmental Impact Study (Natural Heritage Evaluation), impact within or adjacent to natural heritage features, Species at Risk, tree inventory/protection plans required: (NEP Part 2.7.6)

Environmental Site Assessment (site contamination)

 Fill management plan: (NEP Part 2.8.3, 2.13.9)

Geotechnical study/engineering report: (NEP Part 2.2.2, 2.5.4)

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3 Other NEC guidance material or technical criteria may also apply and will be referenced by NEC staff, as necessary.

Grading and drainage Plan: (NEP Part 2.13.9)

Hydrological evaluation: (NEP Part 2.6.3) Hydrogeological assessment

Karst assessment

Lighting plan/study: (NEP Part 2.13.4)

Minimum Distance Separation calculation: (NEP Part 2.8.2) NEPOSS Master/Management plan: (NEP Parts 3.1.2.2, 3.1.5.1)

Noise impact assessment: (NEP Part 2.2)

Odour, dust emission study

Planning justification: (NEP Parts 1.2.1, 2.1)

Rehabilitation Plan/Aggregate Site Plan: (NEP Parts 1.2.2.4, 2.9.11, 2.9.13

Servicing study

Traffic study

Visual Impact Assessment: NEP Part 2.13.3 Wildland fire assessment

Other – detailed list

1. Further consultation (check all that apply)

Will Indigenous consultation be undertaken?

Does the application require *Planning Act* or Building Code Approvals? Does the application require a permit from a Conservation Authority?

Has the applicant consulted the Ministry of Environment, Conservation and Parks to determine if application require authorization under the *Endangered Species Act*?

Does the application require an Environmental Compliance Approval or Permit to Take Water?

Does the application relate to an application for a licence under the *Aggregate Resources Act*?

Does the application require any approvals under federal jurisdiction (e.g. railways, pipelines, airports, canals, telecommunications equipment, cannabis cultivation or processing, impacts to fish habitat)?

Is the property subject to any other related applications or site-specific policies or plans? Examples:

* + Infrastructure Master Plan (water, sewer, stormwater),
	+ Transportation Master Plan,
	+ Watershed/Sub-watershed Plan,
	+ Secondary Plan,
	+ Holding provision or Interim Control By-law,
	+ Official Plan amendment,
	+ Plan of Subdivision or condominium,
	+ Consent (severance) application,
	+ Municipal or Provincial Class Environmental Assessment
	+ Source Protection Area: (NEP Part 2.6.12)
	+ Heritage Conservation District, heritage designation or conservation easement
	+ Hazardous land (unstable slopes, flood zones, contaminated site)

**NOTE: Participation in the pre-consultation process does not authorize any construction or preparatory work on site, including the clearing of trees or vegetation, placement or removal of fill or other site alteration.**

Date:

Name of applicant/agent:

Name of NEC staff:

1. The implementing authority may be the Niagara Escarpment Commission or a municipality, depending on the designation in the NEP. [↑](#footnote-ref-1)
2. 1 For simpler applications, the checklist may be provided at the end of the meeting.

2 Some agencies and municipalities charge a fee to comment on a Plan Amendment or Development Permit application, but the NEC has no fee. [↑](#footnote-ref-2)