



MEMO / NOTE DE SERVICE

Information previously distributed / Information distribué auparavant

TO: Built Heritage Committee

DESTINATAIRE : Comité du patrimoine bâti

**FROM: Court Curry,
Manager, Right of Way, Heritage and
Urban Design**

**Contact :
Greg MacPherson, Heritage Planner
ROWHUD
613-580-2424 x 73665
greg.macpherson@ottawa.ca**

**EXPÉDITEUR : Court Curry,
Directeur, Services des emprises, du
patrimoine, et du design urbain,
Services de la planification, des biens
immobiliers et du développement
économique**

**Personne ressource :
Greg MacPherson, Urbaniste I,
Services des emprises, du
patrimoine, et du design urbain,
Services de la planification, des biens
immobiliers et du développement
économique
613-580-2424 x 73665
greg.macpherson@ottawa.ca**

DATE: July 13, 2023

13 juillet 2023

FILE NUMBER: ACS2023-PRE-RHU-0025

SUBJECT: Heritage Impacts of the Proposed Provincial Planning Statement

**OBJET : Répercussions sur le patrimoine liées à la Déclaration de principes
provinciale proposée**

PURPOSE

The purpose of this memorandum is to inform the Built Heritage Committee of changes proposed by the Province to the *Provincial Policy Statement* first introduced in draft form on April 6, 2023. This memorandum also summarizes the Heritage Planning Branch's responses to the heritage-specific amendments proposed, while providing background information and a summary of relevant proposed amendments is set out below. The Planning, Real Estate and Economic Development Department's Policy Planning division has prepared a detailed response to the proposed amendments which includes the Heritage Planning Branch comments summarized in this memorandum.

BACKGROUND

The *Provincial Policy Statement* is the primary policy document providing Provincial direction on land use planning and other related decision-making in Ontario, including heritage matters. The *Provincial Policy Statement* applies province-wide and land-use decisions must be consistent with its policies. As of April 6, 2023, the Province has proposed significant amendments to the *Provincial Policy Statement*, including renaming it the *Provincial Planning Statement* (PPS) and integrating policies previously contained in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, a separate policy statement applicable only to the Greater Toronto Area.

Section 2.6 of the current *Provincial Policy Statement* sets out policies related to cultural heritage and archaeology. Equivalent policies are set out in section 4.6 of the draft Provincial Planning Statement. Some heritage related definitions have also been amended in the draft PPS.

DISCUSSION

Generally, the proposed PPS limits the scope of what is considered heritage for the purposes of land-use decision-making and reinforces the direction of recent changes to the *Ontario Heritage Act* which prioritize conservation efforts outside of and before *Planning Act* processes such as Zoning By-law or Official Plan amendments. The major heritage-specific changes and staff responses are summarized below. An annotated copy of the proposed changes to the Cultural Heritage and Archaeology policies and definitions is attached as Document 1.

Definition and Application of "Protected Heritage Property"

Policy 2.6.1 of the current *Provincial Policy Statement* directs that "significant" built heritage resources and cultural heritage landscapes be conserved, where "significant" is broadly defined to include any property identified as having cultural heritage value or interest. The equivalent policy, 4.6.1, under the proposed PPS replaces "significant"

with “protected heritage property”. The amended definition of “protected heritage property” generally restricts what is considered heritage under the PPS to designated properties or those protected federally or provincially. This change reduces the ability of the City to advocate for the conservation of non-designated properties listed on the City’s Heritage Register, as these are not considered “protected” heritage properties.

Another potential gap is the inclusion of “property protected under federal heritage legislation” in the definition of “protected heritage properties”. As of May 2023, no such federal heritage legislation exists except for the *Heritage Railway Stations Protections Act* and the *Heritage Lighthouse Protection Act*, both of which have limited applicability. National Historic Sites are designated under the *Historic Sites and Monuments Act* but are not “protected” by federal legislation.

Ottawa is home to many federally owned heritage properties designated by the Federal Heritage Buildings Review Office under the Treasury Board policy on Management of Real Property. Many of these properties are also National Historic Sites. The consideration of these important heritage properties as part of the planning process has been overlooked in this amendment to the PPS.

In comments provided through the Environmental Registry of Ontario, the Department has recommended that the definition of “Protected Heritage Property” be amended to include “Designated National Historic Sites” and “Federally-owned properties designated by the Federal Heritage Buildings Review Office.”

Definition of “Adjacent”

The current *Provincial Policy Statement* sets out that development adjacent to protected heritage property shall not be permitted unless the heritage attributes of the protected property are conserved. This direction is carried forward in the proposed PPS; however, the amended definition of “adjacent” limits adjacency to those properties that are “contiguous” to the protected heritage property and removes the ability of municipalities to further define adjacency within Official Plans. Ottawa’s Official Plan defines “adjacent” to include not only contiguous to but also properties within 30 metres or across the street from a “protected heritage property”. The amended definition means that the City can only assess heritage impacts and provide comments and consider heritage matters on development applications adjacent to protected properties when they are directly contiguous to the subject site.

This will impact review of development applications in close proximity to protected heritage properties city and province wide. However, more specifically for Ottawa, this means the City generally loses its ability to assess the impacts and provide heritage comment on applications adjacent to two of the City’s most significant heritage

resources - the Rideau Canal UNESCO World Heritage Site and the Central Experimental Farm (CEF) National Historic Site of Canada - because the adjacent roads and pathways mean few developable parcels abut the canal or CEF.

The Department has recommended that the definition of adjacent as it relates to protected heritage properties should reinstate the ability of municipalities to define adjacency within an Official Plan, or alternatively, should provide for options related to circumstances such as those described above for the Rideau Canal and CEF. Heritage Planning staff have also liaised with their counterparts at the National Capital Commission, Parks Canada, and the City of Kingston on this matter. The City is signatory to a joint letter sent to the Province outlining concerns shared by each institution related to changes to the definition of adjacency and potential impacts to the Rideau Canal UNESCO World Heritage Site and other National Historic Sites.

SUPPORTING DOCUMENTATION

Document 1: Track Changes Version of Provincial Policy Statement, 2020