

**A Review and Evaluation of the
Effectiveness of the Niagara Escarpment
Plan Regarding Proposals to Expand
Urban Areas and Minor Urban Centres**

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Background and Purpose

Some of the most intense development pressures within the Niagara Escarpment Plan Area (hereafter called the Plan Area) have involved proposals to expand Urban Areas and Minor Urban Centres. The Niagara Escarpment Plan (NEP) sets out specific objectives and policies that address how urban land uses fit within the broader purpose of the NEP, which is:

“to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.”

The purpose of this study is to examine how proposals to expand Urban Areas or Minor Urban Centres have been addressed under the NEP and through the broader planning process. This will include an evaluation of the extent to which decisions regarding proposals to expand Urban Areas or Minor Urban Centres have been in keeping with the objectives and policies of the NEP for such land uses. These objectives and policies are summarized below.

Part 1.7 of the NEP sets out land use policies for the Urban Area designation. This designation applies to established urban areas in which the Escarpment and closely related lands are located. Urban Areas range in size from Hamilton, with over 430,000 people in contiguous urban areas, to the former Village of Lion’s Head (now part of the Municipality of Northern Bruce Peninsula), which has fewer than 550 year round residents. The objective for this designation is:

“To minimize the impact and further encroachment of urban growth on the Escarpment environment.”

The boundaries of the Urban Area designation generally reflect areas identified for development in municipal official plans and secondary plans. The development objectives for the Urban Area designation include: ensuring that the design of development in the urban area is compatible with the visual and natural environment of the Escarpment; preventing development or the creation of new lots from encroaching on the Escarpment Protection Area or Escarpment Natural Area designations; providing adequate public access to the Escarpment; and, protecting historic and environmental features and areas.

An amendment to the NEP is required to expand the boundary of an Urban Area. In order for an amendment to be approved, it should demonstrate that the objectives of the NEP will be met through the amendment.

Part 1.6 of the NEP sets out land use policies for Minor Urban Centres. Minor Urban Centres are rural settlements, villages and hamlets within the Plan Area. 33 Minor Urban Centres were identified in the NEP when it was approved in 1985, and three more have been added since then, with another addition in process. In most cases the entire settlement is within the Plan Area. The NEP identifies the following objectives for Minor Urban Centres:

1. *To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.*
2. *To ensure that cumulatively the existing minor urban centre and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.*
3. *To maintain and enhance the cultural heritage features of these settlement areas, municipalities are encouraged to: (a) designate all or parts of them in accordance with the Ontario Heritage Act and (b) recommend all or parts of them be listed as being of heritage significance in the Niagara Escarpment Plan. In addition the Commission is encouraged to list in the Niagara Escarpment Plan any such areas it feels appropriate.*
4. *To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.*
5. *To generally direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.*
6. *To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan which is not in conflict with the Niagara Escarpment Plan.*

When the NEP was approved in 1985, the boundaries of Minor Urban Centres were not defined. Definition of boundaries occurs through the development of municipal official plans or secondary plans, with input from the Niagara Escarpment Commission (NEC).

The NEP provides further development and growth objectives for Minor Urban Centres, which, along with the objectives listed above, are to be applied in the preparation and approval of official plans and /or secondary plans for Minor Urban Centres. The development and growth objectives reinforce that growth should be directed away from Escarpment Natural Areas and Escarpment Protection Areas. They also include provisions to protect and maintain agricultural areas and minimize conflicts with

agriculture and other land uses; to reduce the visual impact on the escarpment; to protect environmental features and areas; to protect heritage features or areas and, to provide public access to the Escarpment. In addition, the development and growth objectives specify that *“development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth...”*. The objectives also require that the specific and cumulative environmental, economic and social effects of providing services be examined and considered.

Once the boundary of a Minor Urban Centre has been established, an amendment to the NEP is required to change it

Study Approach

The boundaries of Minor Urban Centres are established through the municipal planning process, via the development of official plans or secondary plans and/or through amendments to official plans. The NEC is involved in this process and can appeal the municipal approval of any official plan or amendment to the Ontario Municipal Board. Affected landowners and other parties can also appeal. A number of decisions regarding boundaries for Minor Urban Centres are summarized and analyzed in this report.

Where an applicant or a municipality wishes to expand the Urban Area boundary within the Plan Area an amendment to the NEP is required. Amendments to one or more municipal official plans may also be required. In some cases applicants attempt to achieve the same ends by applying to amend the NEP to remove lands from the Plan Area, or to provide site specific exemptions allowing urban type development to occur within NEP designations where such uses are not normally permitted.

To understand how decisions regarding proposals to expand urban development have been treated through the Niagara Escarpment Plan Amendment process all Plan Amendment files related to proposals for urban expansion were reviewed and analysed. The results of these amendments have been summarized and analyzed in the following section.

The final section of the report contains a broader analysis and conclusions regarding the extent to which the objectives and policies of the Niagara Escarpment Plan regarding Urban Areas and Minor Urban Centres have been met through decisions related to proposals for urban expansion.

NEP Amendments Related to Urban Expansion

Of the 149 applications to amend the NEP that had been received as of September 19, 2003, 28 involved proposed changes that would directly or indirectly expand Urban Areas or Minor Urban Centres within the NEP. These represent 18.8% of the amendment applications received to that date. One application proposed a redesignation of Urban Area to Escarpment Natural Area. These applications and the resulting decisions are summarized on the chart on the following page.

Amendment 35 was the only proposal to reduce the amount of Urban Area. This amendment was proposed by the City of St. Catharines. It involved 35 acres of mainly forested lands at the base of the escarpment below Brock University in the City of St. Catharines. The city sought to have these lands redesignated Escarpment Natural Area. The principal rationale for the amendment was that the lands were a relatively undisturbed part of the Escarpment slope and therefore met the criteria for designation as Escarpment Natural Area. The same arguments had been made during the hearings on the Proposed NEP (1980-1982), with the decision at that time being to designate the lands Urban Area. The proposed amendment would have left a 150 metre wide strip of land with road frontage within the urban area. The lands were owned by Brock University (29 acres) and the Shaver Hospital (6 acres). 113 residential units had been proposed for the Brock property.

The Niagara Escarpment Commission supported Amendment 35, as did the City (the proponent). The landowners and the Region of Niagara opposed the amendment. The Hearing Officer recommended refusal of the application finding that the lands were not part of the Escarpment slope and were therefore properly designated. The Minister and Cabinet supported this decision.

Amendment 35 is unusual not only because it is the only proposal to date to reduce the amount of Urban Area within the NEP, but also because the proponent of the amendment was the local municipality. Local municipalities often take positions or initiate amendments in support of expanding urban areas.

Of the 28 applications to directly or indirectly expand Urban Areas within the NEP, 11 were either withdrawn or the files closed due to lack of action by the applicants. NEC staff had recommended against 8 of these applications when they were withdrawn, while in the other cases there had not yet been a staff recommendation, but it was clear that NEC staff would not support the proposals.

Two of the 28 amendment applications are still in process, while a final decision on another has been deferred.

Niagara Escarpment Plan Amendments Related to Urban Expansion (continued)

Amendment #	Description	Date Received	NEC Staff Recommendation	NEC Position	Local Municipality's Position	Regional Municipality's Position	Hearing Officer's Recommendation	Minister, Cabinet or Joint Board Decision	Comments
77	Allow urban use in Escarpment Protection	#####	Oppose	Oppose	Support	Support	Refuse	Refuse	Sought 22 lot subdivision on full municipal services
89	Change Escarpment Rural to Urban	#####	n/a	n/a	na	n/a	n/a	n/a	Did not proceed, issues dealt with by Amendments 107 & 109
97	Permit 7 lots in Escarpment Protection Area	#####	Oppose	n/a	n/a	n/a	n/a	n/a	NEC staff recommended declare frivolous, file closed
99	Change Escarpment Protection to Urban	#####	Oppose	Oppose/Support	Support	Support	Approve	Approve	NEC changed position, against staff recommendation
100	Change Escarpment Protection to Urban	#####	n/a	n/a	n/a	n/a	n/a	n/a	Applicant did not provide information, file closed
107	Change Escarpment Rural to Urban	#####	Oppose	Support	Support	Support	Approve	Approve	Cabinet modified board decision, see details in report
109	Change Escarpment Rural to Urban	#####	Oppose	Oppose	Oppose	Oppose	Approve	Approve	Cabinet modified board decision, see details in report
114	Change Protection to Urban	#####	Oppose	Oppose	Support	Oppose	Refuse	Refuse	Joint Board Decision, upheld by Cabinet
115	Change Escarpment Rural to Urban	#####	Oppose	Oppose	Support	Support	n/a	Defer	Deferred for 1 year for subdivision concept plan
116	Change Escarpment Protection to Urban	#####	Oppose	n/a	Support	Oppose	n/a	n/a	Withdrawn
119	Designate Speyside a Minor Urban Centre	#####	Oppose	n/a	n/a	n/a	n/a	n/a	Deferred indefinitely by applicant, closed
123	Change Escarpment Protection to Urban	#####	Oppose	n/a	n/a	n/a	n/a	n/a	Withdrawn
133	Change Escarpment Rural to Minor Urban Centre	#####	Support	Support	Support	Support	n/a	-	Approval recommended, awaiting Minister's decision
138	Expand Minor Urban Centre into Escarpment Protection	#####	pending						Awaiting comments.

Six of the 14 applications for which final decisions have been issued were refused. In each of these cases the NEC had been opposed to the application, although 4 of these applications had the support of both levels of municipal government and another had the support of the lower tier municipality. In at least two cases, the reasons for refusal stated that the application was premature, leaving the door open for a similar proposal at a future date. This occurred when Amendment 107, which involved almost exactly the same lands and proposed changes as Amendment 37, was submitted.

There are eight applications that have received final approval. The NEC and the relevant municipal governments supported all but one of these applications (Amendment 109), although the Commission had initially opposed Amendment 99, later changing its position. NEC staff had recommended that the Commission oppose Amendment 107, in part on the basis that there was no need to designate further Urban Area for Waterdown, given the existing supply of urban lands and the proposals to designate more urban lands outside the Plan Area. However, the Commission supported Amendment 107, despite the lack of demonstrated need. In one instance (Amendment 73), the NEC supported the application but wanted different designations for the portion of the property outside the area to be included in the Minor Urban Centre (Escarpment Protection and Natural Areas, instead of Escarpment Rural and Protection Areas as proposed). These modifications were not incorporated in the final approval, making it more probable that there could be a future proposal to expand the Minor Urban Centre into the lands now designated Escarpment Rural Area.

In the case of Amendment 99, the NEC was opposed to the application and held this position throughout the hearing. However, after the Hearing Officer's report came out in support of the application the Commission, against staff's recommendation, changed its position to support the application. The Region of Niagara and the Town of Grimsby had supported this application from the start.

Amendment 109

Amendment 109 is the only application that has been approved against the objections of the NEC and the local and regional municipalities. This amendment was dealt with at a Joint Board hearing that also addressed Amendment 107 and concurrent applications to amend the local and regional official plans to allow for an expansion of the Urban Area of Waterdown. Paletta International Corporation, the owner of the Amendment 109 lands, appealed Amendment 28 to the Flamborough Official Plan, which sought to define future urban growth limits for Waterdown. Amendment 28 had proposed to place the Paletta lands in a special study area to determine if they should be designated urban at some future date. Paletta sought to have the lands designated urban immediately.

The Joint Board decided to allow the Paletta lands and all other lands proposed for inclusion in the urban area under Flamborough Amendment 28, to be redesignated to a temporary designation of the Joint Board's creation called "development holding". This designation would have required environmental assessments to show that conditions of approval for development could be met. When the environmental assessments were completed the local council would be required to pass a bylaw the effect of which would be to automatically designate the land as Urban Area in the NEP and the Flamborough and Hamilton-Wentworth Official Plans. The Joint Board made this decision despite clear evidence that even without the inclusion of the Paletta lands in the urban boundary there would be sufficient other lands within the urban boundary to provide several thousand units in excess of the housing required for the next 25 years.

The decision of the Joint Board was petitioned to cabinet by the NEC, the Town and the Region. Ultimately there was a settlement between the parties that allowed the lands in Amendments 107 & 109 to be redesignated as Urban Area immediately, with no development to occur until a number of studies had been completed and a number of conditions met. Cabinet supported the agreement and rescinded the Joint Board decision. This did not change the result significantly, but established a clearer and less awkward process through which development would ultimately take place.

Milton West Lands (Amendments 114, 115, 116 & 123)

The Town of Milton includes a large rural area, plus the urban area of Milton which had a population of around 30,000 in 1995. The urban area is located immediately east of the Plan Area. For many years growth within the Urban Area of the Town of Milton had been limited to relatively small scale infill development. The municipal water supply depended on wells, which severely restricted the potential for additional growth. A piped water supply from Lake Ontario had been discussed for years. This project was given approval in the early 1990's and is now complete.

At about the same time Region of Halton undertook an extensive study known as the Halton Urban Structure Review (HUSR). This study sought to identify the needs for and appropriate locations of future urban growth within the region. The study concluded that Milton should be a major population growth node for the region with added population of 40,000 to 50,000. the study identified large areas to the east and south of the existing urban area as suitable for future urban development in the Region to the year 2011.

Lands within the Plan Area, west of the urban area, were also identified in the HUSR as potentially being suitable for inclusion in the urban area, in part because of their relative proximity to the downtown core of Milton (1 to 2 km as opposed to 3 to 4 km for the lands south and east of the existing urban area that were proposed for urban

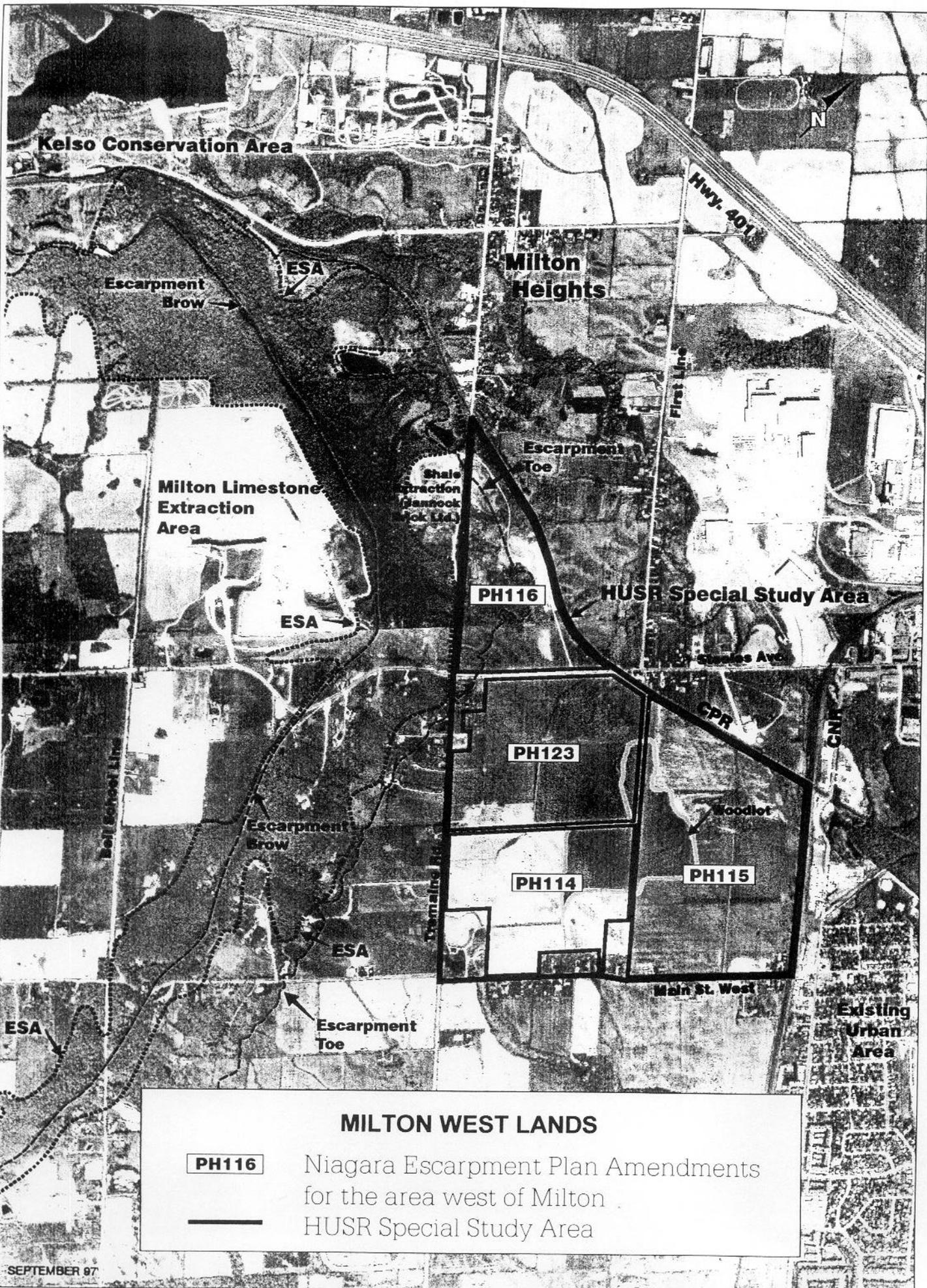
expansion). These lands became the subject of Niagara Escarpment Plan Amendments 114, 115, 116 & 123, which involved adjacent properties located west of the Urban Area of the Town of Milton. Collectively these properties became known as the Milton West Lands. The Milton West lands and the expansion of the urban area of the Town of Milton in recent years are shown on the maps on the following pages. The Milton West lands represent less than 5% of the lands surrounding Milton that were proposed for urban expansion under the HUSR.

The NEP amendments sought to remove the lands from the Plan Area, or alternatively, to redesignate them as Urban Area under the NEP. The HUSR recognized that decisions on the inclusion of all or part of the Milton West Lands within the Urban Area could not be finalized until the four Niagara Escarpment Plan Amendments had been dealt with. It designated the Milton West Lands as a "Special Study Area" requiring more detailed study before any decisions on the inclusion of lands in the Milton Urban Area could be made.

Both the Halton Official Plan and the Town of Milton Official Plan were reviewed and updated in the mid 1990's. The Halton Official Plan, as approved in 1995, did not change the designations of the Milton West lands, which remained outside the Milton Urban Area. Future amendments to the Urban Boundary would be guided in part by the HUSR. The Town of Milton Official Plan (1996) designated all of the Milton West Lands as Urban Area. However, these designations were deferred, as they did not conform to the Region's Official Plan or the NEP.

Upon completion of the HUSR, Halton Region initiated Amendment 8 to the Regional Official Plan to address, among other things, the future designation of the Milton West Lands. The amendment proposed that the NEP Amendment 115 lands, excluding the woodlot in the western part of the property be included in the Urban Area and that all of the other Milton West Lands not be included. The individual landowners involved in the Milton West Niagara Escarpment Plan Amendments also filed amendments to the Halton Region Official Plan. Ultimately all of the NEP and Halton Region Official Plan Amendments and the deferral of the Milton Official Plan were referred to one Joint Board Hearing on the question of urban expansion into the Milton West Lands. The hearing took place between February and April 2000.

At the Joint Board hearing the Town of Milton maintained its position in favour of including all of the Milton West Lands in the Urban Area. The Region of Halton opposed removal of the NEP Amendment 114, 116 & 123 lands from the Plan Area or their inclusion in the Urban Area. The Board was faced with three alternatives perspectives. Planners and lawyers for the landowners put forward a variety of arguments to support removal from the Plan Area or redesignation of the lands to Urban Area. They argued that



Kelso Conservation Area

Milton Heights

Escarpment Brow

ESA

Hwy. 401

N

First Line

Escarpment Toe

Milton Limestone Extraction Area

Shale Extraction (Hancock Rock Ltd.)

PH116

HUSR Special Study Area

ESA

Charles Ave

PH123

CPR

CNR

Woodlot

PH114

PH115

Escarpment Brow

ESA

Main St. West

ESA

Escarpment Toe

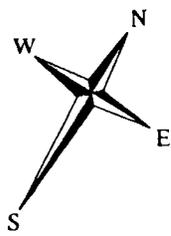
Existing Urban Area

MILTON WEST LANDS

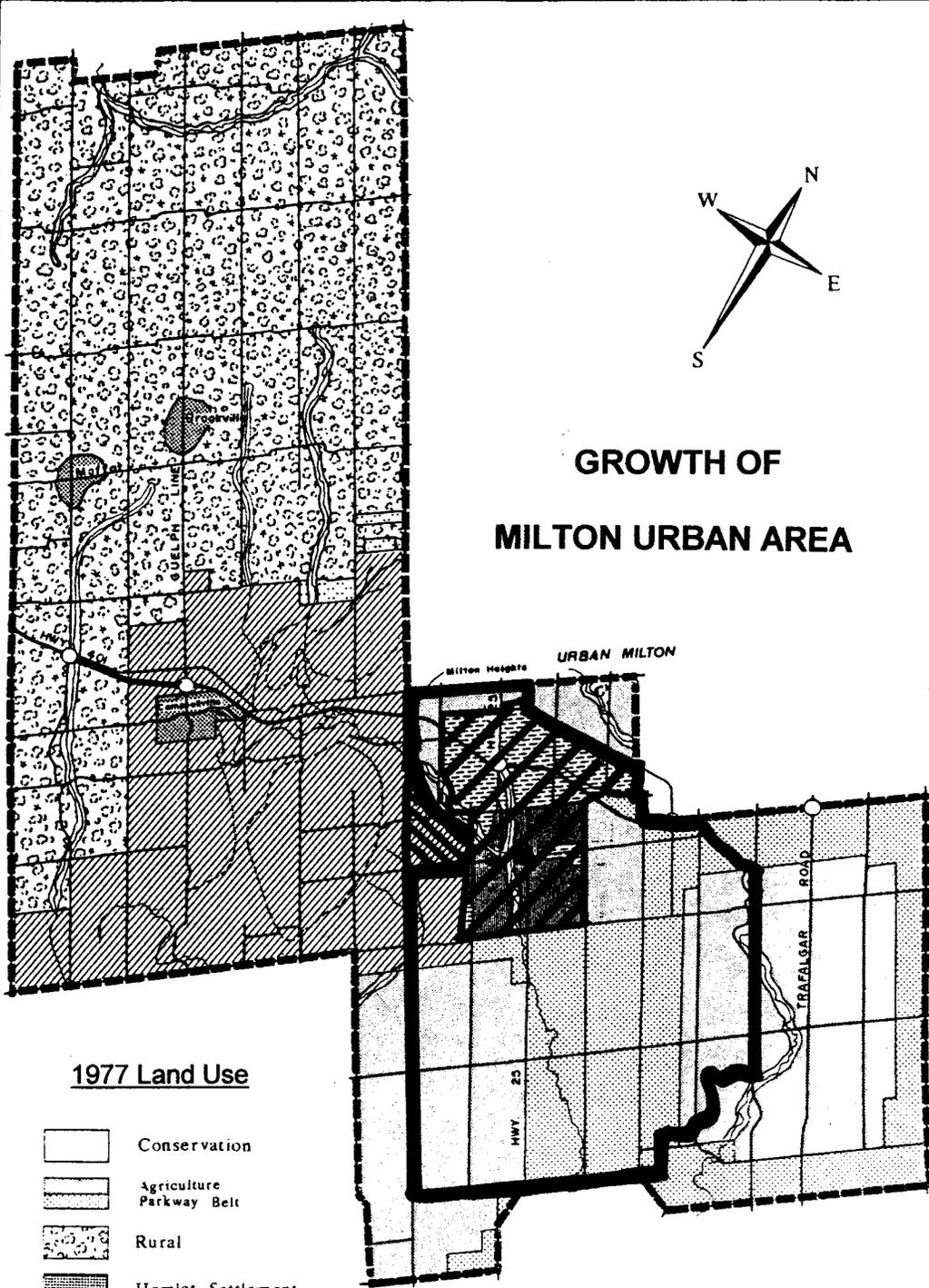
PH116

Niagara Escarpment Plan Amendments for the area west of Milton
 HUSR Special Study Area





GROWTH OF MILTON URBAN AREA



1977 Land Use

- Conservation
- Agriculture Parkway Belt
- Rural
- Hamlet Settlement
- Commercial
- Industrial
- Extractive Industrial
- Milton Urban Development
- Niagara Escarpment Commission Development Control Area
- Niagara Escarpment

- Urban Area Boundary – 1977
- Urban Area Boundary – 2003
- Milton West Special Study Area

the lands were physically distinct from the other lands in the Plan Area and , due to their proximity to the downtown core of Milton, and that they were a necessary part of the urban area in order to achieve a compact urban design. The Town of Milton supported this position.

The NEC offered detailed evidence as to why the lands were properly designated under the NEP and why the designations should remain under development control with the designations unchanged. The visual significance of the subject properties in the context of the escarpment landscape was detailed. The fact that the rail line to the east of the subject lands is a logical and effective boundary for the urban area, especially since the subject lands are not adjacent to existing residential development was put forward by the NEC as another reason why the expansion of the Urban Area should not be supported. The NEC also noted that more than sufficient urban land had already been designated in Milton to meets the projected needs beyond 2016. The NEC position was supported by numerous area residents and by the Coalition on the Niagara Escarpment.

The Region of Halton took an intermediate position, supporting including the NEP Amendment 115 lands located east of the woodlot in the Urban Area. The Region held that the portion of the Amendment 115 lands east of the woodlot were largely shielded from view and without significant natural features and that the woodlot and hedgerow on the west side of this property could serve as a defensible natural boundary.

The Board found the intermediate position adopted by the Region most credible. It accepted that the visual prominence of the Amendment 114 lands meant that they were properly designated as Escarpment Protection Area and should not be changed to an Urban Area designation. The Board also found that neither of the proponents' lands should be removed from the NEP since there are *"particular natural features on the properties that contribute to the open landscape character of the Niagara Escarpment"*.

The need to consider population projections and land availability and establish need for the redesignation of land to urban use was rejected by the Board, which found that the Amendment 114 lands, excluding the woodlot, "could be considered for urban designation in accordance with general planning principles." At the same time, the Board acknowledged the primacy of the NEP and the objective of the Niagara Escarpment Planning and Development Act that *"only such development occur as is compatible with the natural environment."* It found that it had not been sufficiently proved that the open landscape character of the Amendment 115 lands could be maintained and that an ordinary subdivision would not meet the objectives of the NEP and the Act.

As a result, the Board deferred the decision on changing the designation of the Amendment 115 lands, excluding the woodlot, from Escarpment Rural Area to Urban Area. The deferral, which was for one year, was to allow the proponents time to develop

a detailed concept plan providing an urban design compatible with the open landscape feature of the Escarpment. The Board called for a “spacious, well landscaped plan” that would:

- *“respect views to the Escarpment;*
- *provide scenic walkways;*
- *access the Escarpment directly or indirectly;*
- *reflect densities on nearby Escarpment lands;*
- *be reflective of the open landscape character;*
- *evaluate the wood lot for its environmental sensitivity with proper setbacks; and*
- *dedicate the wood lot to the public as discussed in this hearing.”*

The proponents were given one year to undertake consultations and submit a concept plan. Two extensions to the deferral were granted, totalling 18 months, to allow for completion of the concept plan and consultation. The Board will conduct a further hearing to evaluate the concept plan in 2004. If the plan satisfies the Board’s requirements, Amendment 115 will be approved. If not, the Board may deny the amendment application outright.

Decisions on Defining the Boundaries of Minor Urban Centres

When the NEP was approved in 1985, 33 Minor Urban Centres were identified. At that time none of the Minor Urban Centres had defined boundaries. Since 1985, 3 additional Minor Urban Centres have been added. Two of the three additions (Singhampton & Copetown) arose out of municipal proposals to expand adjacent rural settlements into the Plan Area. The boundaries of the Plan Area had originally been set to exclude the existing settlements of Copetown and Singhampton as well as growth areas identified by the municipality at the time of the approval of the NEP. As a result of Niagara Escarpment Plan Amendment 139, which has been recommended to the Minister for approval by the NEC and the hearing officer, it is expected that Campden in the Town of Lincoln, Niagara Region, will soon be added as a Minor Urban Centre, bringing the total to 37.

Through municipal official plans and secondary plans developed in consultation with the NEC, 31 of the 36 Minor Urban Centres now have defined boundaries. There are a number of instances where issues regarding the definition of Minor Urban Centres have been the subject of Ontario Municipal Board or Joint Board hearings. These examples

are discussed below as are other examples relating to the definition of Minor Urban Centres.

Dyer's Bay

The Minor Urban Centre of Dyer's Bay, located in the Municipality of Northern Bruce Peninsula (formerly Township of Lindsay) was defined through Amendment 26 to the Bruce County Official Plan. NEC staff disagreed with the position of the County regarding the area of land that should be designated Escarpment Natural Area on one property located within the proposed Minor Urban Centre boundary. Lands designated Escarpment Natural Area within the Minor Urban Centre would not be open to development.

The area in question was forested land above the Escarpment brow. The issue focused on where the Escarpment brow was located. NEC staff took the position that the cliff face that formed the eastern boundary of the property in question was the brow and that wooded lands extending back from the brow 300 metres should be included in the Escarpment Natural Area designation as per the criteria for designation. This would have resulted in about 30 acres of the property in question being designated Escarpment Natural Area. The other parties held that the "brow" as defined by NEC staff was not the original brow, since there was a quarry located east of the property in question from which limestone had been extracted (although most of this extraction had occurred before the approval of the NEP). They argued for a much smaller area to be designated Escarpment Natural Area, based on an historic brow that was located east of the property in question. Geologists and other experts were called into the debate. Ultimately the Commission, against the staff recommendation, supported a boundary of the Escarpment Natural Area that included about 16 acres of the property in question.

Winona

Winona is a Minor Urban Centre in the City of Hamilton (formerly the Town of Stoney Creek). In 1991 a developer applied to amend the Hamilton-Wentworth Official Plan and the Town of Stoney Creek Official Plan to enlarge the Winona Urban Area (and therefore the Minor Urban Centre, although a further amendment to the NEP would have been required). A 110 lot subdivision on 9.4 hectares (23.2 acres) was proposed. The lands in question were located at the base of the Escarpment in the Escarpment Protection Area designation. They were adjacent to the Minor Urban Centre boundary.

The NEC, the Town and the Region all opposed the application, noting that there was sufficient urban designated land in Winona to accommodate planned growth; that the

proposed development would affect prime agricultural lands and the Escarpment; and, that expansions to the Minor Urban Centre should be considered through a comprehensive review of need, as opposed to a site specific application by a developer. The proposed amendment was not approved. A new application to amend the NEP (Amendment 138) by enlarging the Minor Urban Centre to include part of the same lands involved in the previous expansion proposal is now underway.

Mount Nemo

The City of Burlington prepared a secondary plan for the Mount Nemo settlement area in rural north Burlington in the late 1980s. The secondary plan, which became Amendment 137 to the Official Plan for the Burlington Planning Area, defined the boundaries of the settlement area, which would also constitute the boundaries of the Minor Urban Centre. The NEC and the Region of Halton supported the amendment proposed by the City of Burlington. The amendment was appealed to the Ontario Municipal Board (OMB) by A. Paletta. Mr. Paletta, a developer who owned lands adjacent to the proposed settlement area boundary, wanted his lands included in the settlement area (they had been shown as part of the settlement area in mapping that formed part of a 1978 amendment to the Burlington Official Plan (Amendment 81). The Paletta lands were mainly designated Escarpment Rural Area under the NEP.

Despite opposition to including the Paletta lands from the NEC, the Region and the City, the OMB agreed with Paletta. The Board ordered that the boundary of the settlement area be enlarged by 34 hectares (84 acres) to include the Paletta lands. The 1989 OMB decision held that there were no unique geographic or ecological features that distinguished the Paletta lands from the lands proposed for inclusion in the settlement area. The fact that a 1983 hydrogeological study of the settlement area included part of the Paletta lands was cited as a reason for approval, even though the study area was established as a square block around the settlement that included lands on all sides of the proposed settlement area, as is typical and necessary for such studies. The Board also said that the 45 additional dwelling units that would be permitted by expanding the settlement area would more fully satisfy the need for rural housing than the settlement area proposed by the city. The resulting increase in the settlement area allowed for a doubling of the size of the settlement area, against the wishes of the municipality and most local residents. The OMB was unconcerned that the enlargement of the settlement area did not conform to all of the policies of the NEP or the Region of Halton Official Plan, stating that “Generally the Halton O.P. and the Niagara Escarpment Plan are respected”.

A further amendment to the Burlington Official Plan related to the Paletta lands at Mount Nemo was initiated by Paletta International Corporation in 1994. Amendment 95 proposed a further enlargement of the settlement area, which would be balanced off by zoning some

wooded areas within the lands opened for development by the previous OMB ruling as Natural Environment, which would prevent development in those areas. The City asked for more information and studies, before it was prepared to adopt the proposed amendment. The developer did not provide most of the information required, but instead appealed the matter to the OMB once the City had not adopted the amendment within the 90 day period required under the Planning Act. The OMB supported the amendment as proposed despite opposition from the NEC.

Kilbride

Kilbride is another Rural settlement in north Burlington. A secondary plan for Kilbride was developed by the City of Burlington in 1983. In commenting through the secondary planning process, the NEC asked for relatively minor modifications to the boundary of the settlement area due to encroachment on the escarpment brow and hydrogeological concerns. The NEC also requested that heritage policies be strengthened. The Ministry of Municipal Affairs approved the plan without these changes, because it did not wish to change the settlement area previously defined in Amendment 81 to the Official Plan for the Burlington Planning Area and because it was satisfied that the heritage policies were sufficient. The NEC did not appeal the decision, as staff felt that the issues were not significant enough to warrant referral to the OMB.

Cataract

The Village of Cataract, in the Town of Caledon is identified as a Minor Urban Centre in the NEP. In 1973 a proposal for a 40 lot plan of subdivision was made that would expand the settlement to the northwest and double the size and population. The NEC recommended against approval, but the OMB granted approval in 1978. The NEC appealed the decision to Cabinet, who confirmed the OMB decision with some additional conditions. Draft Plan Approval for the subdivision was granted with no time limit specified. A development permit was issued by the NEC in 1981. In the 1984 hearings on the proposed NEP the NEC did not contest a proposal to change the designation of the subdivision from Escarpment Rural Area to Minor Urban Centre.

No development took place, as not all of the conditions of approval had been fulfilled. In the meantime concerns arose with regards to the water supply for the proposed subdivision and problems with nitrate loading anticipated from an additional 40 residences on septic systems. In 1988, the owner of the subdivision applied to supply the subdivision with water from a well located off the site. This required a Niagara Escarpment Development Permit for the waterline and a severance for the water source. In 1991, neighbours opposed to the subdivision, applied to amend the Town of Caledon

Official Plan to redesignate the subdivision lands agricultural, thereby preventing final approval of the plan of subdivision and future development.

These issues ended up at a Joint Board hearing, where the NEC took the position that the Board should consider re-examining the subdivision approval against present day standards relative to nitrate loading from septic tank systems. The Joint Board agreed with the NEC's position (the Town and Region had similar concerns) and voided the previous draft plan approval and development permit for the subdivision, requiring a new subdivision proposal that would be examined according to more up to date standards, which would likely require a lower number of residences or higher servicing standards. The boundaries of the Minor Urban Centre were not affected by the decision. To date no new plan of subdivision proposal has been submitted.

Silver Creek

Silver Creek is a Minor Urban Centre located in the Town of Halton Hills, northwest of Georgetown. The boundaries of the Minor Urban Centre have not been defined yet, but there have been decisions related to proposed developments that have effectively extended the boundaries for the northern part of the Minor Urban Centre beyond the Rural Cluster boundary that had been defined by the local municipality.

The development applications have focused on a +/- 3.2 ha (8 acre) property located on the northeast corner of Trafalgar Road and 27 Sideroad. This parcel is located in the Escarpment Rural Area designation, which permits one severance per original 100 acre half lot. The balance of the 100 acre half lot was owned by a public body (The Ontario Heritage Foundation) as part of public land within the Niagara Escarpment Parks and Open Space System. For this reason the portion of the original township lot retained by the Foundation was not considered a previous severance. The Ontario Heritage Foundation received the lands in 1982 as part of a donation of over 200 hectares of land known as Scotsdale Farm. In 1988, the Foundation disposed of a few small portions of the property located in the Escarpment Rural Area, including the lands east of Trafalgar Road that were the subject of the plan of subdivision and severance applications. In planning for the disposal of the surplus land the Foundation did not follow advice of the Town of Halton Hills suggesting that the size of the lot in question be reduced from close to 8 acres to 1.5 to 2 acres. The NEC did not object to the disposal of the surplus land or suggest reducing the size of the parcel. It was the size of the parcel disposed of by the Ontario Heritage Foundation, a partner in the Niagara Escarpment Program, that opened up the potential for further lot creation.

In 1990 application was made for a 10 lot plan of subdivision on 9.1 acres involving two parcels located on either side of Trafalgar Road. Six of the proposed lots were located

east of Trafalgar Road, on the property sold by the Ontario Heritage Foundation. Based on agency comments, this application was abandoned in favour of a six lot subdivision east of Trafalgar Road and a single lot severance on the west side. Consent to sever was granted by the Region but appealed by the NEC. Subsequently the landowner revised the proposal to include an official plan amendment to expand the Silver Creek rural cluster and incorporate the eight lots spanning both sides of the road into a single plan of subdivision. This became Amendment 72 to the Town of Halton Hills Official Plan (1995).

The proposed lots were to have individual servicing (well and septic). The Town supported and approved the OPA, but the Region and the NEC were opposed and requested referral to the OMB. The capacity to service the number of lots proposed on well and septic and the potential for nitrate loading problems downstream that would affect the adjacent provincially significant wetland, were key issues at the hearing. The OMB refused the amendment and subdivision proposal due to these concerns, stating that the application was premature given inadequate evidence of the potential impacts of private servicing for the subdivision and the fact that the approval would infer an expansion of the rural cluster to include the subject lands.

The landowners then applied for a severance from the western end of the parcel located east of Trafalgar Road. The proposed severance contained an existing residence. The Town the NEC and the Region did not oppose this application, as it would have resulted in a maximum of two building lots in the original 100 acre township half lot, the maximum density permitted under the NEP.

Following this approval the owner applied for a further severance at the east end of the property east of Trafalgar Road. The NEC opposed this application as it would exceed the permitted density for the Escarpment Rural Area. However, the Town and the Region did not oppose the application, although Town staff had recommended against approval, because the proposed severance was outside the recognized rural cluster. The NEC appealed this decision to the OMB. The Board allowed the severance, despite the fact that it clearly conflicted with the NEP, apparently failing to recognize the primacy of the NEP.

Subsequently, the owners applied for 2 more lot severances, from the eastern parcel and one severance from the western parcel to create a total of six lots from the original two parcels. These severances were granted over objections by the NEC. The NEC appealed the matter to the OMB, on the grounds that the severances did not comply with the policies for the Escarpment Rural Area, as well as servicing concerns. The Board held that its previous decision had effectively expanded the rural cluster boundary to include all of the subject land (although the actual decision had not stated this). It rejected the NEC's argument that regardless of whether the rural cluster had been

enlarged by the previous decision new severances were required to conform to the policies of the Escarpment Rural Area designation, as there had been no municipal planning process to establish the boundaries of the NEP Minor Urban Centre. The concerns over servicing identified in the Board's previous refusal of the subdivision proposal were not accepted by the Board, partly because the standard for establishing servicing capacity for consents is much lower than those required for plans of subdivision.

Queenston

Queenston is an historic Village located on the Niagara River at the base of the Niagara Escarpment in the Town of Niagara-on-the-Lake (NOTL), formerly Township of Niagara, Region of Niagara. It is one of five urban areas within the Town and is defined as a Minor Urban Centre under the NEP.

In 1987 the Town of NOTL commenced a planning process for the preparation of a new Official Plan. As part of this process the boundaries of the NEP Minor Urban Centres of Queenston and St. David's (discussed later in this report) were defined. Queenston is a compact village that was serviced with sewers around 1980. The only boundaries attached to Queenston were the historic boundaries of the Police Village that were recognized in the former Township of Niagara's Official Plan (1970). Most of the lands within the Police Village had existing residential development, although two blocks of land located west and north of the built up areas and totalling 65 to 70 acres were within the Police Village boundaries.

During the consultation process for development of the NOTL Official Plan landowners to the west and north of the built up part of the village, both within and beyond the Police Village boundary lobbied for inclusion of their properties within the urban area, which would have added about 200 acres to the urban area, doubling the size and population of Queenston. Municipal staff initially supported the inclusion of about 80 acres of undeveloped land within the urban area, about half of which was within the Police Village but was not zoned for residential or other urban uses. Through the planning process there was strong opposition to expansion from the NEC and from local residents, who sought to maintain the historic character and compact urban form of the village. Ultimately, NOTL Town Council opted for a proposed urban boundary that closely reflected the limits of existing development, excluding the two blocks of undeveloped land within the Police Village boundary and all lands outside the Police Village. The NEC supported this boundary. The official plan was approved by NOTL Council in 1994. However, there were a number of referrals of the plan to three separate hearings before the Ontario Municipal Board. The issues of the urban boundaries for Queenston were dealt with at one of these OMB hearings.

The Queenston appeal was made by landowners whose land had been excluded from the urban boundary as defined by the NOTL Official Plan. They argued that because the lands had been within the former Police Village boundaries, which were shown in the 1970 Township of Niagara Official Plan, they had been previously recognized as part of the urban area and should remain in the urban boundary. The Town, the Region and the NEC all opposed this position. The Board found that the Police Village designation conferred no future development rights, noting that the lands were designated Rural and that no servicing was available. The landowners applied for a review of the Board decision, which was denied by the Board.

St. David's

St. David's is located within the Town of NOTL, near the south boundary of the Town and approximately 4 km west of Queenston. The Niagara Escarpment is located immediately east of the historic portion of the village, the core of which is located on Four Mile Creek Road (Regional Road 100). Unlike Queenston, development in St. David's is quite spread out especially, west of Four Mile Creek Road. A subdivision called Bevan Heights, which was developed in the 1950s is located above the Escarpment, a few hundred metres east of the historic part of the village. As with Queenston, the urban boundaries of St. David's were defined through development of the Official Plan for the Town of NOTL, which was approved by NOTL Council in 1994. A map and photos of St. David's are included on the following pages.

St. David's included about 600 acres of land within the Police Village boundaries recognized in the 1970 Township of Niagara Official Plan. Some of these lands were designated residential in that plan but were largely undeveloped because St. David's lacked municipal sewers. A number of the larger undeveloped parcels were actively farmed. By the time the NOTL Official Plan was approved the provision of such services was anticipated within a few years. New development may only proceed on full municipal services. The urban boundary defined in the Official Plan will accommodate a substantial increase in the size of the community, from about 300 houses and a population of around 500 to close to 1,000 homes and 3,000 people. The NEC did not object to inclusion of the lands below the Escarpment and within the Police Village within the urban area, in part due to the fact that some of these lands had been designated for residential use in the 1970 Official Plan; and, in part due to the spread out nature of existing development, which would have made it difficult to justify a clear urban boundary that would exclude lands within the Police Village. The NEC did object to the proposed extension of the urban area to include the slope of the Niagara Escarpment,

which was designated Escarpment Natural Area; and, the Bevan Heights subdivision, which was designated Escarpment Protection Area and Escarpment Natural Area.

The NOTL Official Plan was referred to the Ontario Municipal Board for a number of issues, including the location of the urban boundary of St. David's. The NEC sought to have all lands above the toe of the Escarpment removed from the urban boundary, arguing that urban areas should not be permitted to extend into the Escarpment Natural Area and Escarpment Protection Area designations as per NEP policies. Several other concerns related to NEP objectives for Minor Urban Centres were also raised by the NEC. Redland Quarries, who owned lands immediately east of the Bevan Heights subdivision that were designated Mineral Resource Extraction Area in the NEP, sought to have about 30 acres of its land located adjacent to Bevan Heights included within the urban boundary to allow for a proposed 45 lot residential subdivision on full municipal services.

The Board agreed to the inclusion of the Escarpment slope, Bevan Heights and 30 acres of the Redlands property within the urban boundary, despite the fact that it acknowledged that there was no need to include additional lands to accommodate growth, as the size of the proposed urban area for St. David's was "*sufficient to accommodate growth for many years to come*". The OMB felt that including the Redland lands in the urban boundary was "*the best way to protect the tender fruit lands that lie adjacent to the urban areas*", and noted that if these lands were not included in the urban boundary now it would be difficult to justify expanding the urban area to include them in the future. The Board held that by requiring the Bevan Heights and Redland lands to remain under Niagara Escarpment Development Control it was ensuring that the NEC "has the necessary control to protect the Escarpment".

The OMB made the following statement regarding its reasons for including Bevan Heights in the urban area of St. David's:

"The Board finds that there is no policy of the Niagara Escarpment Plan that overrides the provisions of either the Regional Official Plan or that of the Town and that they must be read together and the various policies weighed as to the results to be achieved..."

The NEC was very concerned that this statement by the OMB, on face value, appears to ignore the provisions of Sections 13 and 14 of the Niagara Escarpment Planning and Development Act which establish the primacy of the NEP in relation to municipal planning decisions. These sections read:

"S 13 (1) *Despite any other General or special Act, when the Niagara Escarpment Plan is in effect,*

- a) *no municipality or local board having jurisdiction in the Niagara Escarpment Planning Area, or any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the area; and*
- b) *no municipality having jurisdiction in such Area shall pass a bylaw for any purpose,*

that is in conflict with the Niagara Escarpment Plan.”

“S14 *Despite any other general or special Act, where the Niagara Escarpment Plan is in effect and there is a conflict between any provision of the Plan and any provision of a local plan or any provision of a zoning by-law covering any part of the Niagara Escarpment Planning Area, then the provisions of the Niagara Escarpment Plan prevails.”*

The Chair of the Commission wrote to the Honourable John Snobelen, Minister of Natural Resources in January 1999, expressing the concern that the wording in the OMB decision could be misinterpreted by other boards or tribunals as leaving the primacy of the NEP open to question. The Chair asked the Minister to confirm that the Niagara Escarpment Plan takes precedence over municipal plans in accordance with the above cited provisions of the Niagara Escarpment Planning and Development Act. There is no record of any response being received from the Minister on the NEC’s files.

Analysis

It is clear that the policies of the Niagara Escarpment Plan are intended to minimize the extent and impact of the growth of Urban Areas and Minor Urban Centres within the Plan Area, while allowing for a limited amount of expansion of urban land uses in locations that meet the purposes and objectives of the NEP. Decisions regarding proposals to expand Urban Areas or Minor Urban Centres are not always straightforward, and often require a certain amount of subjective interpretation regarding the extent to which a proposal may meet certain objectives and policies of the Niagara Escarpment Plan. This said, some of the Objectives and Development Objectives for Urban Areas and the Objectives and Development and Growth Objectives for Minor Urban Centres provide a clear basis on which to assess the extent to which the requirements of the NEP have been met through decisions related to proposals for urban expansion. The following analysis examines how the decisions detailed in this report have met specific NEP objectives, and considers weaknesses in the NEP and the planning process.

Preventing Urban Encroachment into Escarpment Natural Areas or Escarpment Protection Areas

The Objective of the Urban Area designation is “*to minimize the impact and further encroachment of urban growth on the Escarpment environment.*” This objective is supported and clarified by Development Objective 2, which states that “*new development shall not encroach into the Escarpment Natural or Escarpment Protection Areas.*” Objective 5 of the Minor Urban Centre designation expresses a similar intent, which is “*to generally direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.*” This is reinforced by Minor Urban Centre Development and Growth Objective 1 which states that: “*development and growth, including the creation of new lots, shall not extend into the Escarpment Natural Areas*”; and Development and Growth Objective 3 which states that: “*Development and growth should generally not extend into Escarpment Protection Areas but be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area objectives.*” These provisions make it clear that urban development and growth should avoid encroaching on the Escarpment Natural Area or the Escarpment Protection Area, which represent the most ecologically significant and visually prominent parts of the Escarpment landscape.

Five NEP Amendment applications have proposed changing the designation of lands in the Escarpment Natural Area to Urban Area, or allowing urban use on those lands. Two of these applications were withdrawn (Amendments 32 & 62), while the other three (Amendments 10, 25 & 31) were all refused, although they all had the support of the relevant upper and lower tier municipalities. While this illustrates that the NEP has been effective in stopping urban expansion into the Escarpment Natural Area, there is a significant underlying concern in the positions taken by municipal governments on these applications. Municipalities are prevented under the Niagara Escarpment Planning and Development Act from making decisions that are contrary to the NEP (as quoted on the bottom of page 24), yet in each of these cases both levels of municipal government adopted positions clearly in conflict with the provisions of the NEP.

Eight NEP Amendments plus an Official Plan Amendment (Winona) and an Official Plan (NOTL – St. David's) have proposed changing the designation of lands in the Escarpment Protection Area to Urban Area, or allowing urban use on those lands. Four of the NEP Amendments have been withdrawn, although three of them had the support of the lower tier municipality. Four applications were refused, although all but the Winona Official Plan Amendment had the support of both the local and regional municipalities. Amendment 99 and the St. David's Urban Area were approved with the support of both levels of municipal government. With the exception of Amendment 99, where the

Commission changed its position (against the recommendation of NEC staff) after the Hearing Officer's report was issued, the NEC has been consistent in adopting positions that would prevent urban encroachment on the Escarpment Natural and Escarpment Protection Areas. The OMB and the Joint Board have been less consistent in their decisions, especially since 1995 (as illustrated by the Milton West, Silver Creek, Mount Nemo and Amendment 109 decisions discussed earlier in this report).

Scale of Urban Expansion

The Objective of the Urban Area designation includes minimizing *“further encroachment of urban growth on the Escarpment environment”*. Objective 2 for Minor Urban Centres requires that the cumulative impact of growth be *“environmentally sustainable over the long term”*. Development and Growth Objective 5 for Minor Urban Centres states that *“development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth...”*. Development and Growth Objective 4 says that *“development and growth should be limited to minimize land use conflicts (e.g. with agriculture)...”*. These criteria provide clear direction that the extent of urban expansion into the Plan Area should be minor in nature, both relative to the individual application and the cumulative impact.

A number of urban expansion proposals have been approved where the extent of expansion into the Plan Area could not be considered minor in nature. The urban area of Waterdown (now part of the City of Hamilton) has been expanded into the Plan Area on 4 occasions as a result of NEP Amendments 13, 40, 49, 107 & 109. These amendments have resulted in almost 720 acres of lands within the Plan Area being redesignated to Urban Area, representing about half of the total expansion of the urban area of Waterdown since the approval of the NEP (NEC staff had recommended that only 132 acres be approved for redesignation to Urban Area - these lands were adjacent to existing developed areas of Waterdown and well separated from the Escarpment slope or significant natural features). Clearly, allowing urban expansion of this scale cannot be considered to be meeting the objective for Urban Areas of minimizing the encroachment of urban growth on the Escarpment environment.

By far the single largest offence to this principle has been the approval by the Joint Board of Amendment 109, which allowed a 485 acre expansion of the urban area of Waterdown. This decision is especially detrimental since the NEC, the Town and the Region all opposed this amendment. In the case of Amendment 107, the Commission failed to support NEC staff's recommendation to oppose the application, which involved the redesignation of 102 acres as Urban Area. The position adopted by staff was consistent with NEP policies.

The expansion of the Minor Urban Centre at Mount Nemo, which almost doubled the geographic size of the community, is another example of a tribunal, this time the OMB, failing to limit the scale of urban expansion as called for in the NEP.

Greenville, in the former Town of Flamborough (now part of the City of Hamilton), is one example where both NEC staff and the Commission supported municipal proposals through a secondary plan and official plan amendment that set the boundaries for the Minor Urban Centre far beyond the extent of existing development. Both the urban area and the population of Greenville were allowed to double, increasing by hundreds of acres and over 2,000 people.

Need/Alternatives

The provisions of the NEP regarding Urban Areas and Minor Urban Centres do not require that need be demonstrated prior to approving urban expansion. Similarly, there is no requirement that alternative locations for urban expansion be considered and adopted if possible. While amendments to the NEP must include justification statements, there is no specific requirement that need or alternatives be addressed, notwithstanding that this would be a logical element of any good planning process. A number of the OMB and Joint Board decisions to allow urban expansion into the Plan Area have rejected the premise that need or alternatives were relevant. Clearly the lack of specific provisions addressing need and alternatives for urban expansions is a shortcoming of the NEP that limits the Plan's effectiveness in meeting the objectives for Urban Areas and Minor Urban Centres as well as in achieving the broader purpose of the NEP.

Lack of Definition or Delineation of the Escarpment Brow, Slope and Toe

The NEP does not define or delineate the location of the brow, slope or toe of the Escarpment. This lack of definition has been a factor in a number of decisions including Amendment 35 and the definition of the Minor Urban Centre for Dyer's Bay. It would be a major undertaking to delineate the brow, toe and slope for the entire Escarpment. A more practical approach might be to establish clear defining criteria and give the NEC the authority to apply these criteria in delineating the brow, toe and slope on a site specific basis. This authority would parallel that given to Conservation Authorities in establishing regulated areas and construction and fill lines.

Failure of Municipalities and Administrative Tribunals to respect NEP Policies

As detailed in this report there are numerous examples of municipalities and tribunals (OMB and Joint Board) adopting positions or making decisions that clearly conflict with the policies of the NEP. In the case of St. David's the OMB decision even went so far as to appear to call into question the primacy of the NEP, which is explicitly ensured under the Niagara Escarpment Planning and Development Act.

Municipalities have frequently adopted positions contrary to the NEP ever since the Plan was first approved in 1985. Local municipalities are particularly likely to adopt pro-development stances in conflict with NEP policies. Given these ongoing problems, the wisdom of continuing to allow municipalities to take a lead role in defining the boundaries of Minor Urban Centres is open to question.

The OMB and the Joint Board have failed to consistently respect the provisions and primacy of the NEP, especially in decisions issued since 1995. Even where decisions have been issued refusing urban expansions that conflict with the NEP, the reasons for the decision have on a number of occasions cited the application as being premature, instead of clearly stating that refusal is on the basis of a failure to conform with the NEP. Due to these problems, consideration should be given to placing decision-making authority for all Niagara Escarpment related referrals with the Environmental Review Tribunal, which has more consistently respected the provisions of the NEP (this would require an amendment to the Planning Act). Alternatively, an entirely new process and forum should be considered.

The Minister responsible for the Niagara Escarpment Planning and Development Act and Cabinet must also take responsibility for endorsing decisions that have failed to comply with the NEP. The record between 1995 and 2003 indicates a lack of support for the NEP amongst the province's political leaders.

Conclusions

The NEP has been only partially successful in minimizing the extent and impact of urban expansion on the Escarpment environment and in achieving objectives for Urban Areas and Minor Urban Centres.

On the positive side, good progress has been made in working with municipalities to define the boundaries of Minor Urban Centres, with 31 of 36 now complete. No significant encroachments of urban development into Escarpment Natural Areas have been permitted. In almost all instances the recommendations brought forward by NEC staff have been consistent with the objectives of the NEP.

Unfortunately, the failures in minimizing the extent and impact of urban expansion on the Escarpment environment appear to have outweighed the successes, especially between 1995 and 2003. Many of these failures have been due to decisions by the Ontario Municipal Board or the Joint Board (supported by the Cabinet) that have not adhered to clear policies in the NEP. In the St. David's decision the OMB failed to recognize the primacy of the NEP over municipal official plans, as required under the Niagara Escarpment Planning and Development Act. The NEC itself has also failed to consistently support the objectives of the NEP, by rejecting staff recommendations.

The lack of specific provisions within the NEP that require issues of need and the consideration of alternatives to be addressed in urban expansion proposals may also have contributed to decisions which were contrary to the objectives of the NEP.

The incremental impact of urban expansion on the Escarpment environment is increasing. Municipalities frequently adopt pro-development positions that conflict with the provision of the NEP. Unless action is taken to ensure that the provisions of the NEP are followed in decisions regarding urban expansion proposals, the ability to achieve the objectives of the NEP in the long term is threatened. Even with stronger adherence to the NEP, significant further urban encroachments may be likely, unless NEP provisions are strengthened to enable the purpose and objectives of the Plan to be more fully achieved.