

Revisions Suggested to Implement the Planning Act, Provincial Planning Statement. 2024 and Provincial Plans					
Item	OP Policy Number Or reference schedule	Comments/Concerns	Related Provincial Ministries	Policy Basis/Rationale Reference to Planning Act, PPS or Provincial Plan Section or Policy	Proposed Revision
<b>Section 1: Introduction</b>					
1.	1.1 1.3 Throughout OP	<p>In October 2024, the Provincial Planning Statement (PPS), 2024, replaced the Provincial Policy Statement, 2020 and the Growth Plan.</p> <p>As of March 31, 2025, Niagara Region is defined by the <i>Planning Act</i> as an upper-tier municipality without planning responsibilities. As a result, the Niagara Region's Official Plan is now deemed to be an Official Plan for the lower-tier municipalities.</p>	MMAH	<p>PPS, 2024  <i>Planning Act</i> 3(1), 70 (1.13)                      PPS Policy 6.2.2</p>	<p>Recommended that revisions be made in this section, and throughout the Official Plan, to reference the Provincial Planning Statement, 2024 and not the Provincial Policy Statement, 2020, remove any references to the Growth Plan, and to reflect that Niagara Region does not have planning responsibilities.</p>
2.	General comment	<p>Secondary Plans included within Official Plan however they have not been updated to be consistent with PPS, 2024 and applicable provincial plans.</p> <p>On October 23, 2025, Bill 60, the <i>Fighting Delays, Building Faster Act, 2025</i> was introduced. As part of the proposed legislative and regulatory</p>	MMAH	<p><i>Planning Act</i> s.17  <i>Planning Act</i> ss. 3(5)</p> <p>Bill 60, the <i>Fighting Delays, Building Faster Act, 2025</i></p>	<p>Please remove Secondary Plans that have not been updated to be consistent with the PPS, 2024 and provincial plans.</p> <p>The Town is encouraged to complete updates to Secondary Plans outside of this process and not include Secondary Plans in the official plan. Secondary Plans can be updated at a later date through a s.17 amendment, which is exempt from Minister's decision. This approach is encouraged to allow the</p>

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

		changes announced, a proposal was posted on the Environmental Registry of Ontario seeking feedback on simplifying and standardizing official plan structure and content, including a proposal to require official plans to be a singular, comprehensive document for the entire municipality. Details on the proposal can be found <a href="#">here</a> .			<p>focus to be on the preparation of the new Official Plan, and to provide the municipality with flexibility with timing.</p> <p>Should the Town choose to include secondary plans in their submission, the Ministry expects that all secondary plans be consistent with the PPS, 2024 as per s. 3(5) of the <i>Planning Act</i> and conforms with applicable provincial plans.</p> <p>Recommended to delete appendices 1-5 and all references to appendices in OP.</p> <p>It is also recommended that Policy 1.3.1.5 be revised to specify that the Secondary Plans for East Fenwick, East Fonthill, and Northwest Fonthill will be updated to be consistent with PPS, 2024 and provincial plans and that a new Secondary Plan will be prepared to address the settlement area boundary expansion in South Fonthill.</p>
3.	General comment	Policies regarding settlement area boundary expansions are not included.	MMAH	PPS Policy 2.3 and Greenbelt Plan	Please modify OP to include policies on settlement area boundary expansions, consistent with PPS 2024 and Greenbelt Plan. Verbatim inclusion of policies is not required.
<b>Section 2: Strategic Directions</b>					
4.	2.1	"Prime Agricultural Areas" is the correct term in this context.	OMAHA	PPS Policy 4.3.1.2	Recommended to replace "agricultural lands" with "Prime Agricultural Areas".
5.	2.2.2.2	Permitting and facilitating all housing options is required to meet the social, health, economic and well-being requirements of current and future residents shall be permitted.	MMAH	PPS Policy 2.2.1.b).1	Please modify this policy, and other policies as appropriate, to ensure consistency with PPS, 2024.

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

6.	2.2.3.4 9.1.4.7 Throughout OP	The term “bonafide” farmer is no longer consistent with the PPS, 2024.	OMAF	PPS, 2024	Recommended to remove all references to “bonafide”.
7.	2.2.3.5	Clarity is required to recognize the prime agricultural areas including specialty crop areas.	OMAF	PPS Policy 4.3.3.1, 4.3.1.2	Recommended to revise policy to explicitly state prime agricultural areas, including specialty crop areas over “agrarian areas”.
8.	2.2.3.7	<p>The OP states areas exhibiting “high potential” for mineral aggregate resources will be protected from encroachment. There is no definition in the OP for what constitutes “high potential” mineral aggregate resources.</p> <p>PPS 4.5.2.5 states that known deposits of mineral aggregate resources and adjacent lands shall be protected from activities which would preclude or hinder new operations or access to the resource (with limited exceptions).</p> <p>Mineral aggregate resources are finite, therefore what is considered “high potential” could change over time as the resource is depleted.</p>	MNR	PPS Policy 4.5.2.5	Recommended to remove the word “high” from this policy to be consistent with the PPS.
<b>Section 3: Planning a Complete and Healthy Community</b>					
9.	3.1.1.4	Redundant to include agriculture and rural areas as the PPS definition of “rural areas” includes a system of lands within municipalities that may include	OMAF	PPS Definitions	Recommended to remove “agriculture”.

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

		rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.			
10.	3.1.1.8 Throughout OP	Clarification required to ensure intensification is residential intensification of underutilized sites, consistent with PPS 2024.	MMAH	PPS Policy 2.2.1 b) 2, 2.4.1.3 e)	Recommend including wording as it relates to residential intensification of underutilized/vacant lands.
11.	3.2.1.1 3.2.1.2 3.2.1.3 Throughout OP	Concern that limiting residential growth in rural settlement areas will increase pressure on Prime Agricultural Areas and Specialty Crop Areas.  Rural areas (as defined by the PPS), includes Prime Agricultural Areas and Specialty Crop Areas. Rural settlement areas to be the focus of growth and development and its regeneration shall be promoted. Growth should not be directed to Prime Agricultural Areas or Specialty Crop Areas.	MMAH OMAFA	PPS Policy 2.5.2, 2.5.3, 2.6 PPS Definitions	Recommended revision for consistency with PPS 2.5.2:  A limited amount of growth, up to 20% of the forecasted growth allocation, will occur in the Town's <del>rural areas</del> <b><u>rural settlement areas. In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.</u></b>
12.	3.2.1.4	Inconsistent with PPS Policy 4.3 - Agriculture. Permitted uses, lot creation, etc. are limited in Prime Agricultural Areas. Specialty Crop Area offers the highest level of protection. Both the Prime Agricultural Area and Specialty Crop Area designations do more than	OMAFA	PPS Policy 4.3.1.2	Recommended revision for consistency with PPS Policy 4.3.1.2:  <b><u>The agricultural land base</u></b> <del>Agriculture designation</del> consists of specialty <i>agriculture</i> and prime agriculture areas <b><u>that</u></b> are to be protected <del>from</del> <b><u>for long-term use for agriculture</u></b> <del>from large-scale urban development.</del> <b><u>A key objective of the agricultural</u></b>

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

		<p>protect those areas from large-scale urban development.</p> <p>The Pelham OP requires clarity to distinguish between Prime Agriculture and/or Specialty Agriculture.</p>			<p><b><u>system is to preserve agricultural land, while supporting natural resources, and natural heritage features and areas.</u></b></p>
13.	3.3.1.5	<p>To be consistent with PPS, 2024 for Infrastructure and Public Service Facilities.</p>	MMAH	PPS Policy 3.1.1	Recommended revision to ensure consistency with PPS, 2024
14.	3.4.2.2 3.4.2.3 Throughout OP	<p><i>Planning Act</i> and PPS, 2024 permits ARUs on parcels of urban residential lands and prime agricultural areas.</p> <p>The <i>Planning Act</i> requires that Official Plan policies permit 3 residential units on a parcel of urban residential land and provides direction on parking and minimum unit sizes associated with additional residential units.</p> <p>PPS, 2024 permits up to two ARUs on a lot in a prime agricultural area in accordance with provincial guidance.</p> <p>Additionally, Ontario Regulation 299/19 provides further direction on requirements and standards associated with additional residential units.</p>	MMAH	<p><i>Planning Act</i>, 16 (3-3.2) and Ontario Regulation 299/19 PPS Policy 4.3.2.5</p>	Recommended that relevant sections of the Official Plan be updated to be consistent with the <i>Planning Act</i> , PPS, 2024 and Greenbelt Plan permissions and policies.

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

15.	3.3.3.7	Site plan control is not required for all intensification over 10 units and to clarify the exceptions that apply to prescribes areas such as rail lines, wetlands, etc.	MMAH	<i>Planning Act</i> Ontario Regulation 254/23	Recommended to revise policy to clarify that exceptions apply to prescribed areas.
16.	3.3.5	<p>OP Policy 3.3.5 speaks to planning, protecting, and providing for employment areas and that employment growth will be directed to settlement areas. However, there are no employment designations consistent with the PPS, 2024 within the settlement areas or Secondary Plans.</p> <p>The <i>Planning Act</i> authorizes the continuation of a use that is excluded from the definition of “area of employment” subject to certain criteria.</p> <p>Consistent with the Employment policies of the PPS, 2024, a new policy is required regarding mitigating potential impacts of development to existing and planned employment areas.</p>	MMAH MEDJCT	<p>PPS Policy 2.1.3, 2.8.1.3, 2.8.2.1, 2.8.2.3, 3.5, Section 8 Definitions <i>Planning Act</i> [1(1)]; (1.1)</p> <p>PPS Policy 2.8.1.3, 3.5</p>	<p>Recommended that employment areas be designates, plan, and protected in settlement areas while ensuring clarity that employment uses are supported outside of settlement areas, Prime Agricultural Areas, and Specialty Crop Areas.</p> <p>Recommended to add a new policy point consistent with PPS Policy 2.8.1.3.</p>
17.	3.3.5.4	Inconsistent with PPS 4.3 Agriculture	OMAF	PPS Policy 4.3.2	Recommended to revise the policy to clarify lands outside of prime agricultural and specialty crop area designations as well as outside settlement areas.

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

18.	3.4.2.1 3.4.2.4	Inconsistent with <i>Planning Act</i> as ARUs must remain on the same lot as the principal dwelling.	MMAH	<i>Planning Act</i>	Recommended to delete both policies in its entirety.
19.	3.4.2.8 3.4.3.4	Official Plan does not need to provide direction on site-specific or implementation matters, as it is more appropriate to be addressed through the Zoning By-law.	MMAH	<i>Planning Act</i> Ontario Regulation 299/19	Recommended to delete the last sentence to be consistent with ARU parking standards.
20.	3.4.3 3.4.4	PPS, 2024 establishes criteria for ARUs outside of settlement areas.	MMAH	PPS Policy 4.3.2.5	Recommended revisions to ensure consistency with ARU criteria (i.e., MDS, appropriate sewage and water services, compatibility, scale, etc.).
21.	3.4.5.2a) 11.2.1 6d)	Official Plan does not contain minimum targets for affordable to low and moderate income households, as required by the PPS, 2024.	MMAH	PPS Policy 2.2.1.a) b)	Recommended that the Town establish targets for affordable to low and moderate income households.
22.	3.4.6.1	The municipality cannot require a private building owner to upgrade their building to current OBC requirements. If they are specifically referring to municipally-owned housing stock, such as affordable housing, supportive housing, etc., and are imposing this requirement on themselves, this could potentially be included but is recommended to be deleted in its entirety.	MMAH	The <i>Protect Ontario by Building Faster and Smarter Act</i> , 2025 (Bill 17), Section 35 (1) of the <i>Building Code Act</i> , 1992	Recommend to delete in its entirety. It should be noted to Pelham staff that the OBC is continually changing and being updated. This would inevitably be an excessive and likely unanticipated burden that is NOT required by the Building Code. Furthermore, this policy may fetter future councils in their decision-making as circumstances and fiscal challenges change over time. Finally, with respect to the referenced properties being ‘maintained’ – again, this likely steps into the jurisdiction of, and is captured by, other municipal departments. As you are aware, property “maintenance” is generally already well covered through property standards bylaws.
23.	3.4.8.1 11.7.1.4	Revisions are recommended to the official plan policies and definitions for consistency with the PPS 2024 and the <i>Ontario Heritage Act</i> as it relates to cultural heritage	MCM	PPS Policy 4.6, Section 8 (see definition of <i>conserved</i> )	While potentially not an exhaustive list of changes needed, the following changes to terminology are recommended for consistency with provincial direction:

	3.4.8.2	<p>Preservation is not a defined term in the Glossary or the PPS, and in cultural heritage contexts has only narrow meanings referring to particular mitigation measures. The usage in the policies noted here correspond better to the term “conserved”, which is defined in the Glossary and the PPS and refers more broadly to the appropriate treatment of cultural heritage resources.</p> <p>This policy speaks of “cultural heritage resource impact assessments”, while policies 3.4.8.7, 3.4.8.9 and 3.4.8.10 refer to a “Heritage Impact Assessment”. If these policies are intended to refer to the same type of study, they should refer to it by the same term for clarity. We recommend using Heritage Impact Assessment for consistency with the PPS and MCM guidance materials.</p>		<p><i>Ontario Heritage Act</i></p>	<ul style="list-style-type: none"> <li>• Recommended that “Conserved” (or “conserve” or “conservation”) be used instead of “preserve”, “preserved” or “preservation”, which can refer to distinct mitigation strategies associated with heritage conservation.</li> <li>• Recommended that “cultural heritage resource impact assessments” be revised to “Heritage Impact Assessment”</li> </ul>
24.	3.4.8.13 3.4.9.1	<p>This policy references the Heritage Master Plan (2012) as identifying lands with archaeological potential. Our understanding is that the Niagara Region Archaeological Management Plan, current version dated 2023, remains in force for the Town of Pelham,</p>	MCM	<p>PPS Policy 4.6.4 a)</p>	<p>Consider referencing the Niagara Region Archaeological Management Plan in this policy.</p>

		and would contain more recent archaeological potential mapping.			
25.	3.4.2.5 3.4.7.10 11.4.8.6 Throughout OP	<p>A recent amendment to the <i>Building Code Act, 1992</i>, in Schedule 1 of Bill 17 provides greater clarification that municipalities do not have, and have never had, the authority to pass by-laws that establish construction or demolition standards. Municipalities cannot use provisions in the <i>Municipal Act</i> and <i>Planning Act</i>, including site plan control, to create and require construction or demolition standards for buildings. This includes, but is not limited to, local green building standards, including any energy efficiency requirements for buildings.</p> <p>The <i>Planning Act</i> also excludes the manner and standards of construction from site plan control.</p>	MMAH	The Protect Ontario by Building Faster and Smarter Act, 2025 (Bill 17), Section 35 (1) of the Building Code Act, 1992	<p>Please ensure that the official plan policies do not mandate construction or demolition standards that differ from those in the Building Code. For example, language should be revised to clarify that there is no requirement.</p> <p>Please review the policies in the official plan to ensure that it is in compliance with the <i>Building Code Act, 1992</i>, working with your Chief Building Official and legal counsel as needed.</p>
26.	3.4.7.11	In Prime Agricultural Areas, impacts from new or expanding non-agricultural uses on the agricultural system are to be avoided, minimized and mitigated as determined through and AIA.	OMAF	PPS Policy 4.3.5.2	Recommended to revise the policy to explicitly recognize "agricultural system".

27.	3.4.7.14	In Prime Agricultural Areas, impacts from new or expanding non-agricultural uses on the agricultural system are to be avoided, minimized and mitigated as determined through and AIA.	OMAFA	PPS Policy 4.3.5.2	<p>Recommended revision for consistency with PPS 4.3.5.2:</p> <p>[...]</p> <p>a) a justification/impact report that demonstrates:</p> <p>i) the need for, and public benefit of, locating the proposed generating capacity in these areas;</p> <p>ii) an assessment of impacts on <del>the agricultural operations, lands and activities,</del> natural heritage features, nearby residences and other sensitive land uses in the area; and</p> <p><b>iii) <u>Impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.</u></b></p> <p>iv) the means of minimizing any adverse effects.</p> <p>[...]</p>
28.	3.4.9.2 3.4.9.4 3.4.9.5	This policy refers to “areas of potential archaeological resources”. This term is potentially confusing and is likely intended to refer to “areas of archaeological potential”, as is used in policies 3.4.9.5 a) and 9.6.4.4 d), and the PPS.	MCM	PPS Policy 4.6.2, 8; Standards and Guidelines for Consultant Archaeologists (OHA)	It is recommended to remove reference to “archaeological resources” and refer to “archaeological potential” for consistency.
29.	3.4.9.6	This policy appears to be missing some of its intended text and is not coherent as printed. We presume that the intent of the policy is to require marine archaeological assessments where appropriate.	MCM	PPS Policy 4.6.2, 3.4.1	<p>Recommended to add intended text or revise as follows:</p> <p>If there is potential for the presence of partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other <b><u>sources on a property subject to a development application or proposed</u></b></p>

					<b>public works project, the Town shall require a marine archaeological assessment</b> by a licensed archaeologist pursuant to the Ontario Heritage Act.
<b>Section 4: Protecting What is Valuable</b>					
30.	4.1.1.3	PPS, 2024 provides that nothing in the natural heritage policies of the PPS is intended to limit the ability of agricultural uses to continue.	OMAF	PPS Policy 4.1.9	Recommended revision for consistency with PPS 4.1.9:  Nothing in this Section, or this Plan is intended to limit the ability of <del>existing agricultural uses</del> to continue in areas that are the site of a <i>natural heritage feature or area</i>
31.	4.2.2.7 4.2.2.9 4.6.3.3 4.6.4.1 4.6.4.2	The Town's Natural Environment System (NES) is made up of four components: Town Natural Heritage System (NHS), GB Plan area and Greenbelt Natural Heritage System (GB NHS), Water Resource System (WRS), and the Niagara Escarpment Plan (NEP).  As noted in the definition section of the OP, "key natural heritage feature" (KNHF) and "key hydrologic feature" (KHF) are defined terms in the GB Plan; however, the OP does not provide a definition for "hydrologic feature", so it is assumed the OP is referring to "key hydrologic feature".  In the GB Plan area, provincial policies that regulate development in or adjacent to a feature is geographically defined.	MNR	PPS Policy 4.5.2.4, 4.5.2.5	MNR recommends removing references to KNHF, KHF & hydrologic features for policies that are applicable <i>outside</i> of the GB Plan to ensure they do not hinder other provincial interests.  Recommended revision for Policy 4.2.2.7:  Where development or site alteration is proposed within or adjacent to the NHS, new lots shall not be created that would fragment a natural heritage feature or area, <del>key natural heritage feature, or hydrologic feature.</del> [...]  Recommended revision for Policy 4.2.2.9:  Applications for lot boundary adjustment should avoid the fragmentation of other natural heritage features and areas, <del>as well as natural heritage features and areas or hydrologic features,</del> wherever possible and practical.  Recommended revision for Policy 4.6.3.3:

		<p>This means that certain protections apply to KNHF and KHF depending on whether they are located in the NHS or protected countryside.</p> <p>These policy references appear <i>outside</i> of the section in the OP dedicated to the GB Plan. The level of protection afforded to KNHF within the GB NHS and KHF anywhere in the GB Plan is different than the protection required for natural heritage features and areas in the PPS. While aggregate extraction is permitted within <i>most</i> KNHF and KHF, it is subject to a suite of policies not listed in the PPS.</p>			<p>[...]                  a) the extent of the supporting feature or area along with its ecological functions and relationship to nearby <del>natural heritage features and areas, hydrologic features and/or</del> natural heritage features and areas;                  b) whether the supporting feature or area should be protected because it supports the ecological and/or hydrologic functions of nearby natural heritage features and areas, <del>hydrologic features and/or natural heritage features and areas;</del> and                  [...]</p> <p>Recommended revision for Policy 4.6.4.1 and 4.6.4.2 to remove reference to "hydrologic feature".</p>
32.	4.2.3 4.2.6	<p>OP Headings for Sections 4.2.3 &amp; 4.2.6 specify protection to features within the Natural Heritage System. Based on the components of the NES listed in comment # 2, these headings suggest that these sections provide policy direction regarding development requirements within natural heritage features and areas located <b><u>only within</u></b> the Town NHS, however these sections provide policy direction for natural heritage features and areas in all areas of the Town.</p>	MNR	PPS Policy 4.1.4, 4.1.5, 4.1.6, 4.1.8	<p>Recommended revision for Policy 4.2.3:                  Development and Site Alteration in the Natural Heritage System <b><u>Natural Heritage Features and Areas</u></b></p> <p>Recommended revision for Policy 4.2.6:                  Development and Site Alteration in Adjacent Lands to the Natural Heritage System <b><u>Natural Heritage Features and Areas</u></b></p>

		MNR recommends removing NHS from the headings and replacing with Natural Heritage Features and Areas to ensure that the protective policies for natural heritage features and areas are applied appropriately whether they are located within or outside of the Town NHS.			
33.	4.2.3.2.d)	<p>Policy 4.2.3.2. d) refers to areas of natural and scientific interest (ANSI) but does not include the term "significant".</p> <p>A municipality may elect to go above and beyond PPS protection provided doing so does not conflict with other provincial interests. Requiring the no negative impact test for regional or candidate ANSIs may conflict with other provincial interests.</p>	MNR	PPS Policy 4.1.5, 4.5.2.4, 4.5.2.5	Recommended revision to include the term " <b>significant</b> " for Policy 4.2.3.2. d).
34.	4.2.3.3	<p>Policy 4.2.3.3 outlines permitted land uses within the natural heritage features and areas. These policies appear to include some, but not all, of a set of policies listed in A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (APTG), section 4.2.3.</p> <p>Given that the APTG has been repealed, there are a number of policies and definitions specific to APTG that go above and beyond the PPS that are no longer in effect.</p>	MNR	PPS Policy 4.1.5.,4.5.2.4, 4.5.2.5	It is recommended that Section 4.2.3.3 of the OP be deleted in its entirety.

		As previously noted, a municipality may elect to go above and beyond PPS protection only if it does not hinder other provincial interests.			
35.	4.2.3.1 4.2.3.4	<p>Policy 4.2.3.1 states that there will be no development or site alteration in:</p> <ul style="list-style-type: none"> <li>a) provincially significant wetlands; and</li> <li>b) significant woodlands.</li> </ul> <p>Policy 4.2.3.4 provides an exception to permit mineral aggregate operations within significant woodlands but incorrectly references 4.2.3.1. a), which is provincially significant wetlands. PPS 4.1.4 states that development and site alteration is not permitted in provincially significant wetlands.</p> <p>As noted above, a municipality may elect to go above and beyond PPS protection only if it does not hinder other provincial interests. MNR recommends updating the policy to allow for provincial interests in significant woodlands and updating the policy reference so that it is consistent with the PPS.</p>	MNR		It is recommended that the policy be revised to allow for provincial interests in significant woodlands and updating the policy reference so that it is consistent with the PPS, 2024.
36.	4.2.3.5	Policy 4.2.3.5 appears to indicate that development and site alteration may be	MNR		It is recommended to revise the policy to remove reference to development in PSWs and note that development <i>adjacent</i> to a

		<p>permitted within provincially significant wetlands.</p> <p>PPS 4.1.4 states that development and site alteration is not permitted in PSWs in ecoregions 5E, 6E, and 7E.</p>			<p>PSW will require consultation with the local Conservation Authority, to ensure that 4.2.3.5. will be consistent with PPS policy 4.1.4.</p> <p>Recommended revisions:</p> <p>Notwithstanding any other policies of this Plan, development and site alteration in and adjacent to watercourses, <del>provincially significant wetlands</del>, significant valleylands and other wetlands, <b><u>and development adjacent to provincially significant wetlands</u></b> that the Conservation Authority regulates may also be subject to the regulations and land use planning policies of the Conservation Authority. When development or site alteration is proposed in or adjacent to any watercourse, <del>provincially significant wetland</del>, significant valleyland, or other wetland, <b><u>or adjacent to a provincially significant wetland</u></b> the applicant shall contact the Conservation Authority, at which time Conservation Authority Staff will advise the applicant and Town of the land use or regulatory policies that will apply.</p>
37.	4.2.4.6	<p>OP policy 4.2.4.6 allows for certain types of development and site alteration in buffers and adjacent lands without the need for an EIS or hydrologic evaluation.</p> <p>PPS 4.1.8 states that development and site alteration are not permitted on adjacent lands of the features identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent</p>	MNR	PPS Policy 4.1.8	<p>It is recommended to revise the language to provide flexibility, but still maintain consistency with the PPS, 2024:</p> <p>Recommended revision to Policy 4.2.4.6:</p> <p>Notwithstanding Policy 4.2.5.1 and <del>4.2.6.1</del>, the following types of minor construction <del>is</del> <b><u>may be permitted provided the Town is satisfied that there will be no negative impact on the features or their ecological functions,</u></b>                  [...]</p>

		lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.  We recognize that the Town wishes to provide flexibility and that there could be scenarios where it may not be practical to ask for an evaluation, but the Town must still ensure that the PPS policy is satisfied.																			
38.	Table 4.2	PPS, 2024 provides protection to natural heritage features and areas regardless of whether they are located within or outside a NHS.  Further, Natural Heritage Reference Manual (NHRM) sections 8.4 and 9.4 provide recommended adjacent lands distances for significant valleylands, significant wildlife habitat, and significant life and earth science ANSIs respectively.  In addition, as previously noted, a municipality may elect to go above and beyond PPS protection only if it does not hinder other provincial interests. Table 4.2 identifies adjacent lands distances for significant valleyland and significant	MNR	PPS Policy 4.1.1 & 4.1.8, & NHRM 8.4, 9.4, & 10.4	It is recommended that Table 4.2 of the OP be revised as follows:  Table 4.2 Adjacent Lands for Natural Heritage System Features <table border="1"> <thead> <tr> <th>Natural Heritage Features and Areas</th> <th>Adjacent Lands</th> </tr> </thead> <tbody> <tr> <td>Provincially Significant Wetland</td> <td>120 metres</td> </tr> <tr> <td>Significant Woodland</td> <td>120 metres</td> </tr> <tr> <td>Other Woodland</td> <td>50 metres</td> </tr> <tr> <td>Significant Valleyland</td> <td><del>50</del> 120 metres</td> </tr> <tr> <td>Significant Wildlife Habitat</td> <td><del>50</del> 120 metres</td> </tr> <tr> <td>Habitat of endangered species and threatened species</td> <td>50 metres</td> </tr> <tr> <td><b>Significant</b> Life Science Areas of natural and scientific interest</td> <td><del>50</del> 120 metres</td> </tr> </tbody> </table>	Natural Heritage Features and Areas	Adjacent Lands	Provincially Significant Wetland	120 metres	Significant Woodland	120 metres	Other Woodland	50 metres	Significant Valleyland	<del>50</del> 120 metres	Significant Wildlife Habitat	<del>50</del> 120 metres	Habitat of endangered species and threatened species	50 metres	<b>Significant</b> Life Science Areas of natural and scientific interest	<del>50</del> 120 metres
Natural Heritage Features and Areas	Adjacent Lands																				
Provincially Significant Wetland	120 metres																				
Significant Woodland	120 metres																				
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Significant Valleyland	<del>50</del> 120 metres																				
Significant Wildlife Habitat	<del>50</del> 120 metres																				
Habitat of endangered species and threatened species	50 metres																				
<b>Significant</b> Life Science Areas of natural and scientific interest	<del>50</del> 120 metres																				

		<p>wildlife habitat that are narrower than what is recommended in the NHRM.</p> <p>To be consistent with PPS 4.1.8, MNR recommends updating the title to remove the word "system". MNR also recommends updating the adjacent lands distances to reflect those listed in the NHRM, to ensure appropriate protections for significant ANSIs, and to ensure that OP policies do not conflict with other provincial interests.</p>			<table border="1"> <tr> <td><b>Significant Earth Science Areas of natural and scientific interest</b></td> <td><b>50 metres</b></td> </tr> </table>	<b>Significant Earth Science Areas of natural and scientific interest</b>	<b>50 metres</b>
<b>Significant Earth Science Areas of natural and scientific interest</b>	<b>50 metres</b>						
39.	<p>4.3.3                  4.3.3.1                  4.3.3.2                  4.3.3.3</p>	<p>There is no definition of hydrologic area or hydrologic feature in the OP so it is assumed they are referring to key hydrologic area and key hydrologic features, which the OP defines as per the GB Plan.</p> <p>GB Plan policy 3.2.4 defines key hydrologic areas as significant groundwater recharge areas, highly vulnerable aquifers; and significant surface water contribution areas. GB Plan Policy 3.2.4.1 notes that major development may be permitted in Protected Countryside where it has been demonstrated that hydrological functions shall be protected and where possible, improved or restored.</p>	MNR	<p>GB Policy 3.2.5.1 &amp; 3.2.5.2                  PPS Policy 4.2.2, 4.5.2.4 &amp; 4.5.2.5</p>	<p>Recommended revising the policy to be consistent with the PPS and not inadvertently hinder access to aggregate resources.</p> <p>It is recommended that Policy 4.3.3 be revised as follows:</p> <p style="text-align: center;">Hydrologic Areas, <del>Hydrologic Features</del> and Other Important Water Resources</p> <p>It is recommended that Policy 4.3.3.1 be revised as follows:</p> <p style="text-align: center;">Hydrologic areas, <del>features</del> and other water resources are part of the NHS and are mapped as a separate overlay on Schedule B2.</p> <p>It is recommended that Policy 4.3.3.2 be revised to remove references to "hydrologic features".</p>		

		<p>GB Plan 3.2.5 broadly identifies Key Hydrologic Features (KHF) as permanent and intermittent streams, lakes (and their littoral zones), seepage areas and springs and wetlands.</p> <p>GB Plan policy 3.2.5.1. notes that in the GB NHS, development and site alteration is not permitted in key natural heritage features (KNHF) or KHF with limited exceptions. GB Plan policy 3.2.5.2 notes that beyond the GB NHS but within the Protected Countryside, KHF are subject to policies of section 3.2.5. This means that in both the NHS and Protected Countryside KHF have a high level of protection.</p> <p>PPS 4.2.2 notes that development shall be restricted in or near sensitive surface and ground water features such that features and functions will be protected, improved or restored, which may require mitigative measures.</p> <p>As previously noted, municipalities may elect to provide additional protection to features only if it would not hinder other provincial interests. Applying this high level of protection to these features <i>outside</i> of the Greenbelt Plan Area could</p>			<p>It is suggested that Section 4.3.3.3 of the OP be modified as follows:</p> <p>Mitigative measures and/or alternative development approaches may be required to protect, improve, or enhance key hydrologic areas, features, sensitive surface water and ground water features, and their hydrologic functions. The Town, Region or Conservation Authority may require the establishment of appropriate development conditions and monitoring programs through the development approval process.</p> <p><b>Notwithstanding sections 4.3.3.2 and 4.3.3.3, the policies protecting these features shall not conflict with any provincial policy or interest.</b></p>
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		preclude or hinder access to aggregate resources.			
40.	4.4	OP Section 4.4 appears to be missing some GB Plan policies related to feature protection, GB NHS, and settlement area expansions.	MNR	GB Policy 3.2.5.3, 3.2.2.4 & 3.2.2.6	Recommended to add Greenbelt Plan policies 3.2.5.3, 3.2.2.4 & 3.2.2.6 to be consistent with Greenbelt Plan.
41.	4.4.1.2	<p>Policy 4.4.1.2 does not appear to apply the correct level of protection to features, which may conflict with other provincial interests.</p> <p>As noted above, the high level of protection provided to KHF applies only within the GB NHS and Protected Countryside. To apply this level of protection to these features <i>outside</i> of the GB plan could preclude or hinder access to aggregate resources.</p>	MNR	<p>GB Policy 3.2.5, 3.2.5.1, &amp; 3.2.5.2</p> <p>PPS Policy 4.5.2.4 &amp; 4.5.2.5</p>	<p>It is recommended that Policy 4.4.1.2 of the OP be revised as follows:</p> <p><del>Notwithstanding Policy 4.4.1.1, the</del> policies of Section 4.4.1 that apply to key hydrologic features apply in all areas of <b>Greenbelt Protected Countryside and GB NHS</b> <del>the Town outside of settlement areas, whether or not they are in the mapped Greenbelt Plan Area or GBNHS in accordance with Provincial policy.</del></p>
42.	4.4.1.3	<p>OP policy 4.4.1.3 appears to be incomplete when compared to policy 3.2.5.4 of the GB Plan. Specifically, the policy appears to only apply to the GB NHS when it should apply to the Protected Countryside as a whole. Additionally, the policy appears to be missing direction regarding vegetation protection zone (VPZ) and some KHF.</p> <p>GB plan policy 3.2.5 indicates that the subsequent policies in the section apply</p>	MNR	GB 3.2.5 & 3.2.5.4	<p>Recommended to revise Policy 4.4.1.3 to be consistent with the GB policy.</p> <p>Required within the <b>Protected Countryside</b> GBNHS is a <b>minimum</b> 30-metre wide vegetation protection zone <b>measured from the outside boundary of</b> adjacent to significant woodlands, wetlands, <b>seepage areas and springs, fish habitat</b> as well as permanent and intermittent streams and inland lakes.</p>

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

		to lands within KNHF or KHF in the Protected Countryside.  GB plan policy 3.2.5.4 outlines requirements for minimum vegetative protection zones for KNHF and KHF.			
43.	4.4.1.4	OP policy 4.4.1.4 appears to partially reflect policy 3.2.5.8 of the GB Plan.  GB Plan policy 3.2.5.8 provides guidance for new agricultural buildings and structures within the Niagara Peninsula Tender Fruit and Grape Area, which is present in Pelham.  MNR recommends removing this policy in its entirety and replacing it with the complete GB Plan policy 3.2.5.8 to ensure that the OP is consistent with GB plan policies.	MNR	GB Policy 3.2.5.8	Recommended to remove and revise Policy 4.4.1.4 to be consistent with the GB policy 3.2.5.8.
44.	4.4.1.4 (pg 70)	OP policy 4.4.1.4 (pg 70) allows for agricultural uses within the GB NHS. This policy, when compared against the GB Plan, appears to incorrectly reference other policies within the OP and adds a notwithstanding clause that is not included in the equivalent GB policy. As noted previously, a municipality may elect to go above and beyond requirements only where it	MNR	GB Policy 3.2.2.2	Recommended to remove the notwithstanding clause and updating the policy references to ensure consistency with the GB Plan and renumber the policies to match the correct policy reference.

		doesn't impact another provincial interest.			
45.	4.4.1.5 (pg 68)	<p>Policy 4.4.1.5 appears to be based on a policy within the APTG. Although the GB Plan contains a similar policy it differs from the APTG.</p> <p>As noted above, in the GB Plan area, provincial policies that regulate development in or adjacent to a feature is geographically defined.</p> <p>MNR recommends removing the APTG language that is no longer in effect, and where required, including language aligned with the GB Plan.</p>	MNR	GB Policy 3.2.5.1	<p>It is recommended that Section 4.4.1.5 (pg 70) of the OP be modified as follows, provided that suggested revisions for OP Policy 4.4.1.4 are implemented:</p> <p>A proposal for new development or site alteration within 120 metres of any key natural heritage feature within the <del>Greenbelt Plan</del> <b>GB NHS</b> or any <b>key</b> hydrologic feature within the <del>Niagara Escarpment Plan</del> <b>Protected Countryside</b>, or otherwise <del>outside of settlement areas</del> may require an environmental impact study and/or hydrologic evaluation, or equivalent study prepared to the satisfaction of the Town and relevant approval authorities, that identifies a vegetation protection zone, which:</p> <ul style="list-style-type: none"> <li>a) protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change <b><u>and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and</u></b></li> <li>b) is established to achieve and be maintained as natural self-sustaining vegetation; and</li> <li>c) <del>for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, inland lakes and significant woodlands, it is no less than 30 metres measured from the outside boundary of the feature</del></li> </ul>
46.	4.4.1.6 (pg 69)	OP policy 4.4.1.6 (pg 69) outlines requirements for new development and site alteration within the GB NHS.	MNR	GB Policy 3.2.2.3	Suggested revisions to ensure consistency with the GB Plan:

		<p>As noted above, KNHF and KHF have specific definitions in the GB Plan and are not interchangeable with the term natural heritage features and areas.</p> <p>In addition, policy 4.4.1.6 (pg 69) does not identify recreational uses as an exception. GB policy 3.2.2.3. d) does identify recreational uses as an exception.</p>			<p>New development or site alteration within the GBNHS (<u>as permitted by the policies of the Greenbelt Plan</u>) will demonstrate that:</p> <p>a) there are no negative impacts on <del>natural heritage features and areas</del> <u>key natural heritage features and areas or key hydrologic features</u> or their functions to the satisfaction of the Town;</p> <p>b) connectivity along the system and between <del>natural heritage features and areas</del> and <u>key natural heritage features and key hydrologic</u> features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;</p> <p>c) the removal of other natural features not identified <del>as natural heritage features and areas</del> and <u>key natural heritage and key hydrologic features</u> should be is avoided., where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;</p> <p>d) except for uses described in and governed by the policies in Sections <b>4.4.2 and 9.6, Recreational Uses and</b> Mineral aggregate resources, the disturbed area, including any buildings and structures, will not exceed 25 percent of the total developable area, and the impervious surface will not exceed 10 percent of the total developable area;</p> <p>[...]</p>
47.	4.4.1.7 (pg 70)	<p>OP policy 4.4.1.7 provides direction regarding development permitted within vegetation protection zones.</p> <p>OP policy 4.4.1.5 (on page 68) addresses development permitted within</p>	MNR	PPS Policy 4.5.2.4 & 4.5.2.5	<p>It is recommended to remove this policy in its entirety to be consistent with the Greenbelt Plan and the PPS, 2024.</p>

		<p>vegetation protection zones associated with KNHF and KHF in the GB NHS.</p> <p>There is no comparable policy in the GB Plan that places a blanket restriction on development and site alteration in vegetation protection zones.</p> <p>As noted above, municipalities may go above and beyond provincial requirements only where it does not conflict with a provincial interest.</p> <p>Not permitting development or site alteration in vegetation protection zones could preclude or hinder access to aggregate resources.</p>			
48.	4.4.1.9 4.4.1.10	<p>OP policies 4.4.1.9 and 4.4.1.10 use incorrect terminology.</p> <p>As noted previously, hydrologic feature has no definition in the OP. KNHF and KHF have specific definitions in the GB Plan and are not interchangeable with the term natural heritage features and areas.</p>	MNR	GB Policy 3.2.5.7	Recommended to revise terminology for both OP policies to be consistent with the Greenbelt Plan.
49.	4.4.1.11	<p>Policy 4.4.1.11 allows for certain types of development to occur within the GB NHS, but outside of KNHF, KHF &amp; VPZ, without the need for an evaluation.</p>	MNR	GB Policy 3.2.2.3	<p>Recommended to revise the language to provide flexibility but still maintain consistency with the Greenbelt Plan:</p> <p>Notwithstanding Policy 4.4.1.7, the following types of minor construction <del>are</del> <b>may be</b> permitted without an environmental</p>

		<p>GB Plan policy 3.2.2.3 outlines the requirements for development and site alteration within the GB NHS.</p> <p>We recognize that the Town wishes to provide flexibility and that there could be scenarios where it may not be practical to ask for an evaluation, but the Town must still ensure that the GB Plan policy is satisfied.</p>			<p>impact study and/or hydrologic evaluation within the GBNHS but outside of the vegetation protection zone adjacent to a key natural heritage feature or hydrologic feature <b><u>provided the Town is satisfied that GB policy 3.2.2.3 is met:</u></b>                  [...]</p>
50.	4.5.1.2	<p>Policy 4.5.1.2 notes that policies that are more restrictive than those listed in the Niagara Escarpment Plan (NEP) are not interpreted to be in conflict with the NEP.</p> <p>PPS 4.5.2.4 &amp; 4.5.2.5 states that mineral aggregate operations and resources and their adjacent lands shall be protection from development and activities that would preclude or hinder access to the resource or operation.</p> <p>As previously noted, a municipality may elect to go above and beyond provincial policies only if it does not hinder other provincial interests. Allowing OP policies that are more restrictive than NEP policies to prevail could preclude or hinder aggregate resource extraction within the NEP area.</p>	MNR	PPS Policy 4.5.2.4, 4.5.2.5	<p>Recommended to revise this policy to include a notwithstanding statement for mineral aggregate policies, as follows:</p> <p>Policies that are more rigorous or restrictive than the Niagara Escarpment Plan policies are not interpreted to conflict with the Niagara Escarpment Plan based on policy 4.5.1.1., <b><u>with the exception of mineral aggregate policies listed in section 9.6.</u></b></p>

<p>51. 4.7</p>	<p>Section 4.7 does not appear to include any policies related to wildland fire.</p> <p>PPS 5.2.9 states that development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.</p> <p>The <a href="#">Ministry's Wildland Fire Risk Assessment and Mitigation Reference Manual</a> is a reference tool for municipalities and other planning authorities, or proponents, that provides the province's recommended technical criteria and approaches for assessing risk, and in areas where hazardous forest types are present, assessing and determining the environmentally appropriate measures to mitigate risks for proposed development.</p> <p>MNR data to support identifying potential hazardous forest types for wildland fire can be downloaded from <a href="#">Geohub</a>.</p>	<p>MNR</p>	<p>PPS Policy 5.2.9</p>	<p>It is recommended that wildland fire hazard policies and definitions be added to the OP, and that the Town's review of MNR's data and reference materials, in conjunction with PPS 5.2.9, to ensure potential wildland fire hazards are addressed and that wildland fire policies are implemented in a manner that is consistent with the PPS. PPS policy 5.2.9 could be included verbatim in the Official Plan, as stated above.</p> <p>Complete assessment of risk and determination of any needed mitigation measures can only be done with confidence on a site-specific basis. Planning authorities should undertake a detailed assessment to identify the presence of areas of high to extreme risk for wildland fire when developing official plan policies for their jurisdiction. It should be noted that, lands that are not identified by the Province within this data set as being within a hazardous forest type for wildland fire still require assessment.</p> <p>In addition, it is recommended that the Town include Wildland Fire Susceptibility mapping as an appendix to the Official Plan. Please note, although it is recommended to include wildland fire mapping as an appendix, the wildland fire policies should be housed with other natural hazard policies within the OP.</p>
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		This data set, which is available for the entire province, provides a coarse scale assessment which identifies areas that have potential hazardous forest types and is intended to indicate areas with potential risk for wildland fire.			
52.	4.7	<p>Section 4.7 does not appear to include any policies related to human-made hazards.</p> <p>PPS 5.3.1 states that development on, abutting or adjacent to lands affected by min hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are underway or have been completed.</p>	MNR	PPS Policy 5.3.1	It is recommended that human-made hazard policies and definitions be added to the OP.
<b>Section 5: Movement of People and Goods</b>					
53.	5.1 5.2.5	The agri-food network includes the infrastructure, services and other agrifood assets needed to sustain and enhance the prosperity of the agri-food sector, which includes transportation systems. This includes agriculturally compatible road design that focuses on accommodating the equipment and	OMAFA	PPS Policy 4.3.1 PPS Definitions (see definition of <i>agri-food network</i> )	Consider adding a new policy point to Policy 5.1 and revising Policy 5.2.5 and to reference supporting the agriculture system and agri-food network.

		activities of agricultural operations and promoting safety.			
<b>Section 6: Municipal Services and Infrastructure</b>					
54.	6.2.2.2 d) 6.2.2.2 e) 6.2.2.3 6.3.3.2 6.5.1.2	<p>Policies 6.2.2.2 d), 6.2.2.2 e), 6.2.2.3, 6.3.3.2 and 6.5.1.2 refer to natural heritage features and areas where they should refer to KNHF &amp; KHF.</p> <p>As previously noted, hydrologic feature has no definition in the OP. KNHF and KHF have specific definitions in the GB plan and are not interchangeable with the term natural heritage features and areas. In addition, the protections afforded to these features in the GB Plan are geographically defined.</p> <p>Policies 6.2.2.2 d), 6.2.2.2 e), 6.2.2.3, 6.3.3.2 and 6.5.1.2 are policies specific to the GB Plan. It is important to use the correct terminology, and apply the policies in the correct geography, so that features receive the level of protection they are attributed by the GB Plan.</p>	MNR	GB Policy 4.2.1.2.d), 4.2.1.2.e), 4.2.1.3, 4.2.3.3 & 4.2.1.2.h)	<p>It is recommended revising the following policies so they are consistent with the GB Plan: 6.2.2.2 d); 6.2.2.2 e); 6.2.2.3; 6.3.3.2; and 6.5.1.2.</p> <p>It is recommended that Policy 6.2.2.2. d) be revised as follows:</p> <p style="padding-left: 40px;">new or expanding infrastructure will avoid <b>key natural heritage features</b> <del>natural heritage features and areas,</del> <b>key</b> hydrologic features, key hydrologic areas and Prime Agriculture Area unless need has been demonstrated and it has been established that there is no reasonable alternative</p> <p>It is recommended that Policy 6.2.2.2. e) be revised as follows:</p> <p style="padding-left: 40px;">where infrastructure crosses the Natural heritage system or intrudes into or results in the loss of a key natural heritage feature, <b>key</b> hydrologic feature or key hydrologic areas, [...]</p> <p>It is recommended that Policy 6.2.2.3 be revised as follows:</p> <p style="padding-left: 40px;">In the Greenbelt Plan Area, elements of infrastructure that serve the agricultural sector, including agricultural irrigation systems, are permitted to be located within</p>

					<p><del>natural heritage features and areas</del> <b>key natural heritage features</b> or <b>key</b> hydrologic features and their associated vegetation protection zones in accordance with Section 4.2.1.3 of the Greenbelt Plan and the applicable policies of this Plan. In such instances, these elements may be established within the feature itself or its associated vegetation protection zones, but all reasonable efforts will be made to keep such infrastructure out of <del>natural heritage features and areas</del> <b>key natural heritage features</b> or <b>key</b> hydrologic features and their associated vegetation protection zones.</p> <p>It is recommended that Policy 6.3.3.2 be revised as follows:</p> <p>In the Greenbelt Plan Area, stormwater management systems will be prohibited in <del>natural heritage features and areas</del> <b>key natural heritage features, key</b> hydrologic features and their vegetation protection zones, in accordance with the Greenbelt Plan, [...]</p> <p>It is recommended that Policy 6.5.1.2 be revised as follows:</p> <p>In the <b>Protected Countryside</b> <del>Greenbelt Plan Area</del>, new waste disposal sites and facilities and organic soil conditioning sites are prohibited in <del>natural heritage features and areas</del> <b>key natural heritage features, key</b> hydrologic features and their associated vegetation protection zones.</p>
<p><b>Section 7: Complete Infrastructure</b></p>					

Section 8: General Land Use					
Section 9: Agriculture and Rural Settlement Land Use					
55.	9.1	The agricultural system has two components – an agricultural land base and an agri-food network.	OMAFRA	PPS Policy 4.3.1.1, PPS Definitions	<p>Recommended to revise for consistency with PPS Policy 4.3.1.1:</p> <p><b><u>The Town of Pelham uses an agricultural system approach to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.</u></b></p> <p>The town's agricultural area comprises specialty agriculture lands, Prime Agriculture <del>areas</del> lands, and the rural settlement areas of Ridgeville and North Pelham. Within the farm area are environmental features managed as part of the Natural Environment System (NES), <del>which also makes up part of the agricultural system.</del> [...]</p>
56.	9.1.1	<p>a) On-farm diversified uses are not agricultural use nor a normal farm practice.</p> <p>c) A bed and breakfast and home-based industries and home-based businesses may be considered through on-farm diversified use and agriculture-related use policies.</p> <p>Furthermore, a residential dwelling and additional residential units are not permitted as accessory to an</p>	OMAFRA	PPS Policy 4.3.2, 4.5.4	<p>Recommended to revise for consistency with PPS Policy 4.3.2:</p> <p>[...]</p> <p>a) Normal farm practices and agricultural uses, <del>including on-farm diversified uses.</del></p> <p>b) <i>Agriculture-related uses;</i></p> <p>c) Residential uses, including <b><u>up to two additional residential units in accordance with Provincial policy and guidance,</u></b> <del>bed and breakfast, home industries and home based businesses,</del> provided either of the following is met:</p>

		<p>agriculture-related use (per PPS 4.3.2.4). This modification also introduces the criteria for additional residential units by referencing Provincial policy and guidance. At present the Pelham OP does not adequately address PPS 4.3.2.5 as no criteria are provided for additional residential units.</p> <p>d) PPS 4.5.4 specifies that extraction of mineral aggregate resources is permitted as an interim use in PAA.</p> <p>x) See comment for revision to a).</p>			<p>i) the lot is a legally existing lot-of-record, and the dwelling complies with <i>minimum distance separation</i> formulae; and                  ii) the dwelling is an accessory to an agricultural or <del>agriculture-related</del> use.</p> <p>d) Extraction of mineral aggregates and petroleum resources <b>as an interim use non-agricultural use</b>, in accordance with the policies of this Plan in its entirety; and</p> <p>[...]</p> <p><b><u>x) On-farm diversified uses.</u></b></p>
57.	9.1.2.4 9.1.2.5	<p>PPS, 2024 requires that an agricultural impact assessment to consider impacts on the agricultural system be completed for non-agricultural uses in Prime Agricultural Areas.</p>	OMAF	PPS Policy 4.3.5.2	<p>It is recommended that policies be revised to recognize the agricultural system, including the agricultural land base and agri-food network.</p>
58.	9.1.2.6	<p>PPS, 2024 requires that new land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance formulae.</p>	OMAF	PPS Policy 4.3.2.3	<p>It is recommended that the policy be revised to be consistent with PPS Policy 4.3.2.3.</p>
59.	9.1.2.9	<p>PPS policy 4.3.4 directs that planning authorities may only exclude land from the prime agricultural area for expansions of or identification of settlement areas.</p>	OMAF	PPS Policy 4.3.4.1	<p>Recommended to revise for consistency with PPS Policy 4.3.4.1:</p> <p>The redesignation of lands within the Prime Agriculture or Specialty Agriculture designation <b><u>may only be considered for expansions of or identification of settlement areas in</u></b></p>

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

					<del>accordance with Provincial policy, will not be supported where it would result in the removal of lands from the agricultural area, does not comply with minimum distance separation calculations, cannot prove an identified need within the planning horizon of this Plan, and where reasonable alternative locations for the proposal exist. Such a request requires approval from the Minister of the Ministry of Municipal Affairs and Housing in accordance with Ontario Regulation 525/97 under the <i>Planning Act</i>.</del>
60.	9.1.3.3	PPS, 2024 requires that impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis be completed based on provincial policy and guidance.	OMAF	PPS Policy 4.3.5.2	Recommended to revise the policy to clarify that agricultural impact assessment or equivalent analysis be completed based on provincial policy and guidance.
61.	9.1.4	The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with PPS policy 4.3.3.1.c).	OMAF	PPS Policy 4.3.3.1 c)	Recommend to revise the policy to clarify that lot creation may only be permitted in accordance with provincial <u>policy</u> and guidance.
62.	9.1.4.2	An application to recreate two lots that had previously merged on title does not constitute correction of deeds for the purposes of the PPS, 2024.	OMAF	PPS Policy 4.3.3.2	Recommended to revise the policy to delete reference to severance of two or more lots that unintentionally merged on title for consistency with PPS, 2024.
63.	9.1.4.4 9.1.4.14	Lot creation in prime agricultural areas is discouraged and may only be permitted in a limited number of circumstances as outlined by the PPS.	OMAF	PPS Policy 4.3.3	Recommended to delete this policy in its entirety.  <del>Consents may be supported for conveyance to public bodies or non-profit entities for natural heritage conservation, provided</del>

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

					<del>the conveyance does not create a separate lot for a residential dwelling.</del>
64.	9.1.4.5	There is no "Countryside" designation identified on Schedule A1.	OMAFRA	Greenbelt Plan	Recommended revision to delete reference to "Countryside".
65.	9.1.4.8 c)	The residence to be severed is surplus to the needs of the farm operation as a result of the farm consolidation. The residence to be severed is surplus to the needs of the farm operation as a result of the farm consolidation. To address this, some planning authorities include a 'sunset clause' within their lot creation policies for a residence surplus to a farm operation requiring that the application be made within a reasonable timeframe (e.g. two years) after having acquired a property.	OMAFRA	PPS Policy 4.3.3.1 c), PPS Definitions (see definition of <i>Residence surplus to an agricultural operation</i> )	Recommended revision for clarity:  c) must own a residence <b>on a farm property</b> elsewhere, therefore rendering the residence on the subject farm surplus to their needs; and
66.	9.1.7.6	PPS, 2024 indicates that on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.	OMAFRA	PPS Policy 4.3.2.1	It is recommended that a new policy point be added to be consistent with PPS Policy 4.3.2.1.
67.	9.2 Throughout OP	PPS, 2024, provides direction for rural settlement areas to be the focus of growth and development, and that their vitality and regeneration shall be promoted.	MMAH/OMAFRA	PPS Policy 2.5.1, 2.5.2 PPS Definitions	Recommend adding additional policy to align with direction of PPS, 2024 per Section 2.5.1 and 2.5.2.
68.	9.2.2.4 a)	PPS, 2024 provides direction to ensure that development in rural settlement areas consider local context and characteristics.	MMAH	PPS Policy 2.5.3	It is recommended that the policy be revised to be consistent with PPS, 2024.

69.	9.4 9.4.1 Schedule A1	<p>PPS Policy 4.3.4.1 provides direction that lands may only be excluded from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 2.3.2.</p> <p>Please ensure that permitted uses within designated industrial areas align with the PPS, 2024, and the <i>Planning Act</i>.</p>	MMAH OMAFRA MEDJCT	<p>Bill 97 PPS Policy 2.1.3, 2.8.1.3, 2.8.2.1, 2.8.2.3, 3.5, 4.3.1.2, 4.3.4.1, Section 8 Definitions <i>Planning Act</i> [1(1)]; (1.1) GB Policy 3.1.3.2</p>	<p>Lands presently designated as “Industrial”, “Aggregate”, “Rural Commercial”, etc. remove lands from the prime agricultural designation. Removal of lands is not consistent with PPS and Greenbelt Plan. Additionally, removal of lands require proper justification and rationale.</p> <p>Additionally, it is recommended that language be added to OP Policy 9.4 to address Land Use Compatibility in accordance with the PPS, 2024.</p>
70.	9.6	The OP does not appear to have a policy that addresses PPS 4.5.4.2.	MNR	PPS Policy 4.5.4.2	It is recommended that Section 9.6. of the OP be revised to include a new policy point consistent with PPS 4.5.4.2.
71.	9.6	<p>The OP does not appear to contain any policies, definitions, or mapping related to petroleum resources or operations.</p> <p>The policies in PPS section 4.4 apply to minerals and petroleum.</p> <p>Finally, PPS policies 4.4.2.1 and 4.4.2.2 state that that known petroleum resources and operations, where applicable, shall be identified. It is recommended that petroleum resources and operations be identified in an appendix as opposed to a schedule. The Oil, Gas and Salt Resources Library is what is recommended to identify petroleum pools and wells.</p>	MNR	PPS Policy 4.4	<p>Please note that the mineral aspect of these policies is under the jurisdiction of the Ministry of Mines, and MNR has jurisdiction over the petroleum aspect. Because these policies are combined in the PPS, we recommend adding them into the OP as they are written in the PPS.</p> <p>To ensure clarity and consistency, MNR recommends including definitions for petroleum resources and operations.</p>

		Municipalities can download shapefiles <a href="#">here</a> .			
72.	9.6.2.3	OP policy 9.6.2.3 outlines permissions and requirements for mineral aggregate operations; however, it appears to be incomplete. PPS 4.5.1.1 also addresses depth of extraction.	MNR	PPS Policy 4.5.1.1	Recommended revisions for consistency with PPS 4.5.1.1:  Existing licensed mineral aggregate operations, as identified on Schedule D, shall be permitted to continue without the need for an official plan amendment, zoning by-law amendment or other approval under the Planning Act. <b><u>Only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations.</u></b> When a license for a mineral aggregate operation ceases to exist, policies which protect the deposits of mineral aggregate resources will continue to apply where deposits are still present.
73.	9.6.4.5., 9.6.4.6 d) 9.6.4.7. 9.6.6.5	OP policies 9.6.4.5, 9.6.4.6 d), 9.6.4.7, & 9.6.6.5 use incorrect terminology.  As noted previously, hydrologic feature has no definition in the OP. All references to hydrologic features are assumed to be references to key hydrologic features. KNHF and KHF have specific definitions in the Greenbelt Plan and are not interchangeable with the term natural heritage features and areas.	MNR	GB Policy 4.3.2.3. c)	Recommended to revise the language to be consistent with the Greenbelt Plan.
74.	9.6.4.4 9.6.4.9 9.6.5.1 9.6.11.2	OP policies 9.6.4.4, 9.6.4.9, 9.6.5.1, & 9.6.11.2 outline a number of requirements of the Town for an application to permit a mineral	MNR	PPS Policy 4.5.2.4, 4.5.2.5 ARA s.66	To be consistent with the PPS, 2024 and the ARA. It is recommended to revise or remove policies 9.6.4.4, 9.6.4.9, 9.6.5.1, & 9.6.11.2:

		<p>aggregate operation. Some of the requirements are duplicative of the <i>Aggregate Resources Act (ARA)</i> process and some are above and beyond ARA requirements.</p> <p>PPS policies 4.5.2.4 and 4.5.2.5 protect mineral aggregate operations and resources from activities that would hinder expansion, continued use, establishment of new operations, or access to the resource.</p> <p>In addition, Section 66 of the <i>ARA</i> states: "This <i>Act</i>, the regulations and the provisions of licenses and permits and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or permit or a site plan, the by-law, official plan or development agreement is inoperative."</p>			<p>Suggested revision for Policy 9.6.4.4 by deleting a) through l) and revising as follows:</p> <p style="text-align: center;"><b><u>"Applications to permit a <i>mineral aggregate operation</i> shall <b>be in accordance with the <i>Aggregate Resources Act.</i></b>"</u></b></p>
75.	9.6.5.3	OP policy 9.6.5.3 requires that applicants enter into Haul Route agreements "to secure for improvements and additional maintenance in accordance with the ARA".	MNR	ARA 12(1.1)	It is recommended to remove the reference to <i>ARA</i> in this policy, as <i>ARA</i> section 12 (1.1) does not speak to additional maintenance.

		<p>ARA section 12 (1.1) states:</p> <p>“Despite clause (1) (h), the Minister or the Tribunal shall not have regard to ongoing maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site.</p>			
76.	9.6.6.4	<p>OP policy 9.6.6.4 appears to be incomplete when compared to GB Plan policy 4.3.2.6 d). MNR understands this policy is related to the GB plan even though it is not included in Applications in the Greenbelt Plan Ara (section 9.6.9).</p> <p>As noted above, in the GB Plan area, provincial policies that regulate development in or adjacent to a feature is geographically defined.</p> <p>In addition, hydrologic feature has no definition in the OP. All references to hydrologic features are assumed to be references to key hydrologic features. KHF have specific definitions and protections according to GB plan.</p>	MNR	GB Policy 4.3.2.6 d)	<p>Recommended revisions for consistency with Greenbelt Plan policy:</p> <p>For rehabilitation of new mineral aggregate operation sites <b><u>in the Protected Countryside</u></b>, the following apply:</p> <p>a) the disturbed area of a site shall be rehabilitated to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity shall be maintained or enhanced;</p> <p>b) if there are <del>natural heritage features and areas</del>, key natural heritage features or <b><u>key</u></b> hydrologic features on the site, or if such features existed on the site at the time of an application:</p> <p>i) the health, diversity and size of these <del>natural heritage features</del> <b><u>and areas</u></b>, <del>natural heritage features and areas</del> key natural heritage features and key hydrologic features shall be maintained or enhanced; and</p> <p>ii) any areas where extraction of mineral aggregates was permitted within a <del>natural heritage features and area</del>, key natural heritage feature or <b><u>key</u></b> hydrologic feature shall be rehabilitated as early as possible in the life of the operation.</p>

		Finally, the policy appears to be missing a reference to another policy that outlines exceptions to final rehabilitation, as well as general reference stating that final rehabilitation shall reflect the policies of the GB Plan, municipal policies, and provincial policies.			c) aquatic areas remaining after extraction shall be rehabilitated to an aquatic environment representative of the natural ecosystem in that particular setting or eco-district, and the combined terrestrial and aquatic rehabilitation will meet the intent of subsection b); and d) outside a Provincial natural heritage system, <b><u>and except as provided in 9.6.6.4 a, b &amp; c,</u></b> final rehabilitation shall appropriately reflect the long-term land use of the general area and the policies of <b><u>the Greenbelt Plan and, to the extent permitted under the Greenbelt Plan, existing municipal and provincial policies.</u></b> <del>this Plan.</del> In prime agricultural areas, the site shall be rehabilitated in accordance with Provincial policy and the requirements of this Plan.
77.	9.6.8.1	OP policy 9.6.8.1 appears to be incomplete when compared to PPS policy 4.5.5.1 and overly restricts aggregate operations in natural heritage features and areas.  Aggregates are largely permitted within natural heritage features and areas, key natural heritage features, and key hydrologic features, as long as the specific tests and rules for extraction in each feature is met.	MNR	PPS Policy 4.5.5.1	It is recommended that policy 9.6.8.1 be revised as follows:  The use of wayside pits and quarries, portable asphalt plants and portable concrete plants on public authority contracts shall be permitted temporarily without the need for an amendment to this Plan, <b><u>rezoning, or development permit under the Planning Act, in all areas except those of.</u></b> <del>Such use shall not be permitted in areas of existing development or natural heritage features and areas, natural heritage features and areas, and hydrologic features and areas as shown in this Plan</del> <b><u>particular environmental sensitivity</u></b> which have been determined to be incompatible with extraction and associated activities.
78.	9.6.9.1	OP policy 9.6.9.1 is using terminology that does not appear to be consistent with GB policy 4.3.2.2.	MNR	GB Policy 4.3.2.2, Non-Renewable Resources Training Manual	It is recommended that the policy be revised to be consistent with the Greenbelt Plan so that it does not hinder access to aggregate resources.

		According to the Non-Renewable Resources Training Manual (1997) there are a variety of associated facilities that are critically important to the production and maintenance of the supply of aggregates including but not limited to processing, wash water recycling, settling ponds, and weigh scales. The language in the OP policy does not account for these activities, whereas the GB Plan does.			Recommended revision:  <del>Extraction of mineral aggregate resources is</del> <b>Activities related to the use of non-renewable resources are</b> permitted within the Protected Countryside area [...]
79.	9.6.9.2	OP policy 9.6.9.2 requires that only <i>new</i> applications be subject to a suite of rehabilitation policies outlined in GB Plan policy 4.3.2.5, but the GB Plan policy requires both new and existing operations to be subject to a suite of rehabilitation policies.	MNR	GB Policy 4.3.2.5	It is recommended that the policy be revised to be consistent with the GB Plan to state “ <b>new and existing</b> mineral aggregate operations...”.
80.	9.6.9.3 b) i)	OP policy 9.6.9.3 outlines the requirements for mineral aggregate resources within the specialty crop area of the GB Plan. 9.6.9.3 b) notes that new operations may be considered on primary and secondary sand and gravel resources on the Fonthill Kame.  Policy i), requiring no negative impact through rehabilitation, mitigation, or compensation that recreates the landform is not a requirement in the GB Plan. Further, the GB Plan does not	MNR	GB 4.3.2.9.b) PPS Policy 4.1.5	It is recommended to revise the policy to be consistent with PPS, 2024 and Greenbelt Plan:  i) there will be no negative impact on the Fonthill Kame-Delta ANSI <del>through rehabilitation, mitigation or compensation methods that recreate the landform or enhance educational and scientific values</del>

		<p>identify Earth Science ANSIs as a KNHF, therefore the PPS, 2024 policies apply.</p> <p>PPS 4.1.5. states no development or site alternation is permitted unless it can be demonstrated that there will be no negative impact on the feature or it's ecological function.</p> <p>Earth Science ANSIs are geological features, and cannot be recreated via rehabilitation, mitigation, or compensation methods.</p>			
<b>Section 10: Settlement Area Land Use</b>					
<b>Section 11: Implementation</b>					
<b>81.</b>	11.2.1 11.2.1.1 11.2.1.3 11.2.1.7 11.2.1.8 11.3.5.5 9.1.6.22 Throughout OP	Policies are not consistent with the <i>Planning Act</i> which makes pre-consultation optional.	MMAH	Bill 185 <i>Planning Act</i> , 22 (3.1), 34(10.0.1), 51(16.1), 41(3.1)	Recommend revising policies to encourage applicants to submit pre-consultation requests, not to require, and to remove any references in this section and throughout the Official Plan to require pre-consultations as they are optional.
<b>82.</b>	Table 11.1 11.2.1.9	Changes to the <i>Planning Act</i> , include but are not limited to, changes to facilitate streamlined development of publicly funded schools, limiting municipal complete application studies and providing greater recognition of	MMAH	PPS, 2024 Bill 185 Bill 17 <i>Planning Act</i>	The official plan must outline all required supporting studies or reports that may be requested as part of a complete application submission. Report/studies not specifically included in the Official Plan may not be required as part of a complete application submission.

		<p>planning reports prepared by certified professionals and removing the need for certain minor variances.</p> <p>Bill 17 proposes to amend the <i>Planning Act</i> to limit complete application requirements to what is currently identified in municipal official plans.</p>			<p>Ensure that policies and Table 11.1 are clear on what studies/reports are required as part of a complete application submission and remove policies that state “other studies may be required” or any other similar policy with the same effect.</p> <p>Please also be advised of proposed legislative and regulatory changes (<u>ERO posting</u>) that would limit the information and material that may be required by a municipality as part of a complete application submission for OPAs, ZBAs, Site Plan Control, Plan of Subdivision and consent applications. Specifically, it is proposed that materials and information for the following topics could not be required as part of a complete planning application:</p> <ul style="list-style-type: none"> <li>• Sun/Shadow</li> <li>• Wind</li> <li>• Urban Design</li> <li>• Lighting</li> </ul> <p>The City’s policies on studies and reports required as part of a complete application submission should be consistent with any future Minister regulation.</p> <p>Additionally, it is recommended that revisions be made for consistency with updated provincial legislation (i.e., delete reference to Growth Plan, Pre-Consultation Meeting Minutes, bird-friendly building design, etc.)</p>
83.	11.3.5.4	Not consistent with statutory public meeting/hearing requirements of the <i>Planning Act</i> .	MMAH	<i>Planning Act</i> s.17(15), s.34, s.22, s.45, s.53	Recommended revision to ensure consistency with the <i>Planning Act</i> :

					<b>A minimum of one (1) public “Statutory Public Meeting” will be held for all in accordance with the <i>Planning Act</i>. <del>Minor Zoning By Law Amendments, Minor Variances, and consent applications not involving the creation of a new lot(s).</del></b>
84.	11.4.6.1 11.4.6.2	Inclusionary zoning is only permitted within PMTSAs.	MMAH	<i>Planning Act</i> s.16(5)	Recommended to clarify intent of policy.
85.	11.6.1.9	Bill 17 changes to Planning Act exempts all public-school portables from site plan control and allows the use of a parcel of urban residential land for an elementary school or secondary school of a school board or any ancillary uses to such schools, including the use of a childcare centre located in the school.	MMAH	Bill 17 <i>Planning Act</i> s.41(1.1), s. 16(3.2.1)	Recommended to revise to be consistent with <i>Planning Act</i> provisions.
<b>Definitions</b>					
86.	General Comment	Please review the definitions in the draft OP to ensure appropriate terms are defined and used within the policies of the official plan, adding definitions as applicable to be consistent with the PPS, 2024.		PPS Definitions  <i>Planning Act</i> s.28(1)	Incorporate additional definitions to this section and throughout the official plan to align with the terminology and definitions of the PPS, 2024, where applicable.  For example: <i>Rural areas, rural lands, employment area, public service facilities, sensitive land uses, parcels of urban residential land, community improvement, community improvement plan, community improvement project area, petroleum resource operations, petroleum resources, hazardous forest types for wildland fire, natural heritage features and areas</i> (refer to Niagara Region comments attached).
<b>Schedules</b>					

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

87.	Schedule A1	PPS, 2024 requires municipalities to designate Prime Agricultural and Specialty Crop Areas and including supporting policies to ensure their long-term protection. Further, NEP policy framework requires that an underlying municipal land use designation be identified (e.g., PAA, SCA, or rural) in the NEP plan area. For example, NEP policy 1.5.4.3 provides different policy direction for prime agricultural areas and specialty crop areas.	OMAFA	Niagara Escarpment Plan pg3 PPS Policy 4.3	While Schedule A1 includes a "Specialty Agriculture" designation, it is recommended that the land within the NEP area be designated "Specialty Crop Area".  Additionally, it is recommended that Pelham staff complete their own review to ensure no other lands have been removed from the prime agricultural area for a use other than the expansion of a settlement area (as permitted by PPS, 2024 policy 4.3.4.1).
88.	Schedule A1	It appears that the version of Schedule A1 posted on the municipality's website is different than the version provided to MMAH (both schedules have the same date). The version posted online does not show the Natural Environment System Overlay using a hatched symbology and as a result removes land from the prime agricultural area.	OMAFA	PPS Policy 4.3.4, 4.3.1.2, 4.1.3	It is recommended that the land within the Natural Environment System Overlay on Schedule A1 be shown as an overlay.
89.	Schedule A	Greenbelt Protected Countryside doesn't appear to be identified in the schedules of the OP.  GB Plan 5.3 states that official plans shall contain policies that reflect the requirements of this plan together with a map showing the boundaries of the Greenbelt Area, the Protected	MNR	GB Policy 5.3	It is recommended that Protected Countryside be identified on Schedule A.

Provincial One-Window Comment Table  
 Adopted Town of Pelham Official Plan  
 MMAH File: 26-OP-252966  
 Date: February 2, 2026

		Countryside and the Natural Heritage System.			
90.	Schedule A2	The Drapers Creek provincially significant wetland complex is partially located in the approved settlement expansion area but is not reflected on the schedule.	MNR	n/a	It is recommended that the Drapers Creek be reflected in Schedule A2.
<b>General Comments</b>					
<b>Appendices</b>					
<b>East Fenwick Urban Design Guidelines</b>					

Notes for use:

- In the Reference to Planning Act, Provincial Plan and PPS column, please be as specific as possible when referencing policy, legislation etc.
- In the "Proposed Revision" column, recommended updates should be *italicized*, text additions should be **boldface** and deletions should be a ~~strikethrough~~.
- In instances where the "Proposed Revision" is based on missing official plan policies or it is a general comment without a specific suggested revision, the "Comments/Concerns" column can include a "See Proposed Revision" note. This is intended to prevent the same information being duplicated between both columns.