



2021 - 2022 Annual Report

Niagara Escarpment Commission



Niagara Escarpment Commission
An agency of the Government of Ontario



June 30, 2022

THE MINISTER OF NATURAL RESOURCES AND FORESTRY

I have the honour to submit to you the Annual Report of the Niagara Escarpment Commission for the year commencing April 1, 2021 and ending March 31, 2022.

A handwritten signature in blue ink that reads "Rob Nicholson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rob Nicholson

Chair, Niagara Escarpment Commission

Submitted to the
LIEUTENANT GOVERNOR IN COUNCIL

Date: SEPTEMBER 29, 2022

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Introduction and Background

Chair's Message

Over the past year, the Niagara Escarpment Commission (NEC) has achieved a high level of organizational resilience and effectiveness in adapting to circumstances that were constantly changing. In 2021-22, the NEC continued to deliver a high-quality, robust program supported by a team of dedicated professional staff. The NEC processed 761 applications which is a 42% increase in processed applications over the previous year. Despite the challenges faced by the pandemic, the team demonstrated perseverance while still maintaining growth throughout the organization.

I am very pleased to report that NEC's work with the Ministry of, Natural Resources and Forestry (MNRF) and the Ontario Surveyor General to digitize the area of Development Control was completed in July 2021. This project was a key step forward for improving client service. In addition, the NEC made significant upgrades to its digital assets with the launch of its new website (escarpment.org) and accompanying interactive mapping application which together resulted in better and more accurate information for our clients. These enhancements make it easier for clients to do business with the NEC while also supporting NEC's continued efforts to streamline processes and realize resource efficiencies.

I am excited to see that NEC, in partnership with the MNRF, is moving forward on the securement of funds for the development of a new database and IT solution that will help find further efficiencies and reduce operational risks associated with the current outdated database. A first phase of the project began in 2021-22 with funds secured to complete the project over the next two years.

The NEC's 2021-2022 Annual Report highlights all the concrete measures that the agency achieved to ensure continued delivery of its program during the everchanging circumstances of the past year.



Rob Nicholson, Chair

The Niagara Escarpment

Spanning 725 kilometres from the tip of Niagara Region to the top of the Bruce Peninsula, the Niagara Escarpment is one of the world's most magnificent natural landforms. More than 450 million years old, the Escarpment makes up almost one-quarter of Ontario's Greenbelt and is home to Canada's longest footpath, the Bruce Trail. As one of the last remaining bands of continuous forest cover and natural heritage linkages in southern Ontario, it provides vital habitat for numerous species at risk and is the source of many of the Greater Golden Horseshoe's major river systems.

In 1973, the Ontario government passed the *Niagara Escarpment Planning and Development Act* (NEPDA) to protect the Escarpment. Through the NEPDA, a land-use planning process was put in place and the NEC was established.

In 1985, the province created the Niagara Escarpment Plan (NEP), Canada's first large-scale environmental land use plan. The NEP area covers 195,000 hectares in portions of 23 local municipalities within seven regions and counties and the City of Hamilton. The plan establishes land-use designations, development criteria and related permitted uses. It also provides the framework for a string of more than 160 parks and open spaces linked by the Bruce Trail.

While the NEP contains a strong emphasis on environmental protection, its role in preserving the open landscape character of the Escarpment and supporting agriculture is also good for business in Ontario. Rural and agricultural communities on the Escarpment support thousands of jobs and produce food consumed by people locally and all over the world, contributing millions of dollars annually to the region's economy. As well, the Escarpment contributes an estimated \$100 million annually to local and regional economies through tourism.

In 1990, this visionary model of environmental protection established through the NEC and the NEP earned the Escarpment recognition as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere Reserve—one of 19 across Canada. This prestigious designation recognizes the Escarpment as an internationally significant landform that balances cultural and biological diversity with economic and social development.

With the Escarpment traversing the Greater Golden Horseshoe, today one of the most heavily developed and fastest growing regions in North America — with a population of more than 10.2 million — the preservation of this precious and world-renowned landscape has never been more challenging and important.

The Niagara Escarpment Commission

The NEC was established in June 1973 as a non-board governed regulatory agency that operates at “arm’s-length” from the provincial government.

The NEC’s role is to administer the Niagara Escarpment Plan (NEP) by making decisions on proposed development permit applications and making recommendations to the Minister of Northern Development, Mines, Natural Resources and Forestry on proposed NEP amendments. The NEC is mandated to interpret and apply policies of the NEPDA and NEP. The decisions of the NEC are made independently, impartially, and according to a risk management framework.

The NEC has 17 positions—16 Commissioners and a Chair—appointed by Order-in-Council. Nine members, including the Chair, represent the public-at-large and eight members represent the upper- and lower-tier municipalities within the NEP area. A full list of Commission members that served in 2020-21 is listed in Appendix 1. Through most of 2021-2022, the NEC functioned with a full complement of 17 appointees.

The Commission met regularly to consider development permit applications and land use proposals, development of policy guidance to support NEP implementation, to deal with amendments, and to address compliance matters. For the entirety of 2021-22, the Commission met through ‘virtual’ meetings (via WebEx) due to the COVID-19 pandemic and capacity limits on in-person gatherings.

Meetings continued to remain open to the public and were accessed through WebEx.

The NEC is supported by 24 full-time and four seasonal staff positions.

The Niagara Escarpment Plan

The Niagara Escarpment and lands in its vicinity are protected by the NEP. In 1985, the Ontario government adopted this visionary, environment-first plan, which aims to maintain the Escarpment “substantially as a continuous natural environment”. Any development that occurs within the NEP area must be compatible with this purpose.

The NEP area covers portions of 23 local municipalities within seven regions and counties, and the City of Hamilton. A map of the NEP area is found in Appendix 2 and a full list of the municipalities found within the NEP area is contained in Appendix 3.

The NEP outlines land use designations and associated development criteria. The plan also provides the framework for more than 160 parks and open spaces linked by the Bruce Trail. As well, the NEP protects significant natural heritage features and ensures the maintenance of the Escarpment’s open landscape, conserving the Escarpment’s scenery, agricultural land and complementary rural activities.

The NEP is reviewed and amended on a regular basis. Legislated reviews of the NEP were completed in 1994, 2005 and most recently in 2017. In 2005, the NEPDA was revised to coordinate the review of the NEP with the 10-year review of the Greenbelt Plan. In May 2017, the most recent review concluded with the release of four revised provincial land use plans: the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, the Growth Plan for the Greater Golden Horseshoe, and the NEP. The updated NEP came into effect on June 1, 2017.

The NEP (2017) includes updated mapping that reflects changes on the landscape, and new policies that provide stronger protection for natural heritage features and functions. New agricultural policies support the province’s efforts to grow Ontario’s agri-food and rural sectors and ensure that farming continues to be a viable economic activity in prime agricultural areas. The NEP also enables the Commission, in consultation with MNRF, to prepare and issue guidance material and technical criteria to assist implementation. The section of this Annual Report entitled “Niagara Escarpment Plan Implementation” provides a summary of work initiated by the NEC in this regard.

Strategic and Operational Context

As a provincial agency, the NEC functions in accordance with the following values of the Ontario Public Service (OPS): trust, fairness, diversity, excellence, creativity, collaboration, efficiency, and responsiveness.

The NEC is governed by the NEPDA, the provincial government's Agencies and Appointments Directive, as well as a Memorandum of Understanding (MOU) and Delegation of Authority between the NEC Chair and the Minister of Northern Development, Mines, Natural Resources and Forestry. The NEPDA establishes the planning framework for the NEP. The role of the NEC is to implement the NEP and related program responsibilities in a way that achieves the purpose and objectives of the Plan and the Act:

Purpose

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.

Objectives

- To protect unique ecological and historic areas
- To maintain and enhance the quality and character of natural streams and water supplies
- To provide adequate opportunities for outdoor recreation
- To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery
- To ensure that all new development is compatible with the purpose of the plan
- To provide for adequate public access to the Niagara Escarpment
- To support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the Planning Act.

In general terms, the MOU provides additional detail to the NEC regarding its mandate and core functions, while the Delegation of Authority designates the power to approve Development Permit Applications and other responsibilities to the Commission and the Director, under certain circumstances. Taken together, the NEPDA, the NEP, the MOU and the Delegation of Authority define the governance structure of the NEC.

The operational context for the NEC in 2021-22 involved both the continuation of remote work arrangements due to the COVID-19 pandemic and the gradual transition to a hybrid model of remote and onsite work as restrictions were eased. While remote work presented challenges, Commission staff continued to adapt, find efficiencies and solutions, and ensure objectives of the NEP would be met. Throughout the year, Commission staff experienced a high volume of Development Permit applications triggered by soaring real estate markets.

With the goal of re-opening workplaces and ensuring effective and efficient service delivery, the NEC continues to engage with the MNR's Recovery and Renewal Secretariat to optimize its programs, leverage opportunities and to align with broader government and ministry initiatives.

Also, under the Agencies and Appointments Directive, the NEC is required to submit an Annual Report to the Minister of Northern Development, Mines, Natural Resources and Forestry for approval within 90 days of the end of the fiscal year. This report describes the activities in fiscal year 2021-22. Once approved by the Minister, the Annual Report is tabled in the Legislature before being made publicly available and posted to the NEC's website at www.escarpment.org.

Operational Strategy

Operational Strategy Overview

In June 2017, at the conclusion of the provincial government's Co-ordinated Land Use Planning Review, the NEC began implementing a multi-year Operational Strategy to guide its mandate: the implementation of the 2017 NEP. This section of the Annual Report provides an update on the agency's continued progress in 2021-22 toward implementing the agency's Operational Strategy.

In 2021-22, the NEC continued to adapt to remote work and implemented new program tactics due to the COVID-19 pandemic. The Operational Strategy remains an important framework and was highly effective in supporting business continuity over the past two years and made the Commission resilient and adaptable during challenging times.

Specific activities and achievements under each of the priorities are described in the sections that follow.

NEC Operational Strategy – Core Elements

1. Business & Organizational Effectiveness

- Develop and align resources (i.e., people, information, tools and space) and streamline business processes to continuously improve program implementation and customer service.

2. Promote the NEC

- Seek partnerships and collaboration with regulatory partners and stakeholders on the efficient and streamlined implementation of the NEP.
- Educate clients, regulatory partners, stakeholders and Indigenous communities on the 2017 NEP and the Niagara Escarpment's UNESCO Biosphere Reserve designation.

3. Streamline and Modernize Regulations and Update Legislation

- Propose NEPDA changes to the government to focus on process and program delivery efficiencies, and to modernize the legislative framework governing protection of the Niagara Escarpment.
- Propose refinements to the NEC's Development Control boundary and consider regulatory refinement to cut red tape and support more efficient approval processes and program delivery.

1. Business and Organizational Effectiveness

Team-Based Model

In 2021-22, the NEC continued to rely on a team-based service delivery model to support its operations while working remotely. Through this model, multi-functional teams are assigned to geographically based client groups to deliver the full range of NEC services. There are three teams – one for each of the southern, central and northern portions of the NEP area. As noted in the NEC’s Business Plan, the original driver for the team-based approach was to improve customer service by increasing collaboration, sharing workload through efficient and consistent triaging and providing a forum to facilitate knowledge transfer and collaboration amongst NEC staff and with regulatory partners.

The benefits of this “Integrated Team” approach were highlighted throughout the COVID-19 pandemic and with the requirement for staff to work remotely. Regular Team meetings have continued to ensure staff had a network of support, as well as a process to highlight issues and obtain assistance from colleagues. In addition, these highly functioning teams supported on-boarding of new staff and provided mentorship in a manner that may not otherwise have been possible.

Each Team consists of:

- Senior Strategic Advisor
- Senior Planners
- Planner(s)
- Administrative Support

In addition, support is provided across all teams by the following:

- Geographic Information System, Information Management, and Information Technology Unit
- Compliance Unit
- Landscape Architect
- Marketing and Communications
- Commission Meeting and Administrative Support

Table 1 below compares the volume of development permit applications received by the NEC with the volume processed during the last six fiscal years, being the time period prior to introduction of the Operational Strategy to the end of 2021-22 (current year). The data shows that there was a slight decrease in applications received in 2019-20 in part due to onset of the COVID-19 pandemic and a general decrease in economic activity. While there was a significant spike in applications submitted in 2020-21, the current year (2021-22) saw the greatest number of applications ever received to the NEC; a more than 13%

increase from the previous year. More importantly, NEC staff processed 42% more permit applications in 2021-22 over the previous year to help support development while upholding the purpose and objectives of the Niagara Escarpment Plan.

Table 1 also shows the backlog of applications (comparison of number of applications received versus processed) increased in 2021-22 although at a slower pace than in 2020-21. This can be attributed to applicants deciding to move forward with their 'on hold' applications (from 2020-21), as well as reduced staffing capacity and operational challenges due to staff turnover.

Table 1

	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Applications Received	746	760	733	641	757	873
Applications Processed	644	823	748	656	534	761
*Active Applications (as of March 31)	633	585	488	445	649	713
**Backlog +/- (as of March 31)	102	-63	-15	-15	223	112
Average Processing Time (weeks)	24	29	26	27	26	35

* Due to a number of factors, some files carry over fiscal years. The Active Applications category represents the number of total open applications at any given point in time, regardless of when they were submitted. It is accumulative and is not dependent on any given fiscal year.

** The Backlog category measures whether the total number of open applications (i.e., Active Applications) is growing or shrinking. If more applications are processed than received in a given fiscal year, the backlog is decreased. Conversely, if more applications are received than are processed in a fiscal year, the backlog grows.

Recruitment and Succession Planning

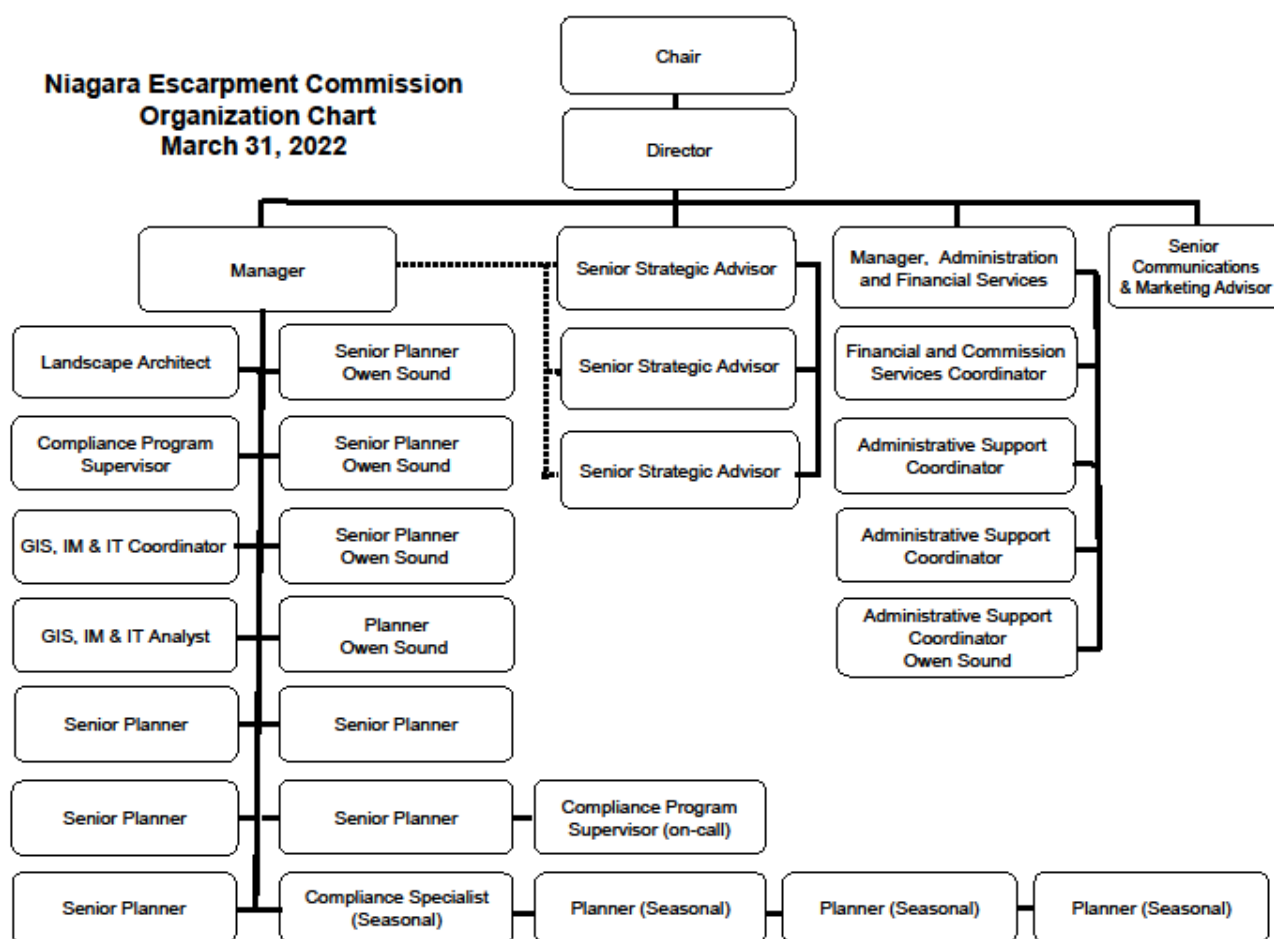
Implementation of the NEC's Operational Strategy in 2017 included several strategic actions to build internal capacity and support succession planning. These actions included hiring to the FTE¹ limit of 24 staff, creating 4 seasonal positions, rewriting all job descriptions, and executing the Integrated Team program delivery model.

Succession planning is important to ensure the NEC continues to be a healthy and vibrant organization that has the human resources to effectively implement the Niagara Escarpment program. The NEC has experienced recent staff turnover due to individuals

¹ FTE limit refers to the number of full-time permanent staff within the organization

moving to positions outside of the Ontario Public Service, retirements of long serving staff, as well as through parental leaves, and individuals being placed into more senior positions. The number of concurrent changes has resulted in an increased number of temporarily vacant positions, temporary assignments, and recruitment.

From a succession planning perspective, the NEC has significantly benefitted from having a “feeder group” of seasonal planners that have the experience and capacity to move into more senior positions. This approach minimized disruption to service delivery through a significant period of transition which continued in 2021-22. The NEC’s staffing strategy has continued to result in an organization that is nimble and can more readily align its resources to emerging challenges. However, the number of individuals placed in positions on an acting or fixed term basis is creating disruption and an organization in transition.



Staff Training

Land use planning is an ever-changing, highly complex discipline. Since 2017-18, the NEC has initiated a Learning Strategy to support staff, keep pace with changes in this field and provide the skills and knowledge that staff require to do their jobs effectively, while ensuring that learning opportunities are provided strategically and equitably across the NEC.

Previous fiscal constraints followed by the COVID-19 pandemic significantly decreased the staff training options available. However, staff were able to attend online training sessions.

NEC staff participated in the following online learning events during fiscal 2021-22 (in brackets is the organization that presented the training sessions):

- Indigenous Cultural Competency Training (OPS/San'yas Indigenous Cultural Safety Training Program)
- Climate Change Adaptation Training for Planners
- Halton Hills Development Manual Consultation: Recreation and Parks / Landscaping Workshop (Town of Halton Hills)
- Labour Relations Training (Ontario Public Service)
- Halton Region Official Plan Workshop on Significant Woodlands Technical Review (Halton Region)
- Climate Change Workshop (Ministry of the Environment, Conservation and Parks)
- Presentation on On-farm Diversified Uses (University of Guelph)
- Proposed Changes to the Environmental Assessment Process Workshop (Ministry of the Environment, Conservation and Parks)
- Provincial Climate Change Impact Assessment Webinar (Ministry of the Environment, Conservation and Parks)

Alternate Work Arrangements (Remote Work)

In 2018-19, the NEC launched a pilot program regarding alternative work arrangements. The program allows staff to work remotely based on agreed-upon terms. In 2019-20, the NEC made a strategic decision to replace desktop computers with laptops and VPN capacity to facilitate working from home and further reduce the need for desktop computers. This was extremely advantageous as staff continued to work remotely throughout 2021-22 due to the COVID-19 pandemic. Having alternative work arrangements in place meant that the NEC could make the transition to a hybrid workplace in a seamless and highly effective manner and continue to make improvements on alternate work arrangements in the future.

Information Technology Enhancements

In 2021-22, significant progress was made towards replacing the NEC's outdated database. The database is critical in the NEC's operation and processing of Development Permit applications. The existing system was developed in the early 2000s and has reached the end of its life cycle. The current database lacks relational and search capabilities of modern applications, is prone to human error, and cannot produce robust statistics to accurately measure performance and support continuous improvement. Furthermore, it does not have the capacity for electronic submission and management of applications.

The following activities occurred in 2021-22 to address the NEC's needs and align program implementation with the MNRF's Digital Strategy.

a) Replacing the existing permit application database

In 2021-22, the NEC received funding to improve the existing permit application database. In line with the Ontario Digital Service Standard, a "discovery" phase, to explore business and information management needs, was initiated and supported through the Ontario Onwards Action Fund. An external consultant was engaged to conduct this work and set the stage for the alpha and beta service design and development phases which will occur over the next two years. This is a notable step towards bringing the NEC in line with the government's digital service standards.

b) Enhancements to the existing permit application database

The existing development permit database is a critical application that is utilized by NEC staff daily. Until a new system is developed, the NEC continues to undertake a process to clean up the data, to maintain and to enhance the existing permit application database, thus ensuring it is operating as efficiently as possible. Overall, this process has led to a better representation of current active applications within the database and has supported the setting of priorities and the triaging of development permits. It has also enabled better oversight and quality control of the development permit process, thereby improving service delivery.

In 2021-22, the NEC also undertook the following information management and information technology initiatives:

a) Continued remote work for all NEC staff

- Hardware essentials, such as computers and VPNs, were provided to all staff to enable remote work. New equipment needs were identified, including phones, headsets, and webcams, and were ordered and delivered directly to

staff's residence. Hardware set-up support was provided remotely and upon request by NEC's GIS, IM and IT specialists.

- Office 365 continued to allow NEC staff to facilitate remote work during the COVID-19 pandemic including quick access to emails, calendar, and contacts from any location and on any device. Microsoft OneDrive and SharePoint provided secure cloud storage for files, giving staff the convenience of accessing files, sharing documents and collaborating with colleagues.
- Digital communication allowed efficient teamwork to take place while working remotely. Microsoft Teams continues to play a major role in maintaining close communication and collaboration among staff through group chats, audio and video calls and file sharing. The GIS, IM and IT specialists could remotely assist staff solving technical difficulties with ease. Reports, maps and other documents were shared and updated through Teams Group.
- In 2021-22, the NEC continued to improve the remote work experience. An internal ArcGIS Online Map Viewer was enhanced and remains a more efficient alternative to ArcMap Desktop when NEC staff are working remotely. It gave staff access to mapping information without the need of a VPN. ArcGIS Online Map Viewer also assisted NEC staff when dealing with telephone or email inquiries by being able to quickly pull up mapping information. The efficiencies gained freed up NEC staff time to focus on other areas of our core business.

b) Continued implementation of virtual Commission meetings

- Due to restrictions related to COVID-19, the NEC was unable to convene regular in-person commission meetings in 2021-22. However, the NEC has implemented a successful process to host virtual Commission meetings via WebEx, a video conferencing platform, where Commissioners were able to consider Development Permit Applications and discuss policy items online. Members of the public also had the ability to listen and/or watch meeting proceedings and participate, where appropriate.
- Practical and technical challenges were carefully assessed, mitigated and resolved by NEC's GIS, IM and IT unit prior to meetings. For instance, meeting participants were contacted by NEC's GIS, IM and IT staff member via email to arrange a connectivity test prior to the meeting to ensure full participation.

2. Promote the NEC

With the updated NEP becoming effective June 1, 2017, a key focus of the NEC's Operational Strategy has been to educate the agency's clients, stakeholders and regulatory partners to ensure the efficient implementation of the NEP. The NEC's team-based approach is aimed at improving communication of NEC programs and services. The designated teams are the "one-stop shop" for assigned regions within the NEP area

and are responsible for fielding inquiries and representing the NEC on local committees, working groups, and other outreach opportunities.

In 2021-2022, the COVID-19 pandemic challenged the NEC to explore a more digital approach to outreach. The following table lists the most significant educational/outreach sessions NEC staff held in 2021-2022.

TEAM	EVENT	PURPOSE
North	Milton Quarry Community Advisory Panel	Staff participated in discussion of the Milton Quarry Extension Application.
South	Town of Lincoln	Meeting to discuss policies and exemptions in relation to event tents.
General	Indigenous Policy Branch	Discussion on how to enhance consultation with First Nations.
South	City of Hamilton	Discussion with City of Hamilton staff to discuss Pleasant View Lands and the addition of area to Development Control.
North	Halton Natural Heritage Advisory Committee	Discussion on Regional Growth Concepts Evaluation.
North	Town of Mono	Presentation on Development Permit Application Process
South	Halton Region	Presentation on NEP Policy related to agricultural use.
South	University of Guelph	Presentation on NEP policy and discussion about agricultural research.
South	Halton Region/City of Burlington	Presentation on NEP infrastructure policies.
General	Landscape of Nations/Niagara	NEBR outreach event to

TEAM	EVENT	PURPOSE
	Escarpment Biosphere Reserve (NEBR) event	introduce the “Building Relations through Ethical Space” project.
North	Chestnut Park Realtor’s Association	Presentation on the Development Permit Application process.
Central	Town of Caledon	Meeting to discuss coordination of NEC and municipal commenting on DP circulation.
North	Owen Sound Rotary Club	Presentation on Niagara Escarpment Biosphere Reserve and NEP policies related to climate change.
North	Township of Georgian Bluffs	Discussion of NEP policies and opportunities for collaboration
General	Ontario Farmland Trust: Farmland 2021	Panel discussions on building successful province-wide agricultural systems.

Enhancing NEC’s Digital Products

While the pandemic challenged the NEC to re-think how we communicate to our clients, 2021-22 was a pivotal year for significantly enhancing our digital products:

NEC Website

Starting in 2019, the NEC, with the support of MNRF’s Communication Services Branch and the Land and Resource Cluster, embarked on several initiatives to improve the NEC website, including aligning it with Ontario.ca and launching an interactive mapping application. Significant improvements were made to the website’s navigation, usability, content, accessibility, and visual appeal. NEC also worked with MNRF staff to integrate software components available through the Ministry such as GIS mapping, making accurate Niagara Escarpment Plan information more readily available to the public and stakeholders. The refreshed website and interactive mapping application successfully launched during the second quarter of 2021-22. As part of the IT Modernization project, the next phase of the website will be to offer a front-facing self service portal for clients to submit and check the status of their applications for Development Permits and Niagara Escarpment Plan Amendments.

Interactive Mapping Application

In 2019-2020, the NEC, with support from MNRF's Land and Resource Cluster (LRC) received approval to begin working on an interactive mapping application designed to help clients, stakeholders and partners determine if their property was located within the Niagara Escarpment Plan Area and/or Area of Development Control. The purpose of this application was to provide a more modernized online mapping application that delivered more precise Niagara Escarpment information to the public and stakeholders. This project also supported NEC's continued efforts at streamlining processes to realize resource efficiencies. Development of the application was completed in early 2021 and the product was launched in a live environment where it underwent comprehensive testing for functionality and user experience. Both usability and accessibility were improved based on client feedback.

The interactive mapping application was successfully launched in tandem with the new website during the second quarter of 2021-22. The outcome of the successful launch of this application is a user-centric web mapping application which provides advanced mapping functionality for both external and internal users.

Accessibility

As a government agency, the NEC needed to be compliant with OPS accessibility standards by 2021. The NEC has undertaken several measures to ensure compliance of its digital products with the Accessibility for Ontarians with Disabilities Act (AODA):

- Both code and content for the new website was designed in compliance with the WCAG 2.0 Level AA standard.
- As part of its remediation plan, NEC used the vendor-of-record directory to contract an external Accessibility vendor for converting all existing PDFs housed on the website into an accessible format.
- Ongoing staff training to ensure all Commission reports are produced in an accessible format.
- Ongoing remediation support and consultation with both MNRF's Communication Services Branch and I&IT's Accessibility Centre of Excellence.

Communicate, Collaborate, Consult

Toward the end of 2021, the NEC began shifting its approach in the previous Operational Strategy (formerly titled 'Promote the NEC') to be more encompassing and strategic. Over the next two years, the framework of 'Communicate, Collaborate, Consult' plan will lay the groundwork to build a stronger marketing and communications program at the NEC. It will deliver an action plan that maintains a clear, relevant two-way channel of communication that will inform how we communicate, collaborate, and consult with our clients, our various stakeholder groups, members of the public, and Indigenous communities along the Niagara Escarpment.

The communications goals include:

- Helping clients and stakeholders understand the Development Permit process.
- Fostering collaboration and engagement with municipalities, agencies, ministries, and other stakeholder groups by providing clarification, information and input on Niagara Escarpment Plan policies.
- Raising the profile of the Niagara Escarpment, Niagara Escarpment Commission, and the Niagara Escarpment Biosphere Reserve.
- Informing the public on Commission activities.
- Developing and cultivating strong relationships, facilitating engagement, and implementing duty to consult obligations with Indigenous communities.

This framework will use a wide range of tools and channels to communicate key messages and engage with audience groups. Planned activities include marketing and promotion of the new website and interactive mapping application, extensive user research to determine client needs as part of the IT modernization project, a complete refresh of publications, as well as strategic stakeholder outreach and community engagement initiatives.

3. Streamline and Modernize Regulations and Legislation

The NEP is implemented through a Development Control permit system. This process ensures that development is compatible with the Escarpment's landscape, including its natural, physical and cultural environment.

With support from the MNRF, the NEC undertook a two-phased project that began in 2017-18 with the Office of the Surveyor General to develop electronic mapping of its Development Control boundary, which provides a more accurate set of Regulation maps.

The two phases of the project are described below.

Phase 1 - Modernization of Regulation 826

- Working with the MNRF and the Office of the Surveyor General, this phase began in 2017 to create a new series of Regulation maps that will precisely define the Development Control boundary.
- The Minister's regulation to amend Ontario Regulation 826 was approved in 2020-21. The digital maps came into force on July 1, 2021.
- In September 2021, MNRF, in partnership with the NEC, updated Ontario Regulation 826 to include the Pleasant View survey lands in the City of Hamilton in the Development Control area.

Phase 2 - Rationalizing the Development Control Boundary

- In Phase 2 of the project, the NEC, in partnership with MNRF, proposes to begin a process to consider reducing the Development Control area in certain Minor Urban Centres, Urban Areas and Escarpment Recreation Areas.
- The NEC would develop a set of criteria under which Development Control might be lifted in those specific designations. This second phase of the initiative would include consultation with municipalities, conservation authorities, stakeholders and landowners.
- Municipal zoning would have to be put into place to replace the Development Control system, but the policies of the NEP would continue to apply.
- By modifying the Development Control boundary, and potentially removing it in certain settlement areas, this would streamline approvals for NEC customers without diminishing environmental protection.

Modernized Legislation

The NEPDA is 46 years old and largely exists today as it was written in its original form. Through decades of experience in implementing the Niagara Escarpment program, the NEC identified several parts of the Act and Regulations that, if amended, would incrementally help to further streamline NEC processes and improve customer service.

The NEC and MNRF continue to review suggestions for legislative changes in consideration of alignment with e-government initiatives, modifications to other planning related legislation and contemporary best practices.

The list of proposed amendments includes a broad range of ideas including basic housekeeping changes that would clean up outdated and/or redundant processes, enhancing compliance tools to make the NEC's compliance program more effective, increasing the number of exemptions permitted for environmentally benign forms of development, and charging application fees to bring the NEC in line with its regulatory partners while serving to mitigate the agency's structural budget deficit.

Activity Reports

Niagara Escarpment Plan Implementation

In 2017, the provincial government's Co-ordinated Land Use Planning Review process came to conclusion with the release of four revised provincial land use plans: The Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, the Growth Plan for the Greater Golden Horseshoe, and the NEP.

In 2021-22, the NEC continued to implement the updated NEP through its review of development permits, NEP amendments, and by commenting on a range of other applications (e.g. municipal planning applications under the Planning Act, environmental assessment, telecommunication proposals, parks and protected areas proposals, applications under the Aggregate Resources Act).

In 2017, a policy was added to the NEP that enables the development of guidance material directed in consultation with MNRF. Policy guidelines are intended to support the evaluation of development permit applications against a common set of considerations. They are intended to clarify, inform, and aid in the interpretation of NEP policies. Technical criteria may also be developed and are more prescriptive in nature and can include instructional information and minimum information requirements necessary to properly evaluate development permit or amendment applications.

Work on technical criteria and policy guidelines commenced in 2018 and has continued through to 2021-22. Guidance material under development includes:

- Policy guidelines:
 - On-farm diversified uses
 - Dwelling units
 - Special events
- Technical criteria:
 - Pre-consultation and complete applications
 - Visual impact assessments
 - Vegetation protection plans and landscape construction drawings

Visual impact assessment criteria were approved in 2020. In 2021, NEC staff are now using the criteria to provide guidance to applicants for situations where scenic resources are identified as a concern. The NEC's Landscape Architect has worked closely with clients to successfully apply the Technical Criteria in several situations in a manner that supports 2017 NEP policies dealing with Scenic Resources and Landform Conservation.

In March 2022, Technical Criteria for Pre-Consultation and Complete Applications were approved by the Commission and are intended to help Development Permit and Amendment applicants understand the planning approval process. The criteria also provided guidance to applicants on the types of information and level of detail that is required to enable NEC staff to carry out an efficient review.

Development Permit Activity

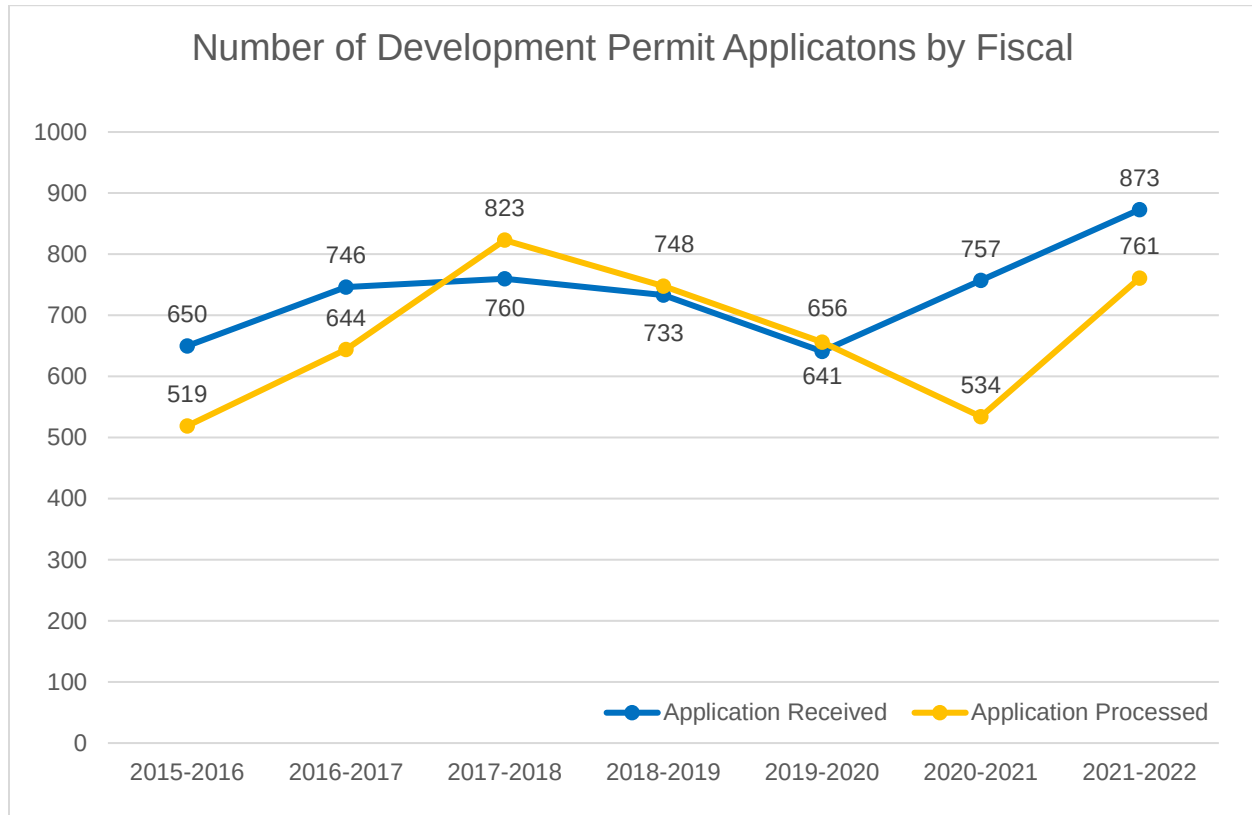
The NEPDA requires that a development permit be obtained from the NEC prior to undertaking development within the area of Development Control unless the proposed development is exempt under Ontario Regulation 828/90. A permit is issued with terms and conditions to ensure development is implemented in a manner that minimizes impact to the Escarpment environment.

The continuation of the COVID-19 pandemic necessitated the NEC to adapt some operational procedures to address challenges experienced by the public. These changes are summarized below.

- Applicants have a prescribed amount of time (normally one year) to fulfill the conditions of approval prior to issuance of a development permit. This time period was extended to 1.5 years (18 months) for new Development Permit approvals in recognition of delays and complications in satisfying conditions.
- For applications that were already approved prior to onset of COVID-19, the NEC extended the timeline for conditional approval to the end of 2021.

As indicated earlier in this report, and shown below in Figure 2, the number of development permits received by the NEC rose sharply to a then-record level in 2017-18, with a slight reduction in both 2018-19 and in 2019-20. There was a significant increase in the number of new applications received in 2020-21 (an 18% increase over the previous year). The current year (2021-22) saw the greatest number of applications ever received by the NEC; a more than 13% increase from the previous year. Meanwhile, the NEC processed 761 applications in 2021-22 which is a 42% increase over the previous fiscal year and a 16% increase over 2019-2020.

Figure 2



Figures 3 and 4 below show the distribution of development permit applications (DPAs) processed in 2020-2021 and 2021-22 across upper-tier municipalities. While total number of applications received increased, the relative distribution across municipalities remained relatively consistent with the previous year.

Figure 3

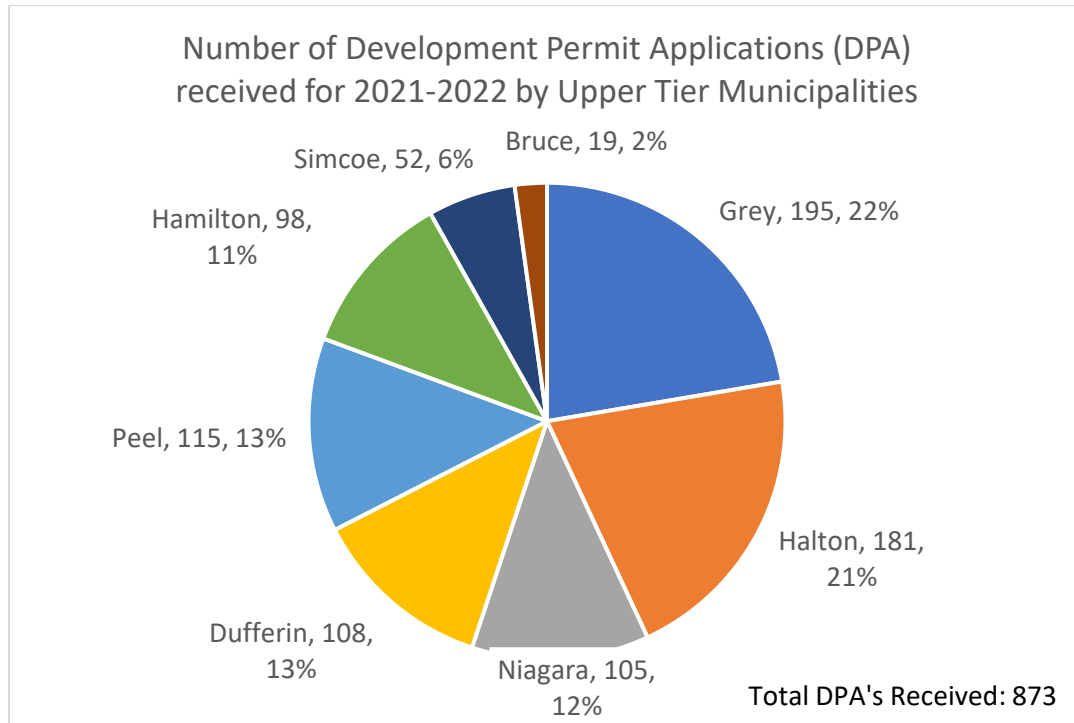


Figure 4

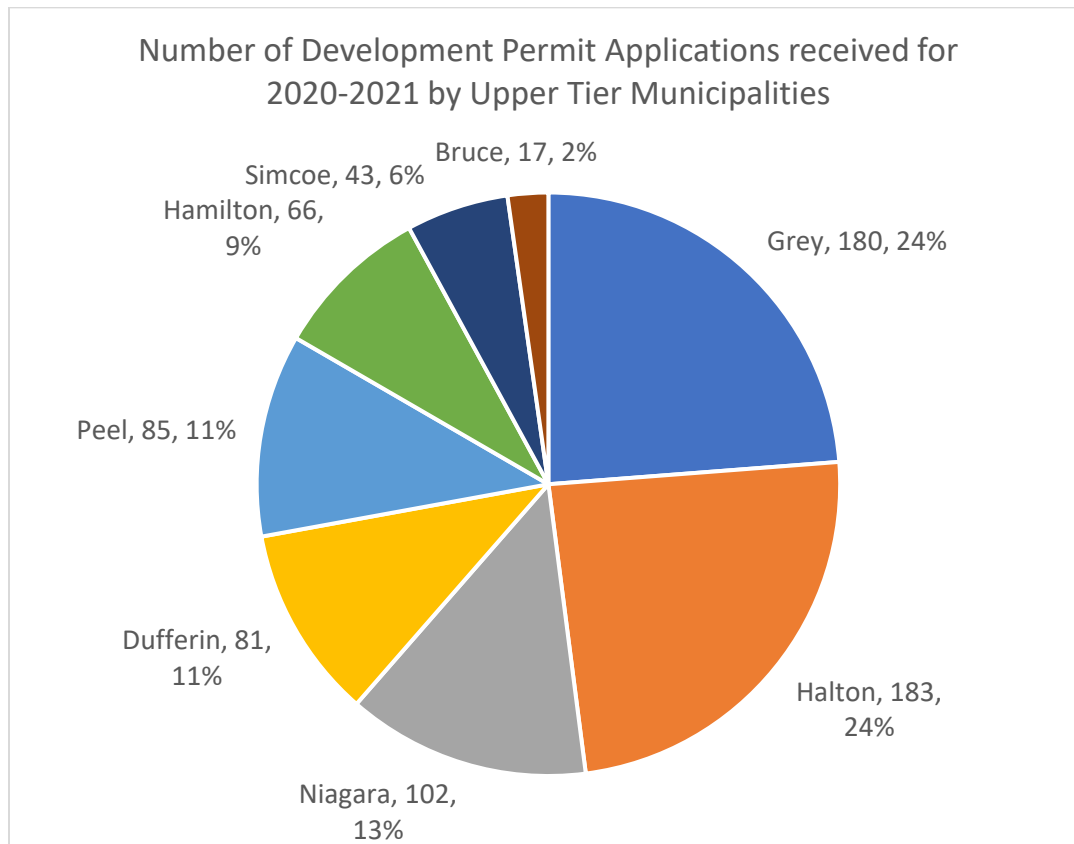
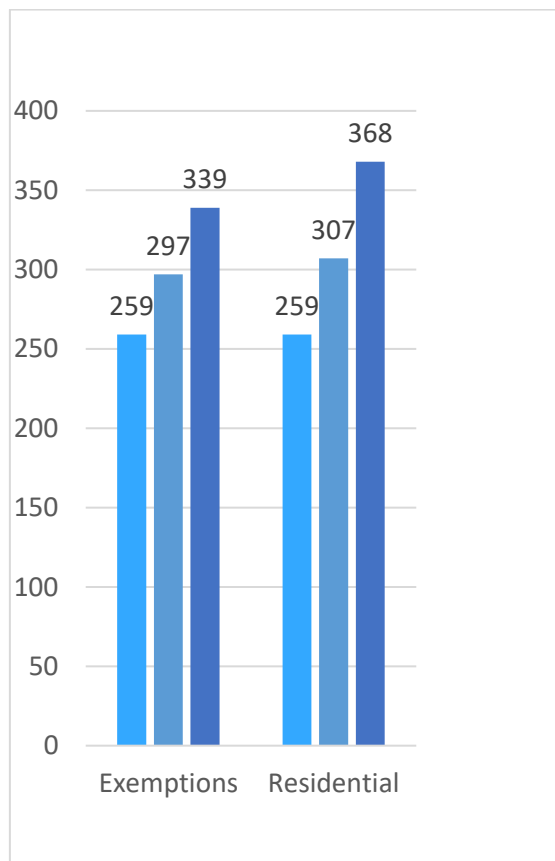
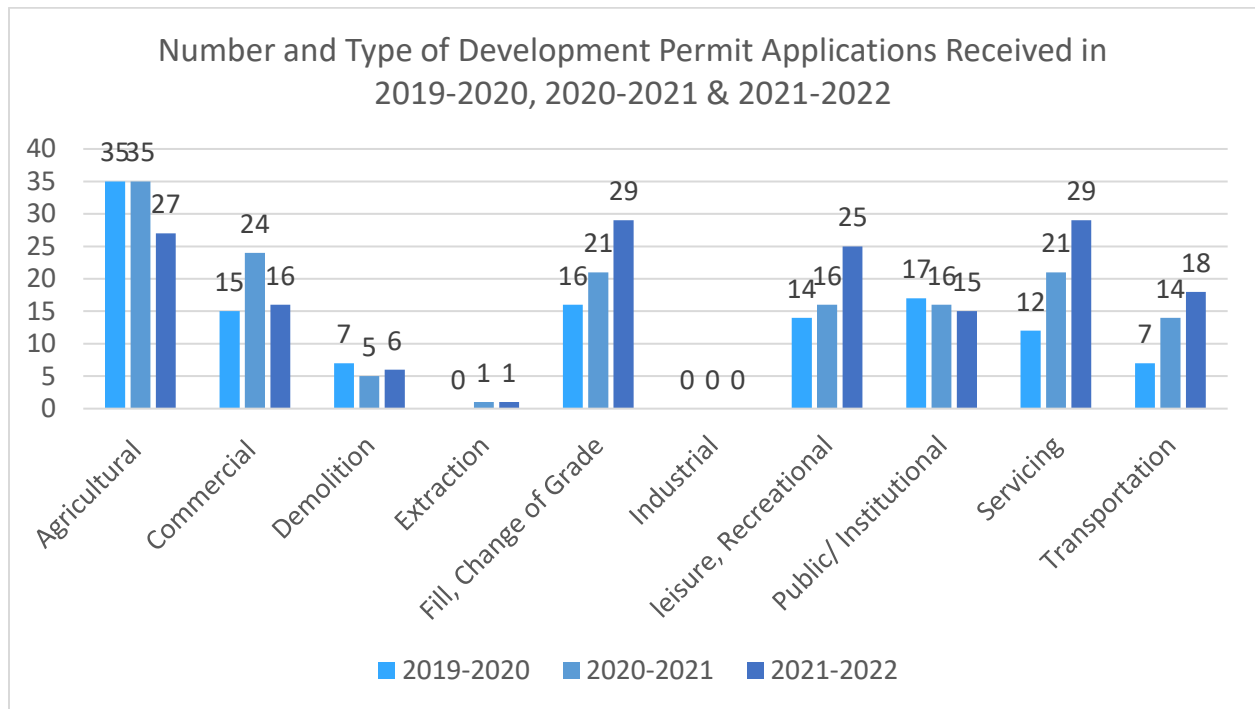


Figure 5 below illustrates the types of applications received and compares the previous two fiscal years. It is important to note that development permit applications received in one fiscal year can be processed in subsequent years. Therefore, there may be a discrepancy between the number of applications received and processed in a given year. The following are some key points:

- By far, the highest number of applications continue to relate to residential development. While many applications relate to renovations and accessory structures associated with existing residential development, an increasing number involve demolition of an existing, smaller house to be replaced by considerably larger residences with large accessory buildings (with many residences ranging from 8,000 to more than 20,000 square feet).
- The number of agricultural-related applications decreased slightly over prior years. Many of these involve construction of accessory structures. Some relate to the establishment of “on-farm diversified uses” and “agriculture-related uses”, which reflects new policies introduced in the 2017 NEP.

Figure 5



Under the NEPDA, the Minister of Northern Development, Mines, Natural Resources and Forestry has the power to delegate to the Commission the authority to make decisions on development permits. Under the current Delegation of Authority, the power to approve certain types of development permit applications is, in turn, delegated to the NEC Director.

As illustrated in Figures 6 and 7, approximately 95 per cent of all NEC approvals are approved at the NEC Director level. For an application to be approved by the Director, it must meet the following criteria:

- The application and supporting information must be complete
- There are no objections to the application from any consulted agencies
- NEC planning staff have completed a Staff Report recommending approval
- The Staff Report is accompanied by Conditions of Approval and the proposed development complies with the NEP and does not require a policy interpretation under the plan
- In the case of development that has taken place without a development permit:
 - It is the first time the applicant has undertaken development on the property without approval; and
 - The matter is not subject to a prosecution.

Figure 6

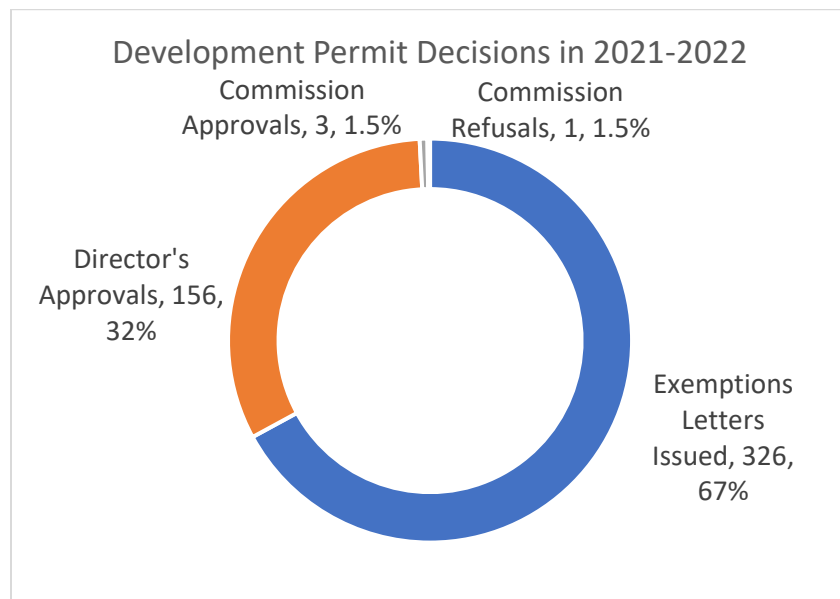


Figure 7

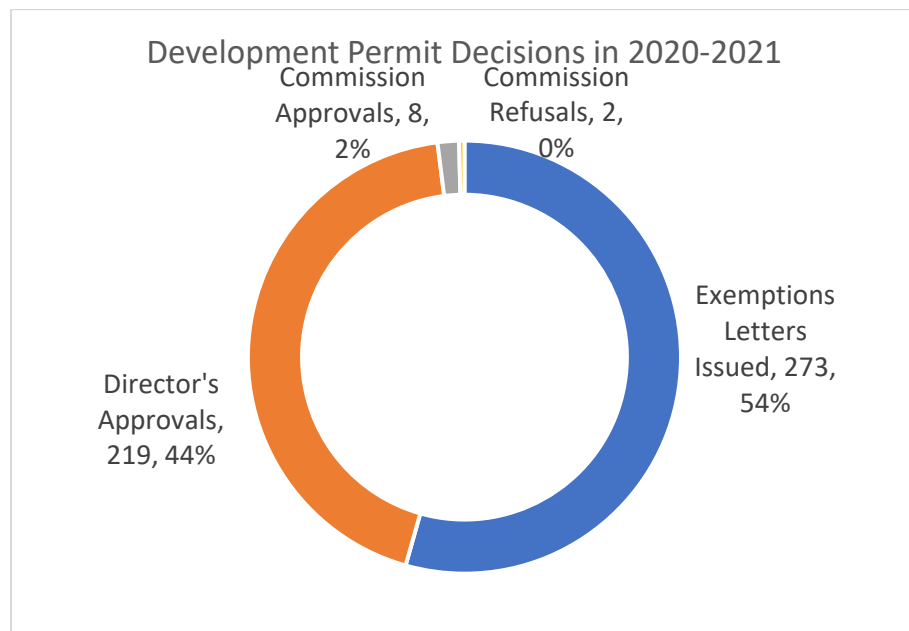
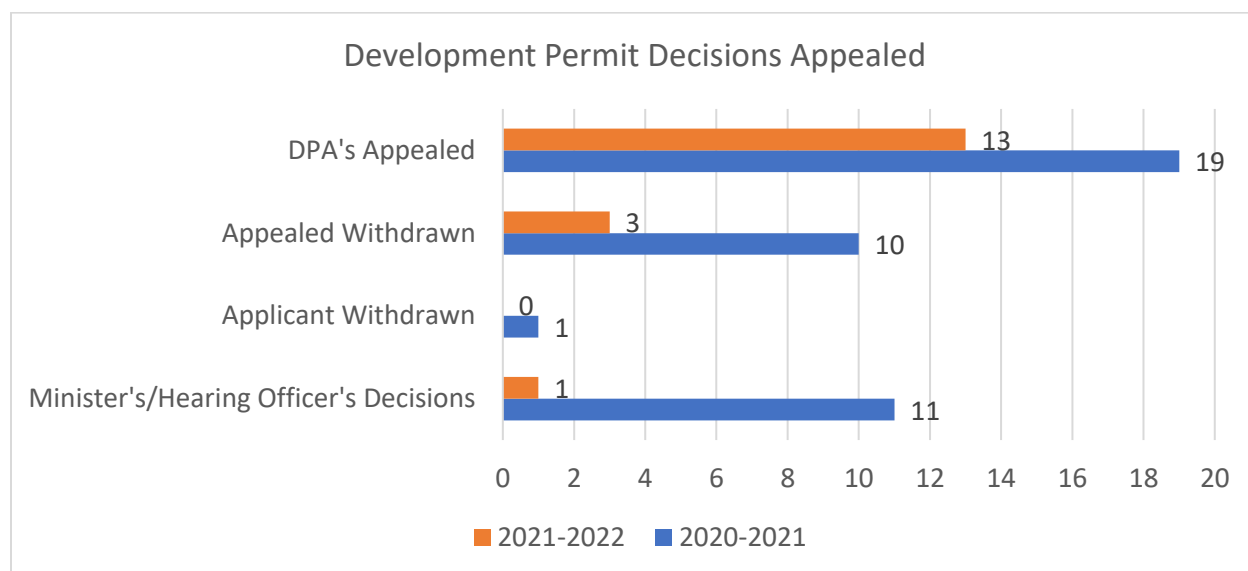


Figure 8 below illustrates the number of appeals of development permit decisions during the last two fiscal years.

Figure 8



Niagara Escarpment Plan Amendments

A decision on six urban amendment applications that had been submitted during the 2015 Co-ordinated Land Use Planning Review is still pending. There are currently 8 other active Plan Amendments in progress with one application being withdrawn in 2021-22. The following is the status of active amendment applications in 2021-22:

Plan Amendment PP 213 18 (Blueland Farms)

The purpose of this proposed Amendment is to change the designation of this property in the Town of Caledon from Escarpment Rural Area to Mineral Resource Extraction Area to permit a new 26-hectare mineral aggregate operation. The application was initiated by the Commission in 2018. The application is still under review.

Plan Amendment PS 215 18 (Sideroad 26/27)

The purpose of this application by the Township of Clearview is to add site-specific policies to the Niagara Escarpment Plan to permit the re-development and upgrading of Sideroad 26/27 to make it a year-round paved road. This amendment relates to a Development Permit application for the proposed road works already referred to the Niagara Escarpment Hearing Office. A staff recommendation report was presented to the Commission in October 2020. The amendment has been referred to the Environmental Review Tribunal (now Ontario Land Tribunal) due to objections to the proposed development. A hearing on both the Amendment and Development Permit, commenced in November 2021. The Hearing has been adjourned pending resolution of an Environmental Assessment matter being considered.

Plan Amendment PW 218 20 (Columbia Northcliffe Campus Inc.)

The purpose of this application by Columbia College is to permit the use of the former convent on a property located in the Pleasant View Survey in the City of Hamilton as a day use private school. An upgraded septic system and gymnasium addition are also proposed on the subject lands. The initial staff report was presented to the Commission in May 2020. In 2021-22, the NEC sought additional public feedback on the proposed Plan amendment. Decisions on the Plan amendment and Development Permit have not been made.

Plan Amendment PH 219 20 (Nelson Aggregates)

The purpose of this application by Nelson Aggregates Co. is to redesignate approximately 78-hectares (194 acres) of Escarpment Rural Area to Mineral Resource Aggregate Area and to add a special policy under Part 1.9.3 of the NEP (2017) that would permit the continuation of the use of an office building, maintenance building, facilities for washing, processing and stockpiling of aggregate, truck washing facility, asphalt plant, recycling facilities, and entrance on the original Nelson Quarry lands. An initial Staff report was

presented to the Commission on August 20, 2020. NEC Staff have been engaged in a Joint Agency Review Team to review technical submissions. Review of the first submission was completed in March 2021. Public consultation through the Environmental Registry concluded April 26, 2021. The applicant and their consultants are addressing draft comments with a response anticipated in 2022.

Plan Amendment PH 220 21 (Baghai)

An application was made by Baghai Development Ltd. to amend the NEP by adding a special site-specific policy provision to the subject lands in the Town of Caledon, Region of Peel. The site-specific policy proposed to address exceptions to permit the creation of three separate parcels, one of which contains a designated heritage dwelling, and by doing so facilitate the acquisition of approximately 22 hectares of lands by a public body, for conservation purposes and securement of the permanent route of the Bruce Trail. The NEC initiated the proposed Amendment on March 18, 2021 and it was circulated for comments and posted to the Environmental Registry, the NEC website, local newspaper, and circulated to ministries, agencies, and landowners within 120 metres with an invitation to comment (60-day comment period). After reviewing comments provided by partner agencies and the public, the Applicant withdrew the amendment application on November 11, 2021 and the file was closed.

Plan Amendment PH 221 21 (4000 Campbellville Road)

The purpose of the amendment is to change the designation of lands in the Town of Milton from Mineral Resource Extraction Area to Escarpment Natural Area and Escarpment Protection Area in recognition of the surrender of the licence under the *Aggregate Resources Act*. The application for the proposed amendment to the NEP was made by the landowner in the Region of Halton, was brought to the Commission in July 2021 for their direction to process the proposed amendment. On approval the application was published in the local newspaper, posted on the Environmental Registry for comment in September 2021, and supported by the NEC Public Interest Advisory Committee in March 2022. A final summary report to the Commission is anticipated in 2022.

Plan Amendment PH 222 21 (3475 Campbellville Road)

The purpose of the amendment is to change the designation of lands in the Town of Milton from Mineral Resource Extraction Area to Escarpment Protection Area in recognition of the surrender of the licence under the *Aggregate Resources Act*. The proposed Amendment, initiated by the NEC on these lands in the Region of Halton, was brought to the Commission in July 2021 for their direction to process the proposed amendment. On approval the application was published in the local newspaper and posted on the Environmental Registry for comment in September 2021 and supported by the NEC Public Interest Advisory Committee in March 2022. A final summary report to the Commission is anticipated in 2022.

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Plan Amendment PP 223 21 (Pinchin Pit)

The Credit Valley Conservation Authority (CVC) applied for an amendment in August 2021, to re-designate approximately 49 hectares of the former Pinchin Pit lands from Mineral Resource Extraction Area (MREA) to a combination of Escarpment Rural Area and Escarpment Natural Area, and to include the portion of the lands owned by CVC in the Niagara Escarpment Parks and Open Space System (NEPOSS). Pinchin Pit is located in the Town of Caledon, Region of Peel. The NEC initiated circulation and notification of the proposal in November 2021. A final summary report will be brought to the Commission in 2022.

Plan Amendment PH 224 21 (Dufferin Milton Quarry East Extension)

Dufferin Aggregates (a division of CRH Canada Group Inc), applied for an amendment to redesignate approximately 31 hectares (75 acres) in the Town of Halton Hills, Region of Halton from Escarpment Rural Area to Mineral Resource Extraction Area, and to apply a special policy that would permit the continued use of an office and maintenance buildings, facilities for washing, processing and stockpiling of aggregate, truck washing facility, recycling facilities and the entrance, for the purpose of supporting the extraction of aggregate on the lands. The application will be initiated and circulated for comment early in 2022-23.

Niagara Escarpment Parks and Open Space System

The Niagara Escarpment Parks and Open Spaces System (NEPOSS), consisting of more than 160 parks and open spaces, with the Bruce Trail as the common linkage connecting NEPOSS lands. The NEPOSS seeks to achieve the NEP Part 3 objectives of providing opportunities for outdoor recreation, and appropriate public access to the Niagara Escarpment. Part 3 of the NEP contains policies that guide activities and development within the NEPOSS.

The MNRF coordinates the development and administration of the NEPOSS, including approval of master/management plans. The NEC works collaboratively with the MNRF to ensure that recreational activities and development within the NEPOSS are consistent with the objectives and policies of the NEP. Given recent regulatory changes to the *Conservation Authorities Act*, the NEC expects that management plan development and/or refinement will likely increase in the coming fiscal year for parks and open spaces owned by conservation authorities.

NEPOSS lands are owned by public agencies and conservation organizations that together comprise the NEPOSS Council. Council representatives work collaboratively to further NEPOSS objectives such as promoting land acquisition and public access. The Council, which is coordinated and administered by the MNRF in partnership with the NEC, meets at least two times a year to discuss matters related to parks and open spaces management issues.

NEPOSS Council members undertook significant effort to contribute to the objectives of NEPOSS in 2021-22, including a continued effort to encourage a co-ordinated and strategic approach to member agencies' land securement efforts.

Some of the highlights include:

- **Belfountain Conservation Area Management Plan** was approved in 2021. Phase I of the Belfountain Management Plan and implementation of the Class Environmental Assessment (EA) has commenced for the heritage dam and improvements of the surrounding area. The property will be reopened to the public in May 2022 and fundraising for Phase II is underway by the Credit Valley Conservation Authority.
- **The Bruce Trail Conservancy** is on track to acquire 12 properties totalling more than 320 hectares (800 acres) and nine kilometres of optimum route in 2022. While the trail is experiencing challenges related to the dramatic increase in use in recent years, the BTC is working towards an informal goal of developing a new parking lot in each of the nine sections of trail.

Increased visitation is an ongoing challenge for Council member agencies, requiring additional investment in infrastructure to address capacity issues and conflicts such as parking and traffic. The Council is providing a forum to engage in dialogue on how to address these challenges and share positive solutions. For example, many members have identified collaborations with local municipalities to align “plan ahead” messaging. Other strategies include setting visitor area capacities and managing trespass and other violations through education.

In 2021, the Ministry approved an update of the NEPOSS Planning Manual. The Manual is used by NEPOSS agencies to guide the management/master planning process. Additionally, the Terms of Reference for the NEPOSS Council was also updated in 2021-22. Updates included new initiatives for NEPOSS Council such as providing effective leadership for coordinated park management and stewardship and supporting the growth of NEPOSS. Each organization has one member except for Ontario Parks (Ministry of Environment, Conservation and Parks) and Bruce Trail Conservancy that have larger representation as their agencies manage parks across the entire Niagara Escarpment.

Compliance Program

The NEC Compliance Program is responsible for inspections, investigations, and enforcement activities within the NEC's Area of Development Control. The Compliance Program plays an important role in the successful implementation of the Niagara Escarpment program by ensuring compliance with the NEPDA and its regulations.

The Compliance Program is a shared responsibility between the NEC and the MNRF, and is guided by an Inspections, Investigation and Enforcement Protocol, which was last updated in January 2015. The Protocol lays out the various roles and responsibilities for staff and provides mechanisms for shared oversight of the program and resolution of issues. Through the protocol, the NRF's Conservation Officers assist with complex investigations, prosecutions and higher risk inspections.

The NEC has implemented a risk-based approach to compliance to make strategic, risk-informed decisions about priorities and responses. The NEC, in consultation with MNRF Enforcement Branch, uses this approach to determine the most appropriate response to compliance issues from a suite of options in the compliance continuum. Figure 9 below illustrates the range of approaches applied by the NEC.

Figure 9



To support a risk-based approach to compliance, the NEC maintains a system to document and track referrals of occurrences, follow-up inspections, investigations, and other enforcement activities and results. This information is reported annually and is used to: assess the efficiency and effectiveness of compliance operations; provide evidence in the evaluation of potential regulatory and policy changes; and, to adjust compliance operations as deemed appropriate.

The results for 2020-21 and 2021-22 are shown below.

GENERAL BREAKDOWN	2020-21	2021-22
Total # of occurrences received per fiscal	227	201
Total # of occurrences that led to site inspections	69	53
Total # of occurrences assessed as high environmental risk	62	46
Total # of occurrences assessed as medium environmental risk	99	72
Total # of occurrences assessed as low environmental risk	66	83

OCCURRENCES BY UPPER TIER MUNICIPALITY	2020-21	2021-22
Halton	67	47
Niagara	37	40
Peel (Caledon)	41	38
Grey County	28	29
Dufferin County	23	20
OCCURRENCES BY DEVELOPMENT TYPE	2020-21	2021-22
Tree Cutting	34	42
New Commercial Use	19	30
Site Alterations (<i>Fill Placement</i>)	38	25
New Accessory Structure	21	17
Site Alterations (<i>Excavation</i>)	18	13

The number of compliance occurrences received in 2021-22 remains approximately 12 percent higher than the average annual number of occurrences received since 2014-15, but slightly lower than the number of occurrences in 2020-21. Reported occurrences in Halton, Niagara, and Peel Regions represent 62 percent of occurrences received in 2021-22. Tree cutting was the most common compliance issue in 2021-22 and represents nearly a quarter of all occurrences. The total number of occurrences relating to new commercial uses in 2021-22 was 37 percent higher than the number of new commercial use occurrences from the previous year and was the second most common compliance issue in 2021-2022. The total number of occurrences relating to fill placement in 2021-22 was 35 percent lower than the number of fill placement occurrences from the previous year but it was the third most common compliance issue identified in 2021-22.

The NEC's Compliance Program shifted in response to operational challenges associated with the COVID-19 pandemic, which included the following:

- Enhanced coordination with compliance staff in municipalities, conservation authorities and other ministries/agencies to optimize responsiveness, coordinate inspections and facilitate action by the most appropriate means.
- Enhanced triaging of occurrences to:
 - focus inspections and compliance action on the highest risk situations
 - optimize use of other compliance tools (e.g., voluntary compliance, compliance notification letters)
 - utilize email and telephone to engage in lower risk situations.
- Increased focus on resolving compliance issues while working remotely as opposed to visiting sites. This ultimately reduced the number of hours spent travelling in a vehicle.
- Revised processes relating to requests for compliance updates, handling of new complaints and preparing property compliance reports, which streamlined processes and more effectively managed public interaction.

The NEPDA provides for administrative orders and offence provisions to address non-compliance. In support of the shared delivery of functions under the compliance protocol, and by applying an Informed Judgment Matrix (see Figure 10), the NEC identifies the need for MNRF support at any stage of preparing for or conducting an inspection or investigation. The request for support may include advice on how to proceed on a compliance-related matter, assistance of a Conservation Officer in an inspection, or for a Conservation Officer to take a lead role in the inspection or investigation. The NEC, in consultation with the MNRF, evaluates issues to determine the appropriate response from the suite of options in the compliance continuum. The options include encouraging voluntary compliance, using a development permit to gain compliance, an administrative order, a warning, and/or laying of a charge.

Administrative Orders

The NEPDA provides for two types of administrative orders including stop work and restoration/demolition orders. Stop work orders are issued when unauthorized development poses an immediate or likely risk to the environment or public safety. A restoration or demolition order requires that disturbed land or a structure has been returned to its original condition, or in the case of unauthorized structures, demolished or removed.

In 2021-22, the NEC issued one restoration order for unauthorized development in a quarry in the Town of Halton Hills, and one stop work order for development in the habitat of an endangered species in the City of Burlington. The NEC referred two compliance occurrences to MNRF Enforcement Branch for further investigation.

Figure 10

Informed Judgement Matrix (IJM)		Severity of Alleged Violations			
		1. Administrative	2. Minor Operational / Environmental	3. Medium Operational / Environmental	4. Major Operational / Environmental
Compliance History	A. No history/good compliance history	Compliance Category I (Low Risk) 2021-22 83 Occurrences			
	B. Previous Minor Violation(s)				
	C. Previous Repetitive Violations	Compliance Category II (Medium Risk) 2021-22 72 Occurrences			
	D. Obstruction or false information				
	E. Ongoing violation not resolved despite directions	Compliance Category III (High Risk) 2021-22 46 Occurrences			
	F. Previous convictions or orders				
Category I - Encourage landowner to attain voluntary compliance. Recommend education and outreach to help the landowner understand regulatory obligations. Warnings or Inspection Reports may also be considered.					
Category II - Refer to stronger mandatory application of tools such as orders, suspensions and possible charges.					
Category III - Refer to the strongest mandatory compliance tools such as the laying of charges or the Restoration Orders.					

Niagara Escarpment Biosphere

Developing a New Leadership Model for the NEB

The Niagara Escarpment was designated a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere in 1990. The Niagara Escarpment Biosphere (NEB) is one of 727 biosphere reserves across the world and one of 19 across Canada, which recognize interdisciplinary approaches to balancing conservation of cultural and biological diversity with economic and social development. The land-planning regime provided by the NEP is the foundation for this prestigious designation.

The Transitional Leadership Committee (TLC) formed in 2019 continues to act as the interim convenor of the NEB. The TLC is led by four community individuals who were self-selected with the input of the NEB network. This interim committee is tasked with finalizing a permanent governance structure for the NEB, developing a communications plan to better engage the overall network, and exploring options for a co-management/co-leadership model with Indigenous communities.

In 2021, the TLC and Plenty Canada signed a memorandum-of-understanding to work together on developing this new co-governance structure. Work has progressed well and in March 2022, the Niagara Escarpment Biosphere Network officially became incorporated under provincial regulations. The Network is now the official entity that is working on the mandate and designation of the Niagara Escarpment Biosphere region.

Through an agreement between the TLC and Plenty Canada, and with support from Environment and Climate Change Canada, work is underway to engage in a process consistent with recommendations from Pathway to Canada Target 1: by 2020, at least 17 percent of terrestrial area, and 10 percent of marine and coastal areas in Canada are conserved through networks of protected areas and other effective area-based measures.

Indigenous Engagement and Participation in the NEB

Indigenous communities have a long history and unique relationship with the Niagara Escarpment. Indigenous individuals and groups with Treaty lands and interests on the Niagara Escarpment are central to the NEB realizing the full understanding of the Escarpment's natural and cultural history.

The TLC of the NEB has at its core the objective to build meaningful and collaborative relationships with Indigenous communities. The TLC aims to achieve this by continuing to have conversations and listen to shared experiences and stories from the Communities. The NEB TLC has determined that consistent with the 2012 UNESCO

Periodic Review recommendation to embark in a meaningful engagement with Indigenous communities, that it would be appropriate to have Indigenous co-management of the NEB Transition. The TLC is currently exploring how best to achieve this, along with Indigenous peoples, and guided by Plenty Canada.

Performance Measures

Performance measurement provides benchmarks for evaluation of agency effectiveness, efficiency, quality of service and accountability of action. The NEC has established performance measures to help provide important information on the time it takes to process applications, how access is provided to a variety of stakeholders and to what extent agency decisions are in conformity with NEP policies.

By monitoring performance, the NEC can evaluate the effectiveness of policies and quality standards and/or practices in meeting its approved performance goals. All of the following measures were met in 2021-22. Program implementation has been further enhanced through the continuation of business process mapping and the continued implementation of the NEC's Operational Strategy.

Activity	Measure	Result
Preparation and Posting of Memorandum of Understanding (MOU), Business Plan and Annual Report	2020 Agency and Appointments Directive requires Memorandum of Understanding (MOU), Business Plans, and Annual Reports be prepared, approved and then posted on the NEC website by specified due dates.	• MOU between the Chair and the Minister of Northern Development, Mines, Natural Resources and Forestry was updated and signed by the Minister and Chair. It is posted on the NEC's website. • NEC prepared the 2022-2025 Business Plan and submitted it to the Minister on March 1, 2021. It was approved by the Minister in March 2021. • 2020-21 Annual Report was submitted to the Minister on June 28, 2021. It was approved by the Minister in July 2021. • All documents were completed within the stated timelines • The currently approved plans and MOU are posted here: http://www.escarpment.org/commission/AgencyDirectiveReporting/index.php
Commission Meetings	Minutes of Commission meetings are posted on the NEC website (www.escarpment.org).	• A total of seven regular Commission meetings were held in 2021-22, with two policy meetings, which all occurred virtually.

Activity	Measure	Result
	Commission meetings are open to the public. Applicants and other stakeholders are provided opportunities to address the Commission in writing or in person.	• All meetings are open to the public, except for in-camera agenda items. • Meeting minutes were posted following approval by the Commission.
Conflict of Interest (if any) by Commissioners or staff	Declaration to Chair or Director as required by OPS directives.	• OPS Directives met. • Two COI declarations were brought forward by a Commissioner. No declarations by NEC staff. • In each case, the individual did not participate in discussions or decisions. • Appropriate controls have been put in place to ensure integrity maintained in NEC program delivery.
Commission Decisions	Conformity with NEP policies and recommendations.	• Orientation provided for all new Commissioners regarding responsibilities to make decisions in accordance with the NEP. • All Commissioners trained on new NEP policies. • All staff reports effectively addressed NEP policies • Decisions made in conformity with the NEP policies.
Accessible Public Service	As per OPS Customer Service Standards, staff are available from 8:30 am to 5:00 pm at Commission offices (Georgetown and Owen Sound) Monday to Friday and other times by appointment. Annually, the NEC is required to attest compliance with the Accessibility for Ontarians with Disabilities Act (AODA).	• Offices remained closed to the public for the entire fiscal year due to COVID-19. Staff were accessible through email, phone and for virtual meetings and conducted some site visits. • NEC completed attestation and complied with requirements of AODA.
Telephone	As per OPS Customer Service Standards, calls are answered by	• NEC complied with service standard the majority of the time.

Activity	Measure	Result
	the third ring or sent to voicemail during business hours. Protocols in place to deal with inquiries. Calls returned within one business day.	Due to challenges associated with the COVID-19 pandemic, there were some delays in responding to telephone inquiries. All NEC staff now have cell phones to ensure customer service standards can be met.
Correspondence (Written, Email and Fax).	OPS Customer Service Standards for emails and online messages require responses to be acknowledged within two business days and answered within 15 days. Best practice protocols in place for assisting staff in responding. If a conclusive response is not possible, an interim response, along with an estimated date for a complete response, will be provided within 15 days.	• Achieved, with minor exceptions. NEC has protocols in place to respond to inquiries in timely manner. • NEC staff provide interim responses where conclusive responses were not possible.
Provide Relevant Information: Application Guidelines, Forms, Maps, and Publications.	Current guidelines, maps and application forms are provided to clients and the public in both electronic (on NEC website) and printed formats.	• NEC information available to the public via website and on request. • Due to office closures to the public, printed materials were not available.
Development Permit Applications	NEC decision time varies depending upon the complexity of the application, the time required to obtain a complete application and comments from agencies. The following measures reflect elements of the process within the NEC's control: • NEC follows process for Development Permits as set out in the NEPDA. • Agencies and municipalities are provided the opportunity to comment on applications. • Notices of Decision sent out within two business days of decision being made.	• Total of 873 development permits received in 2021/22. NEC processed 761 permits. • Geographically-based teams actively triaging applications to advance those ready to proceed to decision. • Additional staff and realignment of geographic areas among planning staff has provided a better balance of applications and enhanced time in which they are advanced. • Office closures due to COVID-19 resulted in delays in sending Notices of Decision. For safety reasons, staff restricted to specific times to copy/mail notices.

Activity	Measure	Result
	• Development Permits issued promptly after clearance of conditions of approval.	
Niagara Escarpment Plan Amendment Applications	NEC staff follow NEPDA requirements for processing Plan Amendments. Plan Amendments are posted on NEC website and on the Environmental Registry (ER) for public review.	• Five new Amendment applications received. • All processing requirements met.
Review of municipal Official Plans, consents, zoning by-laws, etc.	NEC reply within due date (usually 30 – 60 days depending on complexity).	• Review of municipal official plans, zoning by-laws and consents took place within the specified due dates. • Commented on more than 200 Planning Act instruments and other planning-related initiatives by due date.
Reports of potential compliance issues.	Response within 48 hours of notification (call back, site inspection, or occurrence report logged).	• Compliance Program significantly impacted by office closures and restrictions on staff conducting inspections. Reports were prepared for all occurrences, and high-risk situations followed up based on Informed Judgement Matrix.
Public Access to Information	The NEC meets established timelines as set out by the MNRF, Information, Privacy and Records Management Unit to meet Freedom of Information and Protection of Privacy Act (FIPPA) requirements.	• There were 15 FIPPA requests received and processed within the specified timelines.

Financial Summary

The following provides a summary of the 2021-2022 operating budget and expenses:

Account Categories	2021-2022 Budget Allocation	2021-2022 Actual Expenditures
Salary and Wages	2,042,600	2,020,875
Employee Benefits	325,200	319,422
Total	\$2,367,800	\$2,340,297
Transportation and Communication	43,000	22,699
Services	159,800	169,480
Supplies and Equipment	31,000	18,678
Total	\$233,800	\$210,857
Treasury Board Order		\$10,700
Grand Total	\$2,601,600	\$2,551,154

The NEC's maximum staffing complement is 24 Full-Time Equivalent (FTE) positions. As of March 31, 2022, the NEC had 24 FTE employees, 19 within its main Georgetown office and 5 in its northern satellite office in Owen Sound. In addition, the Georgetown office had three seasonal planning positions and three compliance positions, (one FTE, one seasonal, and one on-call). Seasonal positions are not considered FTE positions.

The NEC's non-salary or operating allocation is composed of several categories of funds. These categories include transportation and communication (e.g., telephones, cell phones, mail and staff and Commissioner travel expenses), services (e.g., commissioner per diems, leased office equipment, staff development and education, vehicles, commission meetings, outreach) and supplies and equipment (e.g., office and IT supplies).

As of March 31, 2022, the Commission had a full complement of 17 Commission members including the Chair. The total remuneration paid in 2021-22 was \$111,371, which is financed from NEC's operating budget. Commissioner travel expenses are posted on the NEC website quarterly. Due to COVID-19, the Commission continued to meet via WebEx from April 2021 to March 2022. During this time, there were no Chair/Commissioner travel expense claims.

The NEC started 2021-2022 with a \$2,601,600 operating budget that was based on the actuals from fiscal 2020-2021. The wages and benefits allocation remained at a level that allowed the Commission to staff to its full complement of 24 FTEs, four seasonal positions and an on-call compliance position. The NEC anticipates that it will continue to hire to its FTE maximum in the coming fiscal.

The NEC was able to spend within its operating budget for 2021-22 due to operational savings associated the COVID-19 pandemic and resulting restrictions. Staff began the fiscal year working remotely with access to the office limited for essential purposes only. Outreach and Commission meetings were held virtually. The reductions in spending from previous fiscal years combined with savings attributed to the COVID-19 pandemic led to a reduction in spending for 2021-22. This is an interim savings, and spending is expected to be normalized in the next fiscal year.

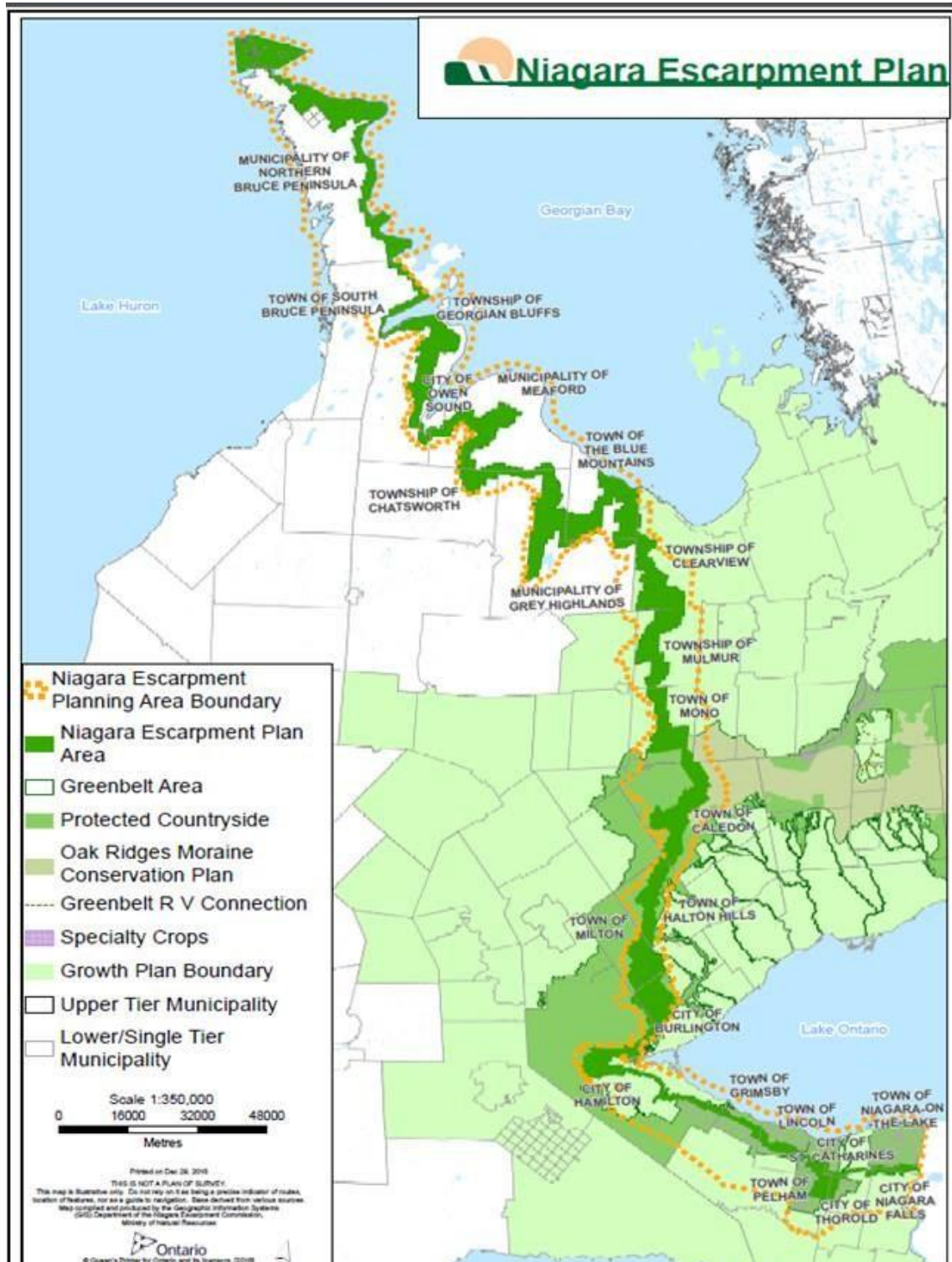
Appendices

Appendix 1: Niagara Escarpment Commission OIC Appointments

Niagara Escarpment Commission Members (As of March 31, 2022)

Commissioner	Municipal	Region/County/City	Term Expires
Laurie Golden	Municipal	Bruce County	December 31, 2022
Paul McQueen	Municipal	Grey County	December 31, 2022
Barry Burton	Municipal	Simcoe County	December 31, 2022
Janet Horner	Municipal	Dufferin County	December 31, 2022
Johanna Downey	Municipal	Peel Region	December 31, 2022
Gord Krantz	Municipal	Halton Region	December 31, 2022
Brad Clark	Municipal	City of Hamilton	December 31, 2022
Albert Witteveen	Municipal	Niagara Region	December 31, 2022
	Public at large		
Rob Nicholson (Chair)	Public at Large	N/A	March 11, 2023
Michael Curley	Public at Large	N/A	October 30, 2024
Gord Driedger	Public at Large	N/A	April 23, 2025
Ron Gibson	Public at Large	N/A	July 1, 2025
David Hutcheon	Public at Large	N/A	April 23, 2025
Ken Lucyshyn	Public at Large	N/A	April 23, 2025
Bruce Mackenzie	Public at Large	N/A	April 8, 2023
Duncan McKinlay	Public at Large	N/A	September 12, 2022
Jennifer Vida	Public at Large	N/A	January 13, 2023

Appendix 2: Niagara Escarpment Plan Map



Appendix 3: Municipalities in the NEP Area and Area of Development Control

Region of Niagara

Seven local municipalities:

- Town of Grimsby
- Town of Lincoln
- City of Niagara Falls
- Town of Niagara-On-The-Lake
- Town of Pelham
- City of St. Catharines
- City of Thorold

City of Hamilton

Region of Halton

Three local municipalities:

- Town of Halton Hills
- Town of Milton
- City of Burlington

Region of Peel

One local municipality:

- Town of Caledon

County of Bruce

Two local municipalities:

- Town of South Bruce Peninsula
- Municipality of Northern Bruce Peninsula

County of Dufferin

Three local municipalities:

- Town of Mono
- Township of Mulmur
- Township of Melancthon

County of Grey

Six local municipalities:

- Township of Chatsworth
- Municipality of Grey Highlands
- Municipality of Meaford
- City of Owen Sound
- Township of Georgian Bluffs
- Town of The Blue Mountains

County of Simcoe

One local municipality:

- Township of Clearview