

A Guide to Cultural Heritage Resources in the Land Use Planning Process

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Cultural Heritage Resources in the Land Use Planning Process

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1.0 Introduction

Ontario released its first Culture Strategy in July 2016. A key part of this strategy reflects how Ontario's rich and diverse cultural heritage gives our communities identity and character, and how it enhances our sense of place and pride in where we live. Conserving our cultural heritage reflects what we value about our past, what we have learned from it and what we want future generations to know.

Through the Culture Strategy, the Ontario government has committed to developing additional tools to help communities identify and protect their cultural heritage, including guidance on cultural heritage landscapes, cultural planning, and the interests of Indigenous communities in conserving cultural heritage, to support municipalities in implementing the Provincial Policy Statement, 2014 (PPS 2014). This document is a product of that commitment.

1.1 About This Guidebook

This guidebook is meant to help those involved in the land use planning process in Ontario understand the changes to the cultural heritage policies in the PPS 2014. The guide will articulate how the conservation, wise use and management of cultural heritage and archaeological resources are in the provincial interest – a necessary part of land use planning and development - and how to apply cultural heritage policies.

The first edition of this guidance was published in 2006, as a series of five information sheets.

1.2 Ontario's Land Use Planning Framework

Development and land use on privately owned or municipally owned property in Ontario is subject to the *Planning Act, R.S.O. 1990, c. P.13*. The Planning Act sets out the ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them.

Under the Planning Act, provincial plans and municipal official plans provide a framework for comprehensive and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth.

In Ontario, planning authorities are responsible for local planning decisions and creating local planning documents (e.g. official plans, zoning bylaws) that are consistent with the Provincial Policy Statement and any applicable provincial plans.

For more information specific to provincial and municipal official plans, please refer to the Ministry of Municipal Affairs' [Citizens' Guides to Land-Use Planning](http://www.mah.gov.on.ca/Page338.aspx).
(<http://www.mah.gov.on.ca/Page338.aspx>)

1.3 The Provincial Policy Statement

The PPS 2014 provides policy direction on matters of provincial interest related to land use planning and development.

The province issues the Provincial Policy Statement under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Planning Act.

The most recent version of the Provincial Policy Statement came into effect on April 30, 2014, replacing the previous version issued on March 1, 2005.

1.4 Cultural Heritage and Archaeological Resources in the PPS 2014

The PPS 2014 defines three different types of cultural heritage resources: built heritage resources, cultural heritage landscapes and archaeological resources. Together, these cultural heritage resources give identity and character to communities across Ontario, contributing to quality of life and creating a sense of place.

The PPS 2014 includes policy direction relating to cultural heritage and archaeological resources in a number of places.

Part IV of the PPS 2014, Vision for Ontario's Land Use Planning System, speaks to Ontario's rich cultural diversity as one of its distinctive and defining features, and identifies its cultural heritage and archaeological resources as providing important economic and social benefits.

According to the PPS 2014, conserving cultural heritage resources contributes to building strong healthy communities. Specific related policies are in in Part V.

Policy 1.1.4.1 states that healthy, integrated and viable rural areas should be supported by building upon rural character, and leveraging rural amenities and assets; encouraging the conservation and redevelopment of existing rural housing stock on rural lands; and providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets.

Section 1.2.1 c) requires a coordinated, integrated and comprehensive approach to dealing with planning matters within municipalities and across municipal boundaries,

and with other orders of government, agencies and boards, including cultural heritage and archaeological resources.

A new policy, section 1.7.1, states that long-term economic prosperity should be supported by “encouraging a sense of place by conserving features that help define character, including built heritage resources and cultural heritage landscapes.”

For more on what sense of place means and how it links cultural heritage resources with long-term economic prosperity, see Section 2 of this guide.

Cultural heritage and archaeology are addressed under Part V, Section 2.6: Cultural Heritage and Archaeology, concerning the wise use and management of resources:

- Section 2.6.1 addresses built heritage resources and cultural heritage landscapes;
- Sections 2.6.2 and 2.6.3 address archaeological resources, areas of archaeological potential, and protected heritage property, and have been updated with new language taking into account revised definitions of their key terms (archaeological resources; areas of archaeological potential; and protected heritage property);
- New to the PPS 2014 are Sections 2.6.4 (archaeological management plans and cultural plans) and 2.6.5 (the interests of Indigenous communities).

1.5 The Role of the Ministry of Tourism, Culture and Sport

The Government of Ontario recognized the importance of our cultural heritage by creating the *Ontario Heritage Act, R.S.O. 1990, c. O.18* (OHA) in 1975, and by strengthening the OHA with new municipal and provincial powers in 2005, to provide for the conservation of cultural heritage and archaeological resources in Ontario.

Ontario recognizes the histories, languages and cultures of First Nations, Inuit, and Métis peoples and the deep connection of Indigenous peoples to the water and land. Ontario also acknowledges our shared history, which includes the legacy of colonial policies such as residential schools. Indigenous peoples have distinct interests and perspectives related to their cultural heritage. Ontario is committed to working with Indigenous communities to support preservation of Indigenous cultural heritage and encourage partnerships and collaboration as part of our commitment to reconcile relationships with Indigenous peoples.

The Ministry of Tourism, Culture and Sport has the mandate to determine policies and programs related to the provincial interest in conserving, protecting and promoting Ontario’s heritage.

In administering the OHA, the ministry encourages effective heritage conservation across the province by supporting local municipalities, who have the primary responsibility under the OHA for identifying, protecting and managing change to heritage properties. This support includes providing advice to municipalities and the public through guidance materials such as the Ontario Heritage Tool Kit.

Under Part III.1 of the OHA, provincial ministries and prescribed public bodies have a responsibility to comply with the Standards and Guidelines for Conservation of Provincial Heritage Properties (OHA S&Gs). The OHA S&Gs require ministries and prescribed public bodies to identify, protect and manage provincial heritage properties. Among other responsibilities, the Ministry of Tourism, Culture and Sport keeps and maintains a list of all provincial heritage properties based on information provided by ministries and prescribed public bodies. More information on the OHA S&Gs is available on the ministry's website: [Ontario Heritage Act Standards and Guidelines](http://www.mtc.gov.on.ca/en/heritage/heritage_s_g.shtml). (http://www.mtc.gov.on.ca/en/heritage/heritage_s_g.shtml)

Provincial heritage properties are not subject to designation by municipalities or the Minister of Tourism, Culture and Sport.

In addition, the ministry is responsible for licensing archaeologists and maintaining the provincial register of archaeological reports. For more information on the provincial role in archaeology, see the Section 5 of this guidebook.

1.6 The Role of Planning Authorities

Under section 3 of the Planning Act, decisions, comments and advice of planning authorities on land use planning matters must be consistent with the PPS 2014. To achieve this standard, planning authorities must incorporate objectives and policies into land use planning tools and related development approval processes under the Planning Act that address the wise use and management of cultural heritage and archaeological resources.

Land use planning and development approval tools under the Planning Act include (but are not limited to):

- official plans;
- zoning by-laws and zoning by-law amendments;
- interim control by-laws;
- site plan approval by-laws;
- consents to convey property and variances to zoning;
- conditions of draft approval;
- community planning permit systems;
- community improvement plans.

For planning authorities, the PPS 2014 definition of “conserved” means including measures in the planning approval process that ensure significant cultural heritage resources are identified, protected and managed in a way that retains their cultural heritage value or interest. Typically, this is done by requiring proponents to undertake a cultural heritage evaluation report (CHER), heritage impact assessment (HIA) and/or archaeological assessment as part of project planning. The requirement for further archaeological work can also be included as a condition of approval.

1.6.1 One Window Planning Service

As a partner ministry under the provincial One Window Planning Service, the Ministry of Tourism, Culture and Sport participates in land use planning by giving policy direction, guidance and technical advice to municipalities through the One Window Planning Service for provincial planning services.

This service is led by the Ministry of Municipal Affairs and provides a single provincial position that integrates the perspective of several ministries: Municipal Affairs; Environment and Climate Change; Natural Resources and Forestry; Transportation; Tourism, Culture and Sport; Agriculture, Food and Rural Affairs; Northern Development and Mines; Energy; and Infrastructure. The Ministry of Municipal Affairs also has the ability to provide its own independent perspective on planning matters.

1.7 Other Provincial Policies or Laws Affecting Cultural Heritage and Archaeological Resources

Conservation of cultural heritage and archaeological resources is a consideration for all development across the province, including any planning matter requiring approval

under the Planning Act. Cultural heritage resources may be affected by land development and site alteration in ways that cannot be addressed solely through the tools available under a single piece of legislation. Various pieces of provincial legislation work together. Municipalities are responsible for choosing the most appropriate protection measures to ensure the conservation of cultural heritage and archaeological resources. The list below provides examples of legislation that affect cultural heritage and archaeological resources. This list is not exhaustive.

[The Ontario Heritage Act \(OHA\)](#) provides tools to identify, protect and manage cultural heritage resources. The OHA gives municipalities the authority to designate individual properties or heritage conservation districts, as well as include properties on a municipal register. The OHA also determines priorities, policies and programs for the conservation of archaeological resources determined to have cultural heritage value.

[The Environmental Assessment Act, R.S.O. 1990, c. E.18 \(EAA\)](#) uses a broad definition of the environment that includes cultural heritage. Environmental assessment studies must identify the potential impacts of a proposed undertaking on cultural heritage resources, commit to mitigation measures and consider evaluating alternatives. Through the EAA process, the Ministry of Tourism, Culture and Sport works with other ministries to play an important role in the conservation and wise use of these resources for the benefit of Ontarians and Ontario communities.

[The Renewable Energy Approvals regulation](#) (O. Reg. 359/09), issued under the **[Environmental Protection Act, R.S.O. 1990, c. E.19](#)** (2009), sets out the requirements for obtaining approval to proceed with a renewable energy project. The regulation provides a streamlined approval process, while simultaneously ensuring that the proponent of a proposed project considers and avoids or mitigates impacts to the environment, including the cultural environment.

In order to submit an application to the Ministry of the Environment and Climate Change for a Renewable Energy Approval, applicants must demonstrate that they have met the applicable cultural heritage requirements of the regulation.

[The Aggregate Resources Act, R.S.O. 1990, c. A.8](#) provides for the management of aggregate resources (e.g. sand, gravel, clay, bedrock) in Ontario. Aggregate operations can affect cultural heritage and archaeological resources. Operators may be required to assess and mitigate impacts to cultural heritage and archaeology before proceeding with an aggregate project.

1.8 A Note on Terminology

This guide uses the term “Indigenous” to refer to First Nations, Métis and Inuit communities in Ontario.

The PPS 2014 however, uses the term “Aboriginal” to refer to those same communities and wherever the guide includes a direct quotation from the PPS 2014, it uses that term. While Indigenous is generally preferred by the Government of Ontario, there are some contexts where “Aboriginal” is appropriate. In particular, Aboriginal is a defined term under section 35 of the *Constitution Act, 1982* and so when referring to the duty to consult, Aboriginal rights, and other matters grounded in section 35, “Aboriginal” should be used.

Future provincial policy and legislation are expected to use the term Indigenous, when appropriate, and should likewise be employed in municipal land use planning documents created under the Planning Act.

PPS 2014 definitions

Each of the sections in this guidebook deals with specific policies of the PPS 2014. For ease of reference, the definitions of the terms that the PPS 2014 uses concerning cultural heritage and archaeological resources are reproduced below. For a full list of definitions of italicized terms in the PPS 2014, please refer to [Definitions in Section 6 of the PPS 2014](http://www.mah.gov.on.ca/Page10679.aspx#Definitions). (<http://www.mah.gov.on.ca/Page10679.aspx#Definitions>)

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain *archaeological resources*. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The Ontario Heritage Act requires archaeological potential to be confirmed through archaeological fieldwork.

Built Heritage Resource: means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

Conserved: means the identification, protection, management and use of built *heritage resources, cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

Heritage attributes: means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*).

Protected heritage property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Note: see sidebars on the Standards and Guidelines for Conservation of Provincial Heritage Properties and federal and international designations.

Significant has several meanings according to the PPS 2014, depending on what type of resource is impacted by the relevant policy. In the case of cultural heritage and archaeology, definition (e) applies:

e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Need Advice?

For more information on any of the topics in this guidebook, please visit the ministry's website or contact us at 416-314-7620.

Sidebar: The Standards and Guidelines for Conservation of Provincial Heritage Properties

The OHA S&Gs require all Ontario ministries and public bodies that have been prescribed by regulation to identify, protect and care for provincial heritage properties they own and control.

The OHA S&Gs define provincial heritage property as follows:

“Provincial heritage property means real property, including buildings and structures on the property, that has cultural heritage value or interest and that is owned by the Crown in right of Ontario or by a prescribed public body; or that is occupied by a ministry or a prescribed public body if the terms of the occupancy agreement are such that the ministry or public body is entitled to make the alterations to the property that may be required under these heritage standards and guidelines.”

This means that the OHA S&Gs apply to provincial heritage properties that are:

- owned by a ministry;
- owned by a prescribed public body; or
- occupied by a ministry or prescribed public body if the tenant is entitled to make alterations.

The following public bodies have been prescribed under Ontario Regulation 157/10:

Agricultural Research Institute of Ontario
Hydro One Inc.
Infrastructure Ontario
Liquor Control Board of Ontario
McMichael Canadian Art Collection
Metrolinx
Niagara Parks Commission
Ontario Heritage Trust
Ontario Lottery and Gaming Corporation
Ontario Place Corporation
Ontario Power Generation Inc.
Royal Botanical Gardens
St. Lawrence Parks Commission

Sidebar: Federal and international designations

The PPS defines “protected heritage property” to include property protected under federal legislation and UNESCO World Heritage Sites. This means that planning authorities must consider federal lands and World Heritage Sites in the land use planning process, specifically when dealing with site alteration or development on lands adjacent to a federally protected heritage property (see section 6.0 of this guide on Adjacent Lands and Protected Heritage Property).

Federal heritage framework

National Historic Sites are properties or districts of national historic significance that are designated by the Federal Minister of the Environment, under the *Canada National Parks Act*, based on the advice of the Historic Sites and Monuments Board of Canada. For more information, see the National Historic Sites website: [National Historic Sites](http://www.pc.gc.ca/en/lhn-nhs). (<http://www.pc.gc.ca/en/lhn-nhs>) A national historic site designation alone does not afford protection to a property subject to provincial legislation.

The *Heritage Lighthouse Protection Act* helps to protect historically significant Canadian lighthouses. This legislation sets up a public nomination process and includes heritage building conservation standards for lighthouses that are officially designated. For more information, see the Heritage Lighthouses of Canada website: [Heritage Lighthouses of Canada](http://www.pc.gc.ca/en/lhn-nhs/pp-hl). (<http://www.pc.gc.ca/en/lhn-nhs/pp-hl>)

The role of the Federal Heritage Buildings Review Office is to help the federal government protect the heritage buildings it owns. The policy applies to all federal government departments that administer real property, but not to federal Crown Corporations. For more information, contact the Federal Heritage Buildings Review Office: [Federal Heritage Buildings Review Office](https://www.pc.gc.ca/en/culture/beefp-fhbro). (<https://www.pc.gc.ca/en/culture/beefp-fhbro>)

See a directory of all federal heritage designations: [Federal Heritage Designations](https://www.pc.gc.ca/en/culture/beefp-fhbro). (<https://www.pc.gc.ca/en/culture/beefp-fhbro>)

Sidebar: Federal and international designations (continued)

UNESCO World Heritage Sites

A UNESCO World Heritage Site is a place listed by the United Nations Educational, Scientific and Cultural Organization as having outstanding universal value to humanity under the Convention Concerning the Protection of the World Cultural and Natural Heritage. In order to retain the status of a World Heritage Site, each site must maintain its character defining features.

As of 2017, only one place in Ontario is a UNESCO World Heritage Site: the Rideau Canal (also designated a National Historic Site and a Canadian Heritage River). In addition to the canal itself, the World Heritage Designation includes the fortifications at Kingston, which were intended to protect the canal from military attack.

The canal extends 202 kilometres, passing through thirteen single and lower-tier municipalities, three upper-tier municipalities, and the traditional territory of four First Nations. The entire Rideau Canal World Heritage Site is a protected heritage property as defined in the PPS. All municipalities that touch on the boundary of the World Heritage Site have taken steps to manage development and site alteration adjacent to it through policies under their respective official plans.

Should other Ontario sites be inscribed on the World Heritage List, it will be the responsibility of planning authorities that have jurisdiction over property adjacent to the site to ensure that their official plans and other land use planning documents under the Planning Act are updated to enable appropriate conservation of the cultural heritage value and heritage attributes of the site.

For more information, see Parks Canada – World Heritage Site website: [World Heritage Sites](http://www.pc.gc.ca/en/culture/spm-whs). (<http://www.pc.gc.ca/en/culture/spm-whs>)

2.0 Sense of Place and Cultural Planning

2.1 The Policy Context

The PPS 2014 states:

1.7.1 Long-term economic prosperity should be supported by:

d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

The PPS 2014 views encouraging a sense of place as a means to achieve long-term economic prosperity. Good design and cultural planning, along with conserving cultural heritage resources, are activities that help encourage a sense of place and support the vision of the PPS 2014.

2.2 Sense of Place

Sense of place refers to the perception of unique qualities and characteristics that give meaning to an area. These visual, cultural, social, environmental and experiential qualities are connected to histories, legends and influences. Sense of place is what makes one city, town or neighbourhood different from another. Indigenous worldviews may inform unique readings of the aspects that contribute to an Indigenous sense of place.

These qualities and characteristics can be found in the context and use of buildings, structures and landscapes. The aspects that can contribute to a sense of place might include:

- natural features
- topography
- landmarks
- street furniture
- trees/plantings
- parks

- public and private gardens
- pathways
- meeting places
- views
- light/shadow
- sounds and smells
- patina
- public art
- public realm activities (e.g. walking, cycling, festivals, parades and gatherings)
- the presence or absence of people.

Humans seek to be part of the community in which they live. They want to connect not only to the physical environment as it exists in the present, but also to how it extends through time. People want to feel linked to those who came before. Settlement areas and neighbourhoods that have an identifiable, cohesive sense of place are more successful in integrating newcomers and maintaining economic vitality. Historic buildings and significant physical features offer some tangible ways of relating to the past.

Within Indigenous worldviews, history and self-understanding are often grounded in particular landscapes, and the human connection to the land is in some cases described as sacred. Ongoing connections to the land and water are also central to Indigenous ways of life, with the ability to access, protect or make use of the lands and resources being an important part of Indigenous identity and culture.

Conservation of cultural heritage resources is essential for encouraging a sense of place. Cultural heritage resources help link a community to its history, stories, memories, beliefs and accomplishments. Using planning tools to develop and sustain these distinct characteristics can greatly contribute to a community's competitive advantage for attracting and retaining new residents, tourists, business and investment. Over the long term, this can contribute greatly to establishing healthy and sustainable communities.

Encouraging sense of place is linked to cultural planning and cultural mapping, where a community takes stock of its cultural assets and promotes them for greater cultural, economic, social and environmental benefit (see Section 2.4 on Cultural Planning).

Planners and communities can help define, develop and maintain sense of place by:

- Embedding policies in Official Plan and Secondary Plan designations geared to retaining or developing distinct characteristics that the community may value, with

particular focus on protecting heritage attributes of places of cultural heritage value or interest;

- Including detailed requirements in zoning by-laws that prescribe specific heights, densities and square footage maximums and minimums in order to, for example, retain fine-grained retail storefronts along a main street;
- Identifying and protecting natural features like ravines, woodlands, distinctive topography or open spaces;
- Identifying, protecting and conserving significant cultural heritage resources using tools available in the OHA;
- Working closely with Indigenous partners to identify measures to identify, protect, conserve or promote Indigenous cultural resources as appropriate, including sites of Indigenous cultural significance such as traditional gathering places or areas where medicinal plants may be harvested;
- Preparing Community Improvement Plans to help revitalize communities and accommodate growth;
- Seeking public opinion on how to address change in the community through surveys, design studies, charettes and other exercises that help establish design guidelines;
- Promoting placemaking activities like public art installations, festivals, parades, and digital or wireless connections (e.g. mobile phone applications that tell the story of a place) that promote social interaction in public spaces.

Encouraging a sense of place is good planning. It requires the understanding of three things: what defines community character, why that character is valued, and how it is used by local residents and visitors. Developing that understanding can only be achieved through continual input and engagement with the community and with Indigenous partners where appropriate.

2.3 Well-designed Built Form and How it Encourages Sense of Place

Well-designed built form should support healthy, sustainable patterns of life, community, work and recreation.

Many objectives in section 1.0 of the PPS 2014 are linked to qualities of well-designed built form:

- appropriate density for efficient use of land and resources;
- a range and mix of uses including housing, places of work and institutions;
- efficient use of infrastructure and public service facilities;
- compact development focused in settlement areas;

- vital downtowns in larger communities and commercial main streets in smaller ones;
- rural areas that build on rural character and leverage rural amenities and assets;
- support for active transportation including walking or bicycling;
- opportunities for sustainable tourism development;
- reduction in the causes and mitigation of the impacts of global climate change;
- connection to community and culture and integration into the cultural heritage landscape.

Built heritage resources and cultural heritage landscapes may already embody many of these qualities of good design. For instance, commercial main streets, downtowns and neighbourhoods that developed before the widespread adoption of the automobile tend to be compact, walkable and support a mix of commercial, residential and institutional land uses.

Well-designed built form enhances sense of place. Good design favours retention, rehabilitation, and adaptive reuse (or continuity of use) of the existing buildings, structures and landscape elements that support sense of place, and encourages sympathetic integration of new built form with old. Design choices should discourage complete redevelopment that has an adverse effect on built heritage resources, archaeological resources, cultural heritage landscapes and the natural environment.

2.4 Cultural Planning

Cultural planning is a government-led process that:

- involves community engagement for identifying and promoting a community's cultural resources,
- strengthens the management of those resources and
- integrates them across all facets of local decision-making.

Cultural planning is integrated and holistic in approach, taking into account four pillars of sustainability: economic prosperity, social equity, environmental responsibility and cultural vitality.

As with all municipal decisions, good cultural planning should also include meaningful engagement with Indigenous partners to identify, protect, promote and appropriately manage cultural heritage resources of significance to Indigenous communities.

One of the steps in the cultural planning process is cultural mapping. Cultural mapping identifies, records and visualizes cultural resources that the community values and that

help define the unique characteristics of the community. It can also reveal needs and opportunities for strengthening and linking important resources.

For instance, some municipalities have developed management plans devoted to a single element of culture, such as cultural heritage resources, or public art, or festivals or museums. These more specific plans typically include greater detail in their implementation recommendations for identifying, protecting and managing cultural resources.

At its most effective, cultural planning can help to inform municipal land use planning policies, break down sectorial silos and establish new working relationships both within a municipal government and among government, cultural and heritage organizations, and members of the community and Indigenous partners.

For more information about cultural planning and how it works at the municipal level, please consult the ministry's [municipal cultural planning webpage](http://www.mtc.gov.on.ca/en/culture/cul_planning.shtml). (http://www.mtc.gov.on.ca/en/culture/cul_planning.shtml).

2.5 Linking Cultural Planning with Land Use Planning

The primary objectives of a cultural plan are the following:

- Creating the conditions for increased cultural vitality in a community;
- Ensuring that cultural resources and cultural activity contribute to economic prosperity, social equity, environmental responsibility and overall community well-being.

An important area of decision-making to support these objectives is land use planning, under the authority of the Planning Act.

Done well, cultural planning can help to link the conservation of cultural heritage and archaeological resources with other planning priorities, such as transportation routes, housing development, downtown revitalization, or environmental stewardship.

Cultural plans may also inform land use planning policy by making recommendations for new or revised policies in official plans, secondary plans and/or community improvement plans. Topics might include:

- Conservation of cultural heritage resources;
- Public art policies, including integration of public art into new public and private infrastructure and development;

- Identifying available land and buildings/facilities to encourage and accommodate affordable artists live-work space, creative industries hubs and other cultural activities;
- Integration of cultural resources and activities into policies supporting complete streets or complete communities.

Influencing land use planning policy is one way that cultural plans can be effective without necessarily requiring increased municipal expenditure. If the cultural plan has good policy recommendations concerning land use planning, these can be implemented in an official plan update, with little incremental cost, as part of the official plan review process.

3.0 Built Heritage Resources

3.1 The Policy Context

The PPS 2014 states:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The PPS 2014 provides policy direction on matters of provincial interest under the Planning Act and requires that municipalities be “consistent with” this policy direction in their land use planning decision-making. The above policy is supported by Section 2 (d) of the Planning Act, which states that “conservation of features of significant architectural, cultural, historical, archaeological or scientific interest” is a matter of provincial interest.

Further matters of provincial interest under the Planning Act include “the promotion of built form that,

- i) is well-designed,
- ii) encourages a sense of place, and
- iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.”

Section 2 of the Planning Act, together with section 1.7.1 d of the PPS 2014, supports long-term economic prosperity by:

- encouraging of sense of place,
- promoting well-designed built form and cultural planning, and
- conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Detailed conservation objectives and policies are a matter for municipalities to establish through planning documents and site-specific development approval procedures or decisions.

Conservation of cultural heritage resources is most effective when it is understood as an integral part of making a community healthier, more prosperous and more sustainable. Considering the above will result in more cohesive communities and a strong sense of place, which can lead toward a stronger, healthier Ontario. Working closely with

Indigenous communities to ensure respect for and conservation of Indigenous cultural heritage resources can also contribute to the ongoing process of reconciliation.

3.2 Identifying Built Heritage Resources

Identifying built heritage resources is the first step toward protecting them and managing change that may affect their cultural heritage value or interest.

Since coming into force in 1975, the OHA has provided tools for identifying, evaluating and protecting built heritage resources. Parts IV and V of the OHA apply to real property, including all buildings and structures thereon. Individual properties or parcels of land can be identified through legal descriptions registered in the land registry office. Built heritage resources are one of the categories of attributes that can contribute to a property's cultural heritage value or interest.

The appropriate authority (usually a municipality) identifies built heritage resources by following a formal identification and evaluation process, which allows for protection under Parts IV and V of the OHA.

There are several mechanisms municipalities may use to identify properties containing built heritage resources: designating a property individually or as part of a heritage conservation district; including a non-designated property on a municipal register; and entering into a heritage conservation easement.

For more information about these mechanisms, please refer to the following Ontario Heritage Toolkit guidebooks:

- [Heritage Property Evaluation](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_HPE_Eng.pdf) (http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_HPE_Eng.pdf) and
- [Designating Heritage Properties](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_DHP_Eng.pdf) (http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_DHP_Eng.pdf)

Under the OHA S&Gs, all ministries and public bodies that have been prescribed by regulation are required to identify, protect and care for provincial heritage properties they own and control. Provincial heritage properties include the three types of cultural heritage resources: built heritage resources, cultural heritage landscapes and archaeological sites.

The Minister responsible for the OHA also has the power to provincially designate properties of cultural heritage value or interest of provincial significance, as determined by applying criteria for cultural heritage value or interest of provincial significance. This includes properties in areas where there is no municipal structure (also known as

unincorporated territories). For more information, see the following infosheet: [Provincial Powers](http://www.mtc.gov.on.ca/en/publications/InfoSheet_Provincial_Powers.pdf). (http://www.mtc.gov.on.ca/en/publications/InfoSheet_Provincial_Powers.pdf)

To be designated, a property does not need to have a building or structure of cultural heritage value or interest, though identifying and protecting built heritage resources is one of the most common uses of the OHA.

3.3 Protecting Built Heritage Resources

A protected heritage property's heritage attributes are those features that contribute to its cultural heritage value or interest. They can be attributes of the property itself or of any buildings or structures on the property – built heritage resources in the language of the PPS 2014. These heritage attributes must be identified in as much detail as is appropriate to inform effective decisions about managing change to the property.

The heritage attributes must be described in the designation by-law, easement or other documentation associated with the formal recognition.

In some cases, heritage attributes may only include physical features of a building or structure, while in other cases the attributes may include cultural heritage landscape elements (which may include significant views or vistas). See sections 4.8 and 6.3.1 for details on views and vistas.

Municipal protection of these attributes under the OHA does not mean they cannot be altered or removed, but these changes require a decision of a municipal council (or staff, if council has delegated its approval authority).

3.4 Managing Change to Built Heritage Resources

Existing guidance documents on managing change to cultural heritage, including Ontario's "Eight Guiding Principles" and Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada, broadly agree on multiple methods concerning the conservation of built heritage. See sidebars for more information.

Sidebar: Eight Guiding Principles in the Conservation of Built Heritage Properties

The following guiding principles are ministry statements in the conservation of built heritage properties and are based on international charters which have been established over the 20th century. These principles provide the basis for all decisions concerning good practice in heritage conservation around the world. Principles explain the "why" of every conservation activity and apply to all heritage properties and their surroundings.

- 1. Respect for Documentary Evidence:** Do not base restoration on conjecture. Conservation work should be based on historic documentation such as historic photographs, drawings and physical evidence.
- 2. Respect for the Original Location:** Do not move buildings unless there is no other means to save them. Site is an integral component of a building or structure. Change in site diminishes cultural heritage value considerably.
- 3. Respect for Historic Material:** Repair/conservate -rather than replace building materials and finishes, except where absolutely necessary. Minimal intervention maintains the heritage content of the built resource.
- 4. Respect for Original Fabric:** Repair with like materials. Repair to return the resource to its prior condition, without altering its integrity.
- 5. Respect for the Building's History:** Do not restore to one period at the expense of another period. Do not destroy later additions to a building or structure solely to restore to a single time period.
- 6. Reversibility:** Alterations should be able to be returned to original conditions. This conserves earlier building design and technique. e.g. When a new door opening is put into a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.
- 7. Legibility:** New work should be distinguishable from old. Buildings or structures should be recognized as products of their own time, and new additions should not blur the distinction between old and new.
- 8. Maintenance:** With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided.

Standards and Guidelines for the Conservation of Historic Places in Canada

Many municipalities across the country also use the Standards and Guidelines for the Conservation of Historic Places in Canada as a resource to direct how to manage change. This comprehensive reference tool was developed in 2003 in partnership with the provinces and territories and updated in 2010. These Standards and Guidelines provide guidance once a property already has a statement of cultural heritage value or interest; they are not a tool for assessing properties. It must be noted that there are differences between these Standards and Guidelines and Ontario's heritage policies. Where this is the case, Ontario's legislation, and policies and guidelines issued under its authority, takes precedence.

3.5 Design Guidelines

Adopting a heritage conservation district plan is a requirement for all new heritage conservation districts. Under section 41.1(5) of the OHA, heritage conservation district plans must include guidelines for managing change. These can address alterations and new construction for properties within the district, including public spaces. These plans can be a vehicle for design guidelines. Municipalities with heritage conservation districts designated before 2005 have been encouraged to adopt plans for these districts.

Design guidelines may also be incorporated into various statutory tools under the Planning Act, including community planning permit systems, secondary plans, community improvement plans and site plan control by-laws.

When comparing the effectiveness of planning tools under the Planning Act with those under a heritage conservation district plan, it should be noted that the heritage conservation district plan carries considerable force under section 41.2 of the OHA. In the event of a conflict between a heritage conservation district plan and any other municipal by-law affecting the designated district, the heritage conservation district plan prevails to the extent of the conflict.

Municipalities are encouraged to look at all the legislative tools available and tailor them accordingly to ensure the best protection and conservation of cultural heritage resources.

4.0 Cultural Heritage Landscapes

4.1 The Policy Context

The PPS 2014 states:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Cultural heritage landscapes are areas identified as having cultural heritage value or interest. The PPS 2014 recognizes that physical modification resulting from human activity may contribute to but is not necessarily required for the determination of cultural heritage value. It is enough to establish that a landscape has historical, contextual or associative value.

A cultural heritage landscape may be identified by an Indigenous community because of an enduring relationship with the area and its continuing importance to the community's cultural identity. Indigenous communities may hold traditional knowledge about their past use or resources in the area, which is why Indigenous engagement is important when evaluating a landscape for conservation.

Cultural heritage landscapes may also include parks, designed gardens, battlefields, viewsheds or industrial complexes. Cultural heritage landscapes may be protected under the OHA. Many will require additional legislative and policy tools to ensure that their cultural heritage value or interest is appropriately conserved. See section 4.7 and 4.8 for more details.

4.2 Understanding Cultural Heritage Landscape

Cultural heritage landscapes can be broadly described as follows:

Designed landscapes: those that have been intentionally planned or created, e.g. a public or private ornamental garden or, in a more urban setting, a downtown square.

Evolved landscapes: those that have developed over time because the activities of people have changed the land. This can include a “continuing” landscape where human activities are still on-going, e.g. a residential neighbourhood or main street. A landscape may also be a “relict”, where development or growth has even come to an end, but the features that tell its story are still evident; e.g. an abandoned mine/industrial site or a “ghost” town.

Associative landscapes: those with religious or cultural meaning, or locations of remembrance or that are valued for artistic inspiration, where the natural elements or features meld with material evidence. These landscapes might include areas that hold a special significance to Indigenous communities (e.g. burial sites, places of healing, where medicines grow), a place where a historic battle took place, or a valley that has been depicted as a celebrated work of art.

A cultural heritage landscape may have components of some or all of the above types. All landscapes continue to change and evolve.

4.3 Identifying Cultural Heritage Landscapes

The strongest indication of a municipality's interest in the conservation of cultural heritage landscapes is the inclusion of clear, relevant policies in its official plan. To put in place a mechanism to ensure these resources are formally recognized and appropriately conserved, some municipalities prepare inventories of cultural heritage landscapes; others recognize and map significant cultural heritage landscapes. Municipalities can list them in official plans as areas of special interest, which warrants the establishment of specific policies to protect these resources.

Both of these approaches have benefits, however to be consistent with the PPS 2014, municipal official plans must have policies requiring that significant cultural heritage landscapes be conserved as part of the land use planning processes.

Maps, illustrations or graphics help to provide transparency and predictability. In addition to including cultural heritage landscapes on the municipal register, other planning tools can be applied, such as:

- Heritage conservation district plans and studies
- Area design guidelines
- Height and setback restrictions / site plan control
- Secondary plan policies for heritage areas
- Zoning bylaws with heritage criteria overlay
- Development agreements
- Community improvement plans
- Financial incentives

It should be acknowledged, however, that in some cases Indigenous communities may be reluctant to identify cultural heritage landscapes of significance, particularly sacred sites. Municipalities are encouraged to work with Indigenous communities and the Ministry of Tourism, Culture and Sport as appropriate to ensure municipal policies offer

the flexibility to protect cultural heritage landscapes identified by Indigenous communities, and to respect an Indigenous community's privacy.

4.4 Determining Significance

The significance of a cultural heritage landscape cannot always be determined in advance of a proposed change. It is sometimes necessary to evaluate a potential cultural heritage landscape after a development or site alteration has been proposed. It is not safe to assume that because no cultural heritage landscape has yet been identified, that none exists.

The ministry has developed a checklist to help determine if a property has the potential to be part of a cultural heritage landscape. The checklist should be completed as part of the initial background screening for a development proposal. The Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes can be found [here](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0500E~1/$File/0500E.pdf). ([http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0500E~1/\\$File/0500E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0500E~1/$File/0500E.pdf))

Evaluating a potential cultural heritage landscape can be done via a cultural heritage evaluation report (CHER). Determining the impact of a development on a cultural heritage landscape is done through a heritage impact assessment (HIA). See Section 8 for more information.

4.5 Defining the Geographic Area of Cultural Heritage Landscapes

Identifying the geographical area of a cultural heritage landscape is not always as simple as drawing a line on a map. The extent of a cultural heritage landscape may overlap municipal, provincial or even national borders (e.g. Thornhill Village, Pimachiowin Aki, Niagara Falls).

A legal survey is not essential for defining cultural heritage landscapes. Nevertheless, for the purposes of the provincial land use planning framework, defined and unambiguous limits of a cultural heritage landscape are necessary. These limits may not necessarily align with legal boundaries. However, a legal description will be required in order to apply an OHA designation, easement or some Planning Act controls.

A natural geographic feature, such as the shoreline of a river or lake, or the ridgeline of a hill, could be used to define an edge. Similarly, it may be useful to reference a human-created attribute like a road, a fence, or a planted row of trees or a hedge. In the absence of physical features, a boundary or extent may be determined by a measured

distance from a natural or human-created attribute, or it may be a property line or a boundary between municipalities.

Cultural heritage landscapes can also be linear. For example, a river, a trail, road or railway corridor could be identified as a cultural heritage landscape with a cohesive cultural heritage value or interest along its entire length.

A large cultural heritage landscape may also contain one or more distinct smaller cultural heritage landscapes within it.

For example, part of the Perth Heritage Conservation District (HCD) is located within the Rideau Canal World Heritage Site. The Perth HCD plan provides extensive advice about how to manage impacts to the cultural heritage landscape of the Tay River and Canal, which form part of the Rideau Canal.

4.6 Formal Recognition and Protection

Protecting a cultural heritage landscape under the OHA will ensure that it is identified both to manage its cultural heritage value or interest, and to trigger conservation measures under the Planning Act. The Ontario Heritage Tool Kit provides details on how to use the OHA to protect cultural heritage resources.

In some cases, designation under the OHA may not be appropriate, and identifying the cultural heritage landscape using Planning Act tools may be a better option. One reason for preferring planning tools may be that the cultural heritage landscape is too large to effectively designate it either as an individual heritage property or as a heritage conservation district.

4.7 Conserving Cultural Heritage Landscapes

Municipalities and other approval authorities under the Planning Act may adopt official plan policies for the identification, evaluation and conservation of cultural heritage landscapes. They may also require development proponents to determine if any effects or impacts will result from a proposed project or site alteration.

The local planning process must incorporate measures to protect cultural heritage landscapes that are identified by Indigenous communities or recognized by federal or international designation authorities.

Heritage impact assessments are useful in identifying impacts to cultural heritage landscapes; however, proactive management of cultural heritage landscapes is

preferable and is best achieved with the help of planning tools. These tools should be adopted in advance of any proposed development.

No single set of policies or planning tools will be effective in conserving all types of cultural heritage landscapes. Choose a conservation approach that can be tailored to the specific cultural heritage landscape. This includes working closely with Indigenous communities where impacts to an Indigenous cultural heritage landscape are being determined or management options are being considered.

4.8 View Protection

If a cultural heritage landscape includes views or vistas as heritage attributes, they should be clearly described to avoid ambiguity. A map can help to locate specific vantage points and should include arcs or view cones that show the extent of a view or vista. Protecting a view may mean adopting area-specific land use planning measures such as building height restrictions, which can be implemented through a zoning by-law.

View means a visual setting experienced from a single vantage point, and includes the components of the setting at various points in the depth of field.

Vista means a distant visual setting that may be experienced from more than one vantage point, and includes the components of the setting at various points in the depth of field.

Another approach for protecting significant views is to restrict building height within a defined area around a specific point—typically a landmark building, structure or landscape feature that is important in defining the character of its surrounding area.

4.9 Streetscapes

A streetscape can be considered a cultural heritage landscape. In this case, design guidelines may be more effective than building height restrictions to conserve the integrity of a streetscape. These design guidelines should address the physical attributes of buildings and landscape features that affect the road or streetscape. These features might include:

- Cornice lines along the top edge of buildings to help to define a street-wall and frame views along a street
- Consistent setback of buildings from the public right-of-way ensuring a continuous street-wall and building cornice line

- Signs (on buildings and in the public realm), street lights, traffic lights, utility poles, public art, trees and street furniture (transit shelters, information kiosks, etc.) that may all enhance or detract from a streetscape depending on their design and placement

All attributes of a streetscape should be considered together for their cumulative visual impact rather than individually.

4.10 Character and Cultural Heritage Landscapes

Some municipal official plans have policies addressing character, including identification of defined “character areas” and specific policies that apply to height, massing, scale, setbacks and relationship to landmark buildings.

The PPS 2014 states that built heritage resources and cultural heritage landscapes are features that help define character. This is consistent with the criterion in Ontario Regulation 9/06 under the OHA that says a property may have contextual value because it “is important in defining, maintaining or supporting the character of an area.”

Where an official plan identifies maintenance of existing character as an objective, it should specify how conservation of cultural heritage resources can help to meet that objective. It should also make clear the relationship (if any) between identified cultural heritage landscapes and character areas.

4.11 Intangible Cultural Heritage Value or Interest

Cultural heritage landscapes may have historical value or associative value because they are linked to intangible heritage attributes. Conservation should include understanding and interpreting those histories and associations as appropriate. In the case of intangible Indigenous cultural heritage, Indigenous partners should be engaged on the most appropriate way to address this. Avoiding or mitigating the impact of development and site alteration should help protect the landscape’s intangible heritage.

Certain uses may be incompatible with the associated value of the landscape (e.g. a shopping mall built overtop of battlefields, cemeteries or sites linked to spiritual or religious beliefs and practices). In these cases, it would be appropriate to limit potential uses on or adjacent to the cultural heritage landscape through, for example, a zoning by-law.

4.12 Assessing Impacts to Cultural Heritage Landscapes

Development or site alteration in a cultural heritage landscape must be done in a manner that ensures that the cultural heritage value or interest of the landscape is conserved. As with built heritage resources, this conservation may be achieved by implementing the recommendations of a conservation plan and/or heritage impact assessment. See section 8 on cultural heritage evaluation reports, heritage impact assessments and conservation plans for more information.

4.13 Archaeological Resources in Cultural Heritage Landscapes

All types of cultural heritage landscape have the potential to hold archaeological resources. These must be addressed through archaeological assessment consistent with the requirements of the OHA. See section 5 on archaeology for more information.

5.0 Archaeological Resources and Areas of Archaeological Potential

5.1 The Policy Context

The PPS 2014 states:

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

Archaeological resources are irreplaceable and non-renewable. They are a physical record of Ontario's history, covering more than 11,000 years of human activity. When an archaeological resource is removed from the ground, or an area of archaeological potential disturbed, the change is irreversible. There will never again be the same opportunity for these resources or places to convey the knowledge they carry in their undisturbed state.

Archaeological resources are very important to Ontario and Indigenous communities, and this is reflected in the strong protection they have under the OHA and in other legislation and provincial policy, including the PPS 2014.

Approval authorities must be satisfied that conservation has occurred before approving development under the Planning Act.

Other legislation that can trigger the requirement for conservation of archaeological resources includes the Environmental Assessment Act, the Aggregate Resources Act and the Renewable Energy Approval regulation under the Environmental Protection Act. Archaeological assessment may also be triggered by building or demolition permits, if archaeological fieldwork is required through an applicable law under the Building Code Act, such as a bylaw made under section 34 or 38 of the Planning Act.

5.2 The Role of the Ministry of Tourism, Culture and Sport in Archaeology

The licensing of archaeologists in the province falls under Part VI, Section 48 of the OHA. Only a consultant archaeologist may carry out fieldwork for development purposes. This work must comply with the ministry's Standards and Guidelines for Consultant Archaeologists (2011). Archaeological assessments conducted as a requirement under a Planning Act approval process must be done by an archaeologist with a professional licence in good standing. It is illegal to knowingly disturb an archaeological site without a licence, including disturbance for land use activities or land development.

Sidebar: Indigenous perspectives on archaeology

Engaging Indigenous communities during the archaeological fieldwork process respects their connection to the land and their heritage. Indigenous communities have different histories, cultures, demographics, interests and leadership which informs their perspective and approaches to archaeology.

More than 80 percent of the sites documented within Ontario are Indigenous in origin. They range from single artifacts lost during hunting/fishing to large villages. Some of these sites date back more than 11,000 years.

Sidebar: Standards and Guidelines for Consultant Archaeologists (2011)

The Standards and Guidelines for Consultant Archaeologists outline the standards that must be met for each stage of fieldwork (stages 1, 2, 3 and 4), as well as reporting requirements.

Compliance with the Standards and Guidelines is mandatory for all consultant archaeologists licensed by the ministry to carry out archaeology in Ontario. The Standards and Guidelines are available online on the ministry website: [Standards and Guidelines](http://www.mtc.gov.on.ca/en/publications/SG_2010.pdf) (http://www.mtc.gov.on.ca/en/publications/SG_2010.pdf)

Archaeologists must meet the terms and conditions of their licence, in both their archaeological fieldwork and their reporting. As a condition of their licence, they must file [reports](#) with the ministry describing all of their fieldwork. They must also document the archaeological sites they discover or work on by submitting [site forms](#) to the ministry.

The Archaeology Program Unit is available to answer questions and provide technical advice to municipalities and other ministries. If you have a question, call our general information number 416-212-8886 or send an email to: Archaeology@ontario.ca.

Sidebar: Archaeological Fieldwork

Archaeological fieldwork is defined in Ontario Regulation 170/04 under the OHA and means any activity carried out on, above or under land or water for the purpose of obtaining and documenting data, recovering artifacts and remains or altering an archaeological site and includes monitoring, assessing, exploring, surveying, recovering and excavating.

There are four stages of archaeological fieldwork.

Stage 1: Includes background study to determine the presence of any known sites on or nearby the property, as well as an option for property inspection to confirm areas of archaeological potential.

Stage 2: Includes physical assessment of the property and identification of archaeological sites, comprising but not limited to walking ploughed fields and digging test pits.

Stage 3: Includes site-specific assessment of individual archaeological sites, confirms the extent/boundaries of sites, determines the cultural heritage value of the sites, and whether they require mitigation.

Stage 4: Includes mitigation of development impacts through either, avoidance and conservation in place or through excavation.

Engagement with Indigenous communities is encouraged at Stage 1, and is required at the end of Stage 3 when assessing the cultural heritage value or interest of certain site types and at Stage 4 when forming mitigation strategies for certain site types.

Further information about the archaeological assessment process is available on the ministry website: [Archaeological Assessments](http://www.mtc.gov.on.ca/en/archaeology/archaeology_assessments.shtml) (http://www.mtc.gov.on.ca/en/archaeology/archaeology_assessments.shtml)

When a consultant archaeologist has submitted a report to the ministry, it is first checked for completeness. Complete reports are screened for any indication of risk to archaeological resources. While the majority of reports are reviewed, most low-risk reports are entered into the Ontario Public Register of Archaeological Reports (“the register”) without a technical review. For example, low-risk reports may include those

that do not document archaeological sites. All other reports are reviewed against the Standards and Guidelines. Those that are compliant are entered into the register.

Conservation of any archaeological resources that are discovered as a result of the assessment will be subject to recommendations included in the report prepared by the proponent's consultant archaeologist. The report must be consistent with the Standards and Guidelines for Consultant Archaeologists. Once a report satisfies this condition, it is entered into the register and the planning approval authority is notified.

If the planning approval authority has any concerns about the report and recommendations, it can ask the consultant archaeologist to provide additional information, request a new report or require a peer review by another consultant archaeologist in order to be satisfied that the requirements for development approval have been met.

If the planning approval authority approves the report and recommendations, it will require the proponent to implement the conservation approaches recommended in the report. The planning approval authority has then fulfilled its role in conserving archaeological resources.

See the flowchart below for more information on the ministry process for reviewing archaeological reports and determining whether they may be entered into the register.

Sidebar: Ministry Letters to Consultant Archaeologists

The ministry issues one of the following letters to consultant archaeologists, proponents and approval authorities, based on the outcome of the archaeological report review process.

- A “**No Technical Review**” letter (sent to the archaeologist and copied to the proponent and approval authority) is issued when a report has been identified as low risk and entered into the register without technical review.

This “No Technical Review” letter indicates that the ministry has not reviewed the report against the Standards and Guidelines. Approval authorities must follow the recommendations made by the consultant archaeologist in the report.

Further fieldwork may be required, based on the recommendations.

- A “**Compliance**” letter (sent out to the archaeologist and copied to the proponent and approval authority) indicates that the ministry concurs with the recommendations made by the archaeologist in the report.

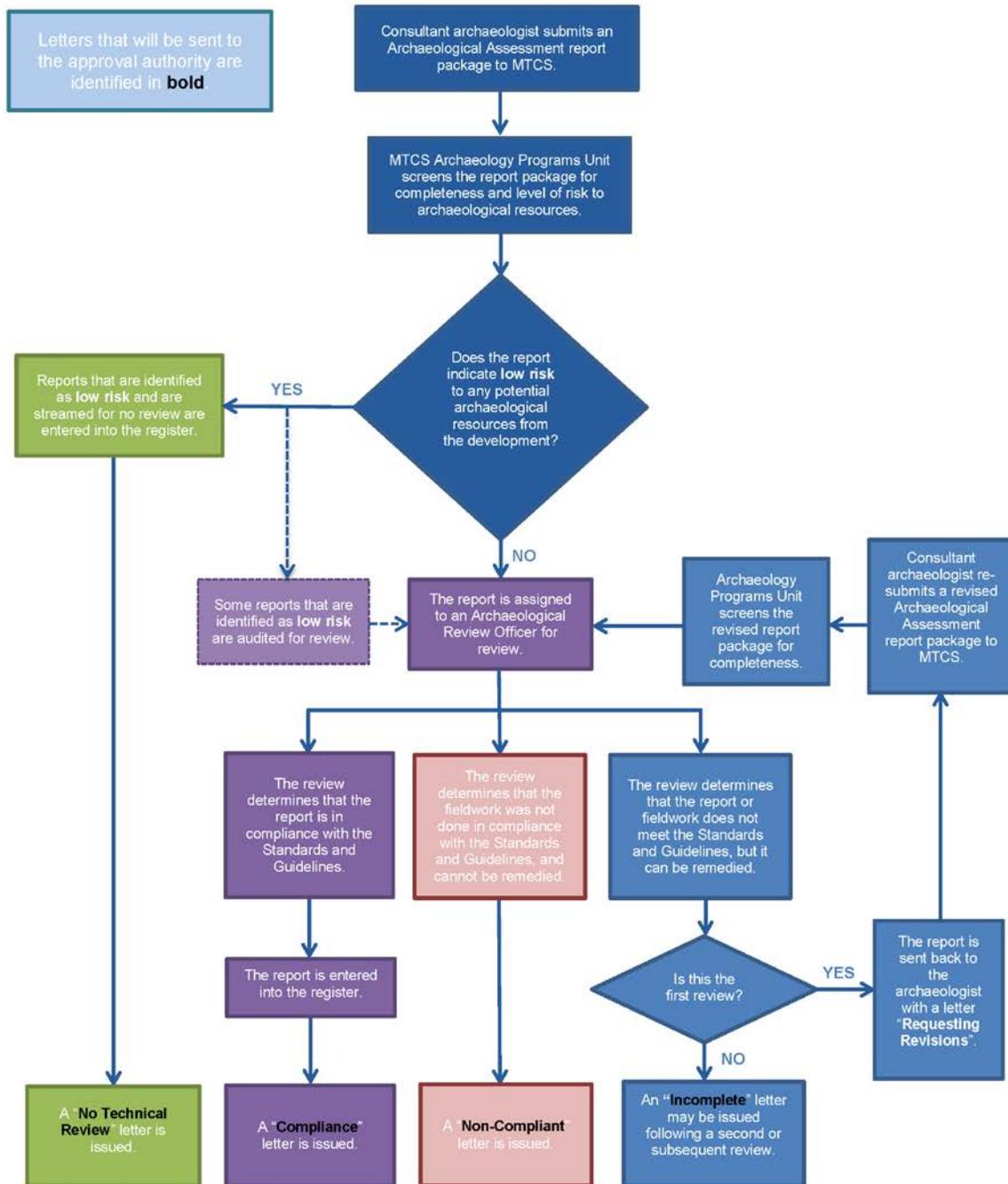
Further fieldwork may be required, based on the recommendations.

- A “**Non-Compliant**” letter (sent out to the archaeologist and copied to the proponent and approval authority) is issued when the fieldwork that is documented in the report does not meet the Standards and Guidelines, or if the archaeologist violated the terms and conditions of his or her licence when carrying out the fieldwork.

The archaeologist will contact our ministry to discuss how to proceed.

- An “**Incomplete**” letter (sent to the archaeologist and copied to the proponent and the approval authority) indicates that a report has already been subject to revision but the identified issues have not been adequately addressed.

The archaeologist must then resubmit a new report package (including all required information) for an entirely new review.



5.3 Identifying the Presence of Archaeological Resources and Identifying Areas of Archaeological Potential

Identifying archaeological resources and identifying areas of archaeological potential are distinct activities. Archaeological resources can only be identified by a consultant archaeologist, but a determination of whether an area has archaeological potential can be made by a non-archaeologist. Archaeological resources and areas of archaeological potential often are not confined to a single property. Examples abound where archaeological resources are discovered spanning across property lines.

Approval authorities can determine whether or not a property is within or contains an area of archaeological potential using an archaeological management plan (AMP).

If there is no AMP and therefore no existing potential mapping associated with a property that is subject to a planning application, the approval authority will need to determine archaeological potential by applying the ministry checklists. See sidebar on Criteria for Determining Archaeological Potential on Land.

The checklists set out provincial criteria for determining potential for land-based or marine archaeological resources. They can determine whether an archaeological assessment is required.

5.3.1 What is an Archaeological Management Plan?

An Archaeological Management Plan (AMP) is a strategic reference tool that inventories, classifies and maps significant archaeological resources and areas of archaeological potential within the municipality and provides direction for their appropriate assessment and protection.

AMPs also provide policies that guide development to ensure that significant archaeological resources are conserved, give direction on how to protect and manage those resources, and establish protocols on engagement, procedural methods and other best practices.

AMPs help the approval authority to be proactive when making planning decisions.

More information can be found in the Archaeological Management Plans Info Sheet, located on the Ministry of Municipal Affairs website: [Archaeological Management Plans](http://www.mah.gov.on.ca/Page14813.aspx). (<http://www.mah.gov.on.ca/Page14813.aspx>)

The mapping in an AMP illustrates areas of archaeological potential.

If the planning approval authority uses a Geographic Information System (GIS) as a planning tool, the archaeological potential mapping in the AMP can be incorporated with other land information in the GIS to allow for easier flagging on a specific property as to whether an archaeological assessment is required.

Keeping an AMP regularly updated helps ensure that recently found sites are included and it will be more accurate in determining archaeological potential.

5.3.2 Disturbed Sites

Highly disturbed land (intensive and extensive modifications) can result in a loss of archaeological potential. Deep disturbance of land might include the installation of utilities such as water pipes or sewers and the construction of basements or deep building foundations. These activities result in intensive and extensive disturbance. A consultant archaeologist and/or the Ministry of Tourism, Culture and Sport can provide advice on whether a disturbance has impacted the archaeological potential.

Other activities, such as traditional farming methods (ploughing), superficial landscaping, and residential or recreational use of the land surface (a trailer park or children's playground) may not have resulted in intensive and extensive disturbance. In these cases, an archaeological assessment can determine if archaeological potential remains.

Sidebar: Criteria for Determining Archaeological Potential on Land:

- Known archaeological sites within 300 metres
- Water sources (primary, secondary, or ancient) within 300 metres
- Elevated topography (e.g. knolls, drumlins, eskers, plateaux)
- Historic transportation routes (e.g. roads, rail, or portage)
- Resource areas, including food or medicinal plants (e.g. migratory routes or spawning areas) raw materials (e.g. quartz, copper, ochre or outcrops of chert), Indigenous trade routes or early Euro-Canadian industry (e.g. fur trade, logging, mining).
- Pockets of well-drained sandy soil, especially near areas of heavy soil or rocky ground
- Property listed on a municipal register or designated under the OHA, or that is a federal, provincial or municipal historic landmark or site
- Indigenous or local knowledge of possible archaeological sites or historical events, activities or occupations on or near the property

Circumstances satisfying any of these criteria may indicate archaeological potential.

These criteria form the basis of the following checklists, which can be accessed and downloaded from the ministry's website:

- [Criteria for Evaluating Archaeological Potential: A Checklist for the Non-Specialist](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0478E~3/$File/0478E.pdf)
([http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0478E~3/\\$File/0478E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0478E~3/$File/0478E.pdf))
- [Criteria for Evaluating Marine Archaeological Potential: A Checklist for Non-Marine Specialists](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0503E~1/$File/0503E.pdf)
([http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0503E~1/\\$File/0503E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0503E~1/$File/0503E.pdf))

Sidebar: Cemeteries and Human Remains

Property located adjacent to a cemetery needs to be assessed by an archaeologist prior to development.

Because modern cemetery boundaries are often different from the past boundaries, and because unmarked graves located beyond the modern boundaries are common, a consultant archaeologist should always assess a property adjacent to or abutting a cemetery prior to any development or planning approvals.

Work within cemeteries should only be done in consultation with the Bereavement Authority of Ontario. The Bereavement Authority of Ontario can be reached by email at info@thebao.ca or by telephone at 647-483-2645 or toll free at 844-493-6356.

If human remains or suspected human remains are found during any development work, all work must cease at once and the local police or the local coroner's office should be contacted immediately

Sidebar: Parking Lots

Parking lots or land that has been capped or covered in other ways is often intact below an asphalt cover. Because the asphalt only covers the surface of the land, it is not considered "deeply disturbed" and often retains archaeological potential.

For this reason, parking lots should be evaluated by an archaeologist prior to any development decisions being made. The archaeologist will be able to determine if there is further potential below the surface, requiring an assessment, or if there is low or no potential, and therefore no need for further archaeological assessment.

5.4 Understanding and Implementing Recommended Conservation Approaches

In regards to archaeology, the PPS 2014 definition of conserved refers to the identification, protection, and management of archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the OHA. This may be achieved by implementing the recommendations in an archaeological report. Mitigative measures and/or alternative development approaches can be included in these reports.

Sidebar: Planning Approaches for In Place (in situ) Conservation of Archaeological Resources

Depending on the nature of the proposed development or site alteration, adjustments to the site plan, subdivision lot parcel boundaries, parkland dedication or other site specific design decisions may allow development to avoid archaeological resources or areas of archaeological potential.

An archaeological site may be integrated into a development, as long as the integrity of that archaeological site is protected by:

- legal measures such as transfer of ownership to a public body, covenants on title, and appropriate zoning;
- physical measures that limit the possibility of impacts to the site;
- conservation plans or site-specific management plans.

The Standards and Guidelines for Consultant Archaeologists state that the preferred method of conserving archaeological resources is protection in situ (in place). A consultant archaeologist will outline the suggested method of in situ conservation in the report recommendations.

Sidebar: How old is too old for a previous assessment to still be viable?

Archaeological assessments carried out under the Standards and Guidelines for Consultant Archaeologists (2011) and entered into the Ontario Public Register of Archaeological Reports are considered compliant by the Ministry of Tourism, Culture and Sport.

The Ministry of Tourism, Culture and Sport can provide guidance on whether an assessment is still viable.

The second, less preferred option for conservation is excavation (i.e. removal) of archaeological resources until no further cultural heritage value or interest remains. The consultant archaeologist will outline appropriate mitigative measures in the report recommendations.

Sidebar: Archaeology in Potentially Contaminated soil

Where environmental contamination is a concern, complying with any relevant laws and regulations relating to the contamination and its remediation—including health and safety standards—is the first priority.

Every effort must be made to mitigate impacts to the archaeological site by following the usual standards, unless the contamination makes it unfeasible to do so. Where further archaeological fieldwork is impossible, the archaeological report must provide supporting documentation from a qualified person (e.g. an engineer with appropriate experience). The consultant archaeologist will provide guidance on the required documentation.

6.0 Adjacent Lands and Protected Heritage Property

6.1 The Policy Context

The PPS 2014 states:

2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

The PPS 2014 directs approval authorities to require that heritage attributes of a protected heritage property that cannot be conserved solely through the OHA are conserved through the development and site alteration approval process under the Planning Act.

Development and site alteration on adjacent lands to a protected heritage property may have an impact on heritage attributes including its visual link to its surroundings.

6.2 Defining Adjacent Lands

The PPS 2014 defines adjacent land as land that is contiguous to (sharing a common property line with) a protected heritage property. A municipal official plan can also define adjacency using other considerations, to include property that does not necessarily touch the boundaries of the parcel of a protected heritage property.

The flexibility provided in this PPS 2014 definition is an acknowledgement that development that is not immediately contiguous could have considerable adverse impacts on the heritage attributes of a protected heritage property.

For example, properties separated by a public right-of-way, a street or road, a public lane or located a specified distance from a protected heritage property may be considered adjacent for the purposes of policy 2.6.3 of the PPS 2014, if defined as such by the Official Plan.

Contiguous Property	Contiguous Property	Contiguous Property
Contiguous Property	Protected Heritage Property	Contiguous Property
Road or public right-of-way		
Non-adjacent Property	Adjacent Property as defined by municipal Official Plan	Non-adjacent Property

Adjacent lands as defined by the PPS, 2014 and by a municipal Official Plan

6.3 How Development and Site Alteration on Adjacent Lands Can Affect a Protected Heritage Property

When managing change, whether to a single property or an HCD, it is necessary to consider the impact of development on the cultural heritage value of the whole, not just on one or more of its components.

Ontario Regulation 9/06 establishes criteria for determining cultural heritage value or interest of an individual property. The third criterion under the regulation is contextual value:

- whether a property is important in defining, maintaining or supporting the character of an area;
- whether it is physically, functionally, visually or historically linked to its surroundings; or
- whether it is a landmark.

In some instances, contextual value extends beyond the property boundaries, and change to adjacent lands must be managed accordingly.

Development and site alteration on lands adjacent to a heritage conservation district can affect the cultural heritage value or interest of the district just as much as they could affect an individual protected heritage property, and the requirements of policy 2.6.3 are no different in this case.

For example, a property that includes historic gardens as heritage attributes may be impacted by shadows cast from a proposed high rise development that is proximal, but not immediately adjacent.

6.3.1 Views and Vistas

Vistas and views can be from, to or within a protected heritage property. Affecting them, whether directly or indirectly, can have a negative impact on the cultural heritage value or interest of the property. This can include:

- obstructions or development that block or impact a view of a heritage attribute; and
- sunlight, shadow, lighting or light pollution that intrude on the surrounding visual context of the heritage attribute.

Impacts on a protected heritage property can occur whether or not a development is on an adjacent property. A heritage impact assessment should be prepared if there will be any impact from a development on the surrounding cultural heritage resources.

6.4 Recommendations for Official Plans

Visual plotting and representation of significant views and vistas in municipal planning documents can help to ensure that they are properly conserved. Two-dimensional maps can be useful, but may not be enough to accurately represent what should be protected. (See Section 4.4 for additional details on defining geographic areas). It is important to identify vantage points, viewing areas and/or viewing cones that must be kept intact to maintain the relationship between the heritage attributes of the resource and its surrounding context. Municipalities should also consider using photographs (taking care to match the focal length to a range approximating human vision) or visualizations to show the protected views and their extents from an identified vantage point.

6.4.1 Buffer Zones and Setbacks

Avoiding or minimizing negative impacts on a built heritage resource or cultural heritage landscape can include:

- visually isolating or providing buffer zones between a cultural heritage resource and new development; and
- site alteration or redesign to protect significant views and vistas or other heritage attributes that could be affected by the activity taking place in close proximity.

6.4.2 Other Mitigative Measures

Municipalities and approval authorities can adopt official plan policies, objectives and approval procedures for conserving heritage attributes. Many official plans now include a section dedicated to heritage conservation that provides detailed policies for protecting cultural heritage resources, as well as appropriate reference to cultural heritage resources throughout the official plan.

Impacts on the heritage attributes of a protected heritage property or properties can be avoided or minimized by changing the development approach. Rather than dealing with these issues individually and reactively, the municipality can make the process more predictable and consistent by establishing design guidelines, regulating density and height, and using other site plan control mechanisms that have been specifically identified for application to protected heritage properties and adjacent lands.

Municipal guidelines can be applied to other protected heritage properties and areas, using measures under the Planning Act, as an effective tool for guiding adjacent land development early in the land use planning process.

7.0 Community Engagement

When making decisions about the future of cultural heritage resources and when considering alterations that may affect a property's cultural heritage value or interest, interested individuals, communities and organizations should be meaningfully engaged and their views taken into account. This could include, but is not limited to:

- municipal staff (e.g. municipal heritage planners)
- municipal heritage committee
- local neighbourhood or residential community
- Indigenous communities
- heritage interest groups that operate locally or in the larger area
- those that may be affected by anticipated alterations or changes.

7.1 The Policy Context

The PPS 2014 states:

1.2.2 Planning authorities are encouraged to coordinate planning matters with Aboriginal communities.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.

7.2 Considering the Interests of Indigenous Peoples

The PPS 2014 is the first time explicit reference is made to Aboriginal communities in relation to planning matters.

While policy 1.2.2 encourages municipalities to coordinate planning matters with Indigenous communities, policy 2.6.5 gives specific direction when cultural heritage resources are involved. Indigenous communities have considerable interests in cultural heritage resources, such as archaeological sites and cultural heritage landscapes that are linked to their histories, traditions and beliefs.

To best consider these interests, planning authority staff should become aware of and work with Indigenous communities (First Nations, Métis or Inuit peoples) who may have interests within the municipal or planning jurisdiction.

“By respecting each other’s perspectives and developing relationships, [planning authorities] and Aboriginal communities can build trust, address potentially challenging issues and act collaboratively to achieve social and economic well-being for all residents” (from [Municipal-Aboriginal Relationships: Case Studies](#), MMAH, 2009 <http://www.mah.gov.on.ca/AssetFactory.aspx?did=6775>).

By engaging with interested Indigenous communities, the planning authority will be able to determine how best to ensure a productive dialogue with Indigenous partners and mutually beneficial outcomes.

For example, an Archaeological Management Plan can help involve Indigenous communities by providing development proponents with a protocol for engaging Indigenous communities in areas of known or potential archaeological sites.

7.3 The Duty to Consult Aboriginal Communities

Section 4.3 of the PPS 2014 says that it shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.

The duty to consult has its source in the honour of the Crown and the constitutional protection accorded to Aboriginal and treaty rights under section 35 of the *Constitution Act, 1982*.

There is a three-part test for triggering the Crown’s duty to consult:

1. the Crown has knowledge, actual or constructive, of an established or asserted Aboriginal or treaty right;
2. there is contemplated Crown conduct; and
3. there is the potential that the contemplated conduct may adversely affect an Aboriginal or treaty right

It is Ontario’s position that municipalities may have a duty to consult in some circumstances. For example, where municipalities are the approval authority, municipalities are uniquely placed to consult and, if required, accommodate, to address Aboriginal rights.

With the inclusion of the specific policies listed above, the PPS 2014 is encouraging planning authorities to meaningfully engage in an ongoing respectful dialogue with Indigenous communities.

8.0 Cultural Heritage Evaluation Reports, Heritage Impact Assessments and Conservation Plans

8.1 The Policy Context

The PPS 2014 states:

1.7.1 Long-term economic prosperity should be supported by:

d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;

2.6.1 *Significant built heritage resources* and *significant cultural heritage landscapes* shall be *conserved*.

2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

Cultural heritage evaluation reports (CHER), heritage impact assessments (HIA) and conservation plans (CP) are documents that may help to achieve the identification and conservation of cultural heritage resources. They can be used as part of the required studies and reports for development and site alteration applications.

These reports are completed in the following order, where necessary:

1. The CHER will help to identify and evaluate cultural heritage resources on properties where such information is not yet available.
2. The HIA will assess and avoid, eliminate or mitigate impacts
3. A CP will set standards for managing a cultural heritage resource over an extended period.

8.2 Cultural Heritage Evaluation Reports

A CHER is a report prepared with advice by a qualified person who gathered and recorded, through research, site visits and public engagement, enough information about the property to sufficiently understand and substantiate its cultural heritage value or interest.

The CHER will contain sufficient information to understand the property and provide a record of the evaluation process and articulate the results of the evaluation.

The documentation will be organized to provide an understanding of the property and will include:

- a summary of the research and the manner in which it was undertaken;
- an analysis of the research against Regulation 9/06 of the OHA to determine whether the property has cultural heritage value or interest and its conclusions;
- a chronological record of any changes over time to the use, design or integrity of the property;
- maps, illustrations, photographs and drawings, as required, to illustrate the research and evaluation; and
- either a draft statement of cultural heritage value when it is found or a rationale if a property is found not to have cultural heritage value or interest.

8.3 Identifying Cultural Heritage Value or Interest

The first step in identifying cultural heritage value or interest of a built heritage resource or cultural heritage landscape is to review the documents associated with any existing formal heritage recognition. This may include the statement of cultural heritage value or interest for a property designated under the OHA, consistent with the terminology of the OHA. If the property was designated before the 2005 amendments, the by-law should include “reasons for designation,” which was the previous terminology.

The cultural heritage value or interest determined by the municipality at the time of protection should be respected. If the property has been identified under the OHA as having cultural heritage value or interest, any statement of the property’s cultural heritage value or interest in a heritage impact assessment should not differ substantially from an existing evaluation associated with municipal designation.

If the property has not been designated under the OHA, there may be other formal documentation of its cultural heritage value or interest. Identification of value should always be consistent with any existing formal recognition.

8.4 Statements of Cultural Heritage Value or Interest

A statement of cultural heritage value will be prepared when a property is determined to be of cultural heritage value or interest. The statement will be derived from the summary of the research.

The statement will provide the following information:

- Description of Property - briefly describes the property location so that the property can be readily ascertained. It includes:
 - the location of the property (i.e. municipal address and neighbourhood if appropriate);
 - the principal resources that form the property (i.e. buildings, structures, landscapes, remains, etc.); and
 - any discernible boundaries.
- Cultural Heritage Value or Interest - describes why the property has cultural heritage value or interest and it should:
 - focus on what makes the property important (not provide a broad history);
 - explain the cultural meanings, associations and connections the property holds for the community and/or the province; and
 - reflect one or more of the criteria from O. Reg. 9/06 and/or 10/06.
- Description of Heritage Attributes – a list of the key attributes or elements that must be retained to conserve the CHVI. The list will include, but not be limited to:
 - style, massing, scale or composition;
 - features of a property related to its function, design or historical associations;
 - interior spatial configurations;
 - exterior layout;
 - materials and craftsmanship;
 - relationship between a property and its broader setting;
 - archaeological sites;
 - natural landforms, vegetation, water features; and/or
 - visual setting.

8.5 Heritage Impact Assessments

A heritage impact assessment (HIA) is an independent study that determines the impacts of a proposed development, site alteration or undertaking on cultural heritage resources. It identifies recommendations for mitigation measures, such as alternative development approaches, to reduce negative impacts and ensure conservation of the cultural heritage resources.

Heritage impact assessments are usually undertaken as part of the required supporting material for a complete application under the Planning Act. An HIA should be prepared early in the planning process to inform the development's design and not simply to satisfy a planning application requirement.

It is important to remember that during the research stage of an HIA, built heritage resources or cultural heritage landscapes previously unidentified may be identified. If the documentation of cultural heritage value or interest is limited or absent, completing a CHER may be required.

Heritage impact assessments should not be used to identify or evaluate archaeological potential, nor should archaeological assessments identify or evaluate built heritage resources or cultural heritage landscapes. An archaeological assessment, undertaken by a consultant archaeologist, is only to be used for archaeology matters. For more on archaeology, see Section 5 of this guide.

A heritage impact assessment:

- is based on the property's cultural heritage value or interest and is prepared by a qualified person(s) (See section 8.14 for an explanation)
- identifies potential negative impacts of development and site alteration to heritage attributes that contribute to a property's cultural heritage value or interest
 - considers impacts to the whole property, even if the proposed activity only affects a portion of it
 - considers direct and indirect impacts to the heritage attributes of a protected heritage property resulting from a proposed site alteration or development on an adjacent property
 - identifies appropriate conservation principles and guiding documents and describes their application to conservation of the cultural heritage value or interest of the property
 - considers and recommends alternative development options and mitigation measures to conserve the cultural heritage value or interest, including avoidance or not proceeding with the development
 - addresses all applicable heritage conservation policies in the municipal official plan and other planning documents
 - considers the findings of any archaeological assessment(s) and other relevant technical studies that have been separately undertaken by a consultant archaeologist
 - uses appropriate terminology, consistent with terms in the Planning Act, OHA, the PPS 2014 and Official Plans
- takes into account the opinions of interested persons, communities and organizations

8.6 Terms of Reference for Heritage Impact Assessments

Some municipalities have adopted terms of reference for writing heritage impact assessments to provide a consistent and transparent understanding for the required content and the submission process. Terms of reference should allow planning staff the flexibility to ask a proponent to address specific aspects of concern on sensitive sites.

8.7 When to Prepare a Heritage Impact Assessment

A heritage impact assessment should be prepared when the proposed development:

- is located on or adjacent to a *protected heritage property*
- is located on or adjacent to a property that contains an identified cultural heritage resource that is not protected by the OHA (built heritage, cultural heritage landscape or archaeological resource)
- intends to remove or demolish any building or structure on a protected heritage property or cultural heritage landscape
- plans to alter a property that contains cultural heritage resources (e.g. demolition, removal or site alteration).

Municipalities may choose to adopt official plan policies requiring heritage impact assessments under other conditions than those listed above. These municipal policies should explain why the assessment is required, with reference to the appropriate sections of the PPS 2014.

8.8 Content of a Heritage Impact Assessment

A heritage impact assessment typically includes the following:

1. introduction
 - legal description of property
 - legislation or process under which the development is being undertaken
 - name of the proponent
 - brief description of the proposed development
2. historical background of the property
 - settlement of area, association with prominent persons, land use activity, ownership pattern
3. full description and purpose of proposed activity
4. statement of cultural heritage value or interest
5. description of the anticipated impact of proposed activity on heritage attributes that support the property's cultural heritage value or interest

6. description and evaluation of development alternatives and mitigation or avoidance measures in response to impacts
 - evaluation must be completed on the basis of established principles, standards and guidelines for heritage conservation
7. summaries of community and Indigenous engagement
 - who was engaged and how
 - how comments were incorporated into the recommended approach
8. recommendations
 - preferred conservation measures
 - if other site alteration or development approaches are not appropriate, explanation of why
 - if there is going to be an impact on a resource, explanation of why the impact cannot be avoided
 - implementation
9. appendices
 - project personnel
 - name of each member
 - brief curriculum vitae, showing qualifications for undertaking the heritage impact assessment
 - bibliography

The Ontario Heritage Trust has infosheets available about both heritage impact assessments and conservation plans.

8.9 Negative Impacts

Negative impacts on a cultural heritage resource may include, but are not limited to:

- destruction or removal of part or all of the heritage attributes
- alterations that are unsympathetic or incompatible with the cultural heritage value or interest of the property
- development on property adjacent to a cultural heritage resource which may lead to:
 - shadows or obstruction that alter the appearance of a heritage attribute or change the viability of the attribute (e.g. blocking sunlight to natural features or plantings that have been identified as heritage attributes)
 - isolation of a heritage attribute from its surrounding environment, context or a spatial relationship that contributes to cultural heritage value or interest
 - direct or indirect obstruction of views or vistas to or from a protected heritage property that have been identified as heritage attributes

- a change in land use that introduces new development or site alteration into previously open space that was identified as a heritage attribute (e.g. infill construction on a battlefield, parkland or similar cultural heritage landscape)
- land disturbance such as vibrations that occur from construction activity, change in grade that alters soils and drainage patterns and may adversely affect attributes of a cultural heritage landscape, archaeological resources or areas of archaeological potential

There may be negative impacts on cultural heritage resources before, during or after work has been completed. These impacts may be direct or indirect, temporary or permanent. Negative impacts should be described in terms of their effect on specific heritage attributes, or, in some cases, the overall cultural heritage value or interest of a property.

8.10 Mitigation or Avoidance

One of the most important components of a heritage impact assessment is its recommendations on how to avoid or reduce negative impacts on cultural heritage resources.

These recommendations may include, but are not limited to:

- alternative development approaches (building something different, or in a different location, from the original development proposal)
- isolation or physical separation of new development and site alteration from built heritage resources and cultural heritage landscapes
- adopting design guidelines to ensure new development and site alteration will be sympathetic to the cultural heritage value or interest of existing built heritage resources and cultural heritage landscapes
- reducing or relocating building height and mass away from the existing heritage attributes
- reversible alterations to heritage attributes
- creating buffer zones or view blocks (e.g. trees, plantings or other landscape elements that establish a visual separation or screen between the existing cultural heritage resource and new development), established through site plan control and other planning mechanisms

Commemoration and/or interpretation signage are not mitigation strategies.

8.11 Conservation Plans

Conservation plans can generally build upon the findings of a heritage impact assessment by setting standards for managing a cultural heritage resource over an extended period. This can include suggested short, medium or long-term maintenance programs, implementation approaches and phases or schedules for when conservation work should take place.

Conservation plans may be required by a municipality or approval authority as a condition of approval, to provide guidance on conserving the cultural heritage resources while development or site alteration is taking place, or after development activity has concluded. Conservation plans expand on the information provided in the heritage impact assessment, such as providing direction on implementing conservation strategies that have been recommended in the heritage impact assessment.

To ensure that a recommended conservation approach in a conservation plan is implemented, municipalities may require a property owner to post a letter of credit, a bond or a certified cheque as part of the development approval process.

Conservation plans may also be developed for a property in advance of any proposal for development or site alteration. In this case, the property may not have been subject to a prior heritage impact assessment, and the conservation plan will provide guidance that is applicable to any potential development or site alteration, as well as ongoing conservation activity (e.g. routine maintenance of heritage attributes).

Conservation plans may also be associated with an easement registered on the property title under the OHA, giving the easement holder the ability to monitor the property and to ensure that conservation work is done appropriately.

8.12 Content of a Conservation Plan

A conservation plan should briefly describe the property and relate its history, state its cultural heritage value or interest, outline the heritage attributes that require conservation and provide guidance on maintenance measures.

A conservation plan typically includes the following:

- detailed information on conservation treatments for the cultural heritage resources, including guidelines on materials and methods
- approaches for short, medium and long-term conservation work, including timing considerations for when the work should take place before during and after construction

- appropriate qualifications for anyone responsible for conservation work
- approaches for monitoring the cultural heritage resource and establishing a long-term reporting structure (e.g. who is responsible for preparing the reports, who is responsible for reviewing them)
- a time period for the review and updating of the conservation plan itself

8.13 Municipal Official Plan Policies for Heritage Impact Assessments and Conservation Plans

The Official Plan is the most important vehicle for implementing the PPS 2014. It should contain policies about when a heritage impact assessment will be required and set specific conditions and requirements for preparing and submitting heritage impact assessments.

It is useful to include a policy that requires that a heritage impact assessment be part of a complete application. The heritage impact assessment must be submitted to the municipality in time to inform any decision under the Planning Act that affects properties containing cultural heritage resources. Completing assessments after a decision has been made, is not consistent with section 2.6.1 or 2.6.3 of the PPS 2014.

It is important to recognize that, while some cultural heritage resources may already be identified and inventoried by official sources, others will only be determined after evaluation. To ensure that previously unidentified significant cultural heritage resources are not adversely affected by a proposed development or site alteration, the municipal official plan may include a policy setting out parameters under which a cultural heritage evaluation report may be required before a heritage impact assessment.

Official plan policies may indicate where the municipality will require a conservation plan as a supplemental—but separate—document to a cultural heritage evaluation report or a heritage impact assessment.

8.14 Qualification to Prepare a Cultural Heritage Evaluation Report, Heritage Impact Assessment or Conservation Plan

A cultural heritage evaluation report, heritage impact assessment or conservation plan is prepared by a qualified person(s) with individual expertise, recent experience and knowledge relevant to the type of cultural heritage resource within their professional discipline as well as the nature of the development being proposed.

The document should outline the individual's:

- credentials, qualifications and experience gained through having worked directly on the type of cultural heritage resources being addressed by the document (i.e. do not simply rely on the experience of the consulting firm in determining whether a person is qualified)
- demonstrated expertise with the type of resource and the nature of the development being considered
- recent and relevant professional experience in conservation (e.g. within the last three to five years)
- experience giving expert testimony on cultural heritage before a provincial tribunal (e.g. the Conservation Review Board, Ontario Municipal Board or Environmental Review Tribunal)
- ability to ensure Indigenous communities will be engaged.

When areas of archaeological potential or archaeological sites are being altered or disturbed in any way, the only qualified person is a consultant archaeologist.

The expertise of more than one qualified person working in a multi-disciplinary team may be required. For example, a complex property with more than one type of cultural heritage resource may require a historian, a professional engineer, an architect, a consultant archaeologist, a landscape architect, a specialist in historic preservation, a conservator, a heritage planner, Indigenous Elders and/or Knowledge Keepers etc. Similarly, determining appropriate solutions to address specific issues, such as accessibility, security, way finding, signage etc. may also require specialized qualifications.

9.0 Conclusion

Considering the advice in this guide will help those involved in the land use planning process understand the conservation of cultural heritage resources as an integral part of making a community healthier, more prosperous and more sustainable.

Understanding and implementing these connections will lead to more effective conservation and more effective planning.

This guide is meant to serve as a reference for those involved in the land use planning process, bringing together relevant information from existing legislation, policies and guidelines in one place. Information found within this guide should not be interpreted as legal advice.

For more information on any of the topics addressed in this guidebook, please refer to the ministry's website or contact us by telephone at 416-314-7620.

Additional Resources

Ministry of Tourism, Culture and Sport website: [Culture](http://www.mtc.gov.on.ca/en/culture/culture.shtml)
(<http://www.mtc.gov.on.ca/en/culture/culture.shtml>)

Ministry of Municipal Affairs website: [Citizen's Guide to Land Use Planning](http://www.mah.gov.on.ca/Page338.aspx)
(<http://www.mah.gov.on.ca/Page338.aspx>)

Ministry of Municipal Affairs website: [Provincial Policy Statement 2014](http://www.mah.gov.on.ca/Page215.aspx)
(<http://www.mah.gov.on.ca/Page215.aspx>)

Ministry of Municipal Affairs website: [Archaeological Management Plans Infosheet](http://www.mah.gov.on.ca/Page14813.aspx)
(<http://www.mah.gov.on.ca/Page14813.aspx>)

Ontario Heritage Trust website: [Tools for Conservation](http://www.heritagetrust.on.ca/en/index.php/pages/tools/tools-for-conservation)
(<http://www.heritagetrust.on.ca/en/index.php/pages/tools/tools-for-conservation>)

Ontario Heritage Trust website: [Conservation Plans for Heritage Properties](http://www.heritagetrust.on.ca/user_assets/documents/HIS-011-Conservation-plans-for-heritage-properties-ENG.pdf)
(http://www.heritagetrust.on.ca/user_assets/documents/HIS-011-Conservation-plans-for-heritage-properties-ENG.pdf)

Parks Canada website: [National Historic Sites](http://www.pc.gc.ca/en/lhn-nhs) (<http://www.pc.gc.ca/en/lhn-nhs>)