



Conserving the Niagara Escarpment

2022 Value-for-Money Audit

Why we did this audit

- The *Niagara Escarpment Planning and Development Act* directs that the Niagara Escarpment is to be maintained as a continuous natural environment with only compatible development.
- The Niagara Escarpment Plan (Plan), established under the Act, is considered to be Canada's first land use plan with environmental protection as its primary objective.
- The conservation of the Escarpment is a shared responsibility between the Natural Resources Ministry, the Niagara Escarpment Commission and other entities.

Why it matters

- The Niagara Escarpment is recognized internationally by the United Nations as a World Biosphere, a place to conserve nature and promote sustainable development.
- Located beside the most densely populated part of Ontario, the Escarpment's natural environment faces ongoing development pressures.
- The World Economic Forum ranks the loss of nature in its top three most severe risks globally over the next decade.

What we found

Niagara Escarpment Plan Weaknesses

- The Plan does not cover all of the Escarpment, so not all of it is protected from incompatible development.
- The Plan allows new and expanded aggregate operations despite the environmental impacts, poor inspection rates, poor rehabilitation track record, and no required justification of need for pits and quarries.
- Changes to the Plan in 2017 allow development that harms endangered species' habitats. The Ministry changed the Plan to align it with changes made in 2007 to Ontario's endangered species legislation. As a result, protecting an endangered species' habitat is no longer explicit grounds for the Commission to refuse a development permit application. Up until 2017, the Plan did not allow new development in endangered species' habitat.

RECOMMENDATION 1-3

Effectiveness of Niagara Escarpment Plan Not Sufficiently Monitored

- The Niagara Escarpment Commission and the Natural Resources Ministry do not have sufficient performance measures and targets to evaluate whether the purposes and objectives of the Act and Plan are being achieved.
- There is no longer environmental monitoring as there are no Commission staff, resources or programs to assess the state of the Escarpment.
- The Commission has not assessed the cumulative effects of the more than 12,000 development permits that it has issued since 1975.

RECOMMENDATION 4-6

Insufficient Conservation Efforts

- The Commission does not have a long-term strategic plan to achieve its legislative mandate to conserve the Escarpment.
- Almost all development permit applications have been approved by the Commission in the last five years.

- The Ministry does not have a plan or program to assist in financing the completion of the Niagara Escarpment Parks and Open Space System and to secure a permanent route for the Bruce Trail.
- Only 45% of the Niagara Escarpment Parks and Open Space System's sites have approved plans to guide their protection, despite increasing use and threats like invasive species.
- Protected areas cover 16% of the Escarpment, but there is no target to increase their number to better conserve the natural environment.

RECOMMENDATION 7-12

Deficiencies in the Plan's Administration

- Reports of possible contraventions have climbed 82% over the last five years, but no charges have been laid under the Act since 2014.
- The Commission has not conducted sufficient public outreach to promote the Plan.
- The Commission unnecessarily reviews applications that do not require a development permit, contributing to a backlog of permits to be processed.
- Plan amendments can languish for years.
- The Commission lacks a modern information management system to efficiently and effectively implement the Plan.
- The Ministry provides insufficient financial and staffing resources to the Commission to ensure the Plan and Act are effectively and efficiently implemented.
- The Commission does not charge fees for development applications or other services to finance program delivery and discourage activities that negatively impact the Escarpment.

RECOMMENDATION 13-20

Enhancing Processes for Commissioners

- A lack of timeliness in the Ministry's appointment process has negatively impacted the functioning of the Commission.
- Appointments of public-at-large Commissioners do not provide a balanced representation of regions and interests.
- Orientation and ongoing training for Commissioners needs improvement, including enhanced training for Chairs.
- Conflict-of-interest disclosure processes need to be strengthened.

RECOMMENDATION 21-23

Conclusions

- The Escarpment has been governed by both an Act and a Plan for the almost half-century since its conservation was enshrined into law. For example, the Plan co-ordinates a 44,017-hectare network of 163 parks and open spaces for conservation and recreation purposes. Additionally, under the Plan and the Act, development activities in almost all of the Plan Area are regulated by the Commission, which issues permits with conditions on how development is to proceed or processes exemptions for proposed development.
- However, the Natural Resources Ministry and the Niagara Escarpment Commission are failing to fully provide the necessary leadership, resources and actions to maintain the Escarpment and adjacent lands as a continuous natural environment, and to ensure that all development is compatible with that environment.
- Good stewardship requires constant improvements to best address and adapt to rising pressures on the Escarpment, including from significant population growth in the region.