

Terms of Reference for the Preparation of a Planning Justification

Description

A Planning Justification is the unifying component of a development application, intended to provide:

- a background context;
- an overview of the purpose and effect of an application; and,
- establish a professional planning rationale for the application by:
 - demonstrating how a proposal conforms to applicable planning policy documents;
 - aligns with local planning goals and community needs; and
 - good planning principles.

The Planning Justification must demonstrate that an application is consistent with and/or conforms with the Planning Act, Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), County of Brant Official Plan and Comprehensive Zoning By-Law, as well as other Council adopted plans and policies as may be amended or updated from time to time. Further, the Planning Justification must address how requested relief from applicable municipal land use policies upholds the principles of good land use planning and is accordingly in the public interest.

The purpose of this document is to assist the applicant to organize and substantiate the Planning Justification in support of the proposed development and to assist staff and the public in the review of the proposal. This Terms of Reference document is intended to be applied in conjunction with all other applicable municipal guidelines and Technical Standards.

Authority to Request a Planning Justification

The Planning Act gives municipalities the authority to require a Planning Justification to be prepared. Under Sections 22(4) and (5) of the Planning Act, a Council has the authority to request such other information or material that the authority needs to evaluate and make a decision on an application. Section 6.13 Complete Applications of the Official Plan sets out the general requirement for a Planning Justification, whereby the County is responsible for determining the need, extent and timing of studies, information and materials on a site-specific basis in consideration of the site's land use context.

Rationale

The Planning Justification will assist staff, external government agencies, Indigenous communities, and other stakeholders in reviewing the proposal and putting forth a recommendation on the development application based on the information specific to that proposal. Decision makers may also review the Planning Justification in determining whether to approve, approve with modifications or refuse and application.

Preparation

A Planning Justification must be prepared by a Registered Professional Planner (RPP) or through direct supervision of an RPP. All reports and drawings must be stamped, signed, and dated by a qualified professional, licensed in the Province of Ontario.

When Required

A Planning Justification is required for the following applications:

- Official Plan Amendment
- Zoning By-law Amendment
- Draft Plan of Subdivision/Condominium
- Site Plan Control
- Part Lot Control
- Consent to Sever and/or Minor Variance
- Plan Revisions

The County will determine the scope of the Planning Justification through the Pre-Consultation Meeting process and provide direction.

Scope

The level of detail and information required in a Planning Justification will depend on the complexity of the application. As such, a Planning Justification may be required in the form of a comprehensive report or a planning brief (i.e., limited report). Regardless of scope Planning Justifications must give a summary of the proposal and outline the merits of the proposal based on good planning principles.

Contents for a Planning Justification

A Planning Justification will contain and/or address the points identified as part of pre-consultation. Failure to address the critical elements identified in the pre-consultation meeting may result in the application being considered incomplete.

Note: Any changes to the proposal may require an updated Planning Justification.

What to Include

At a minimum the Planning Justification shall include and address the following:

Introduction

Not Required

Required

Provide application details and any other pertinent information that will assist staff in reviewing the application (e.g., date of pre-consultation meeting, Legal description, etc.).

Not Required

Required

Give a detailed description of the proposed development, including any major features or attributes (e.g., height, density, number of units, parking, architectural design, Natural Heritage Features, natural hazards, cultural heritage resources, etc.).

Site Description and Contextual Analysis

<input type="checkbox"/>	<input type="checkbox"/>	Description of the local context (including built form, land use, development pattern, local character, gateways, schools, institutions, shopping centres, and landmarks). The use of maps is encouraged.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Description of existing site conditions (including topography, historical significance, potential contamination, human and natural constraints, natural features, easements, etc.) and the existing use of the site. Provide photographs if relevant.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Summarize the views to and from the subject site, including any significant views to public landmarks, cultural heritage resources, natural areas, and other amenities. Provide photographs if relevant.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Description of connections from the site to transportation networks: pedestrian, cycling, and automobile.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Description of Natural Heritage System: parks, open space, and other natural features.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Provide a description of the site's planning history, including previous planning approvals and/or agreements (e.g., Site Plan Control Agreement, site specific zoning by-law, OMB/LPAT/OLT decisions, tree removal permits etc.), and provide copies of the pertinent documents if available.
Not Required	Required	

Policy and Regulatory Context

<input type="checkbox"/>	<input type="checkbox"/>	Describe how the proposal is consistent with the Planning Act and Provincial Policy Statement (PPS). Including rationale as to how and why each policy is being addressed by the proposal.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Examine the proposal's conformity to the general purpose, vision, planning principles and goals of the County's Official Plan, including rationale as to how and why each policy is being addressed by the proposal. Reference specific policy numbers from the Official Plan.
Not Required	Required	
		Provide an overview of the Official Plan land use designation from all Schedules for the site and demonstrate how the proposal conforms to the County's Official Plan. Justify areas of non-compliance and explain

why the policy(s) cannot be met.

<input type="checkbox"/>	<input type="checkbox"/>	Integrated Natural Heritage and Natural Hazards Review: Identify surrounding natural heritage and water resource features, areas and systems including vegetation protection zones and linkages, natural hazards regulated by Conservation Authorities, and considerations for climate change mitigation as related to maximizing vegetation. Describe potential environmental constraints to development and site alteration prior to establishing lot pattern or an initial design. Provide a summary of supporting studies' consideration of natural areas and natural hazards, and their recommendations' potential implications on each other and the site proposal, to reach an integrated solution involving design based on environmental policies. Where a site contains and/or is adjacent to natural areas and impacts are anticipated to be minor, if an Environmental Impact Study has not been required by the County, the Planning Justification will need to demonstrate consistency and conformity with applicable environmental policies.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Describe how the proposal takes into consideration or complies with any applicable County master plans, studies, and relevant guidelines. State the applicable master plans, studies, and relevant guidelines which apply to the subject proposal (e.g., Brant-Brantford Housing Stability Plan, Age Friendly community Plan, community design plan, concept plan, etc.). Demonstrate how the proposal is consistent with the subject plan(s) and if applicable explain why certain objectives cannot be met.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Explain how the proposal addresses any individual properties or structures designated under Parts IV or V of the Ontario Heritage Act and areas or policies identified within the County's Official Plan.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Review zoning by-law information and any proposed zoning changes along with the rationale for any areas of compliance and non-compliance. Include the rationale for alterations to General Provisions (e.g., setback reductions, parking requirements, etc.).
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Explain why the proposal is good planning and should be considered for approval.
Not Required	Required	

The Proposal

<input type="checkbox"/>	<input type="checkbox"/>	Explain the details of the proposal, including items such as identification of affordable housing/units, rental housing/units, landscaping, climate change mitigation, parking, building orientation, streetscaping, buildings, accesses, pedestrian, vehicular circulation, phasing issues and major statistics (i.e., height, density, parking). This should be tied to a preliminary site plan.
Not Required	Required	

<input type="checkbox"/>	<input type="checkbox"/>	Provide a detailed analysis of the compatibility of the proposed development or land use designation with the existing or planned adjacent developments and land use designations.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Indicate if a pre-consultation meeting with County staff and technical agencies took place and explain feedback given. Where departure from the feedback is proposed, provide justification.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Explain previous approvals, from the County or relevant authorities, for example: conservation authorities and provincial ministries. If possible, include previous file numbers or copies of documents.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Explain how the contextual analysis influenced the development proposal.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Supporting Studies Summary: provide a brief summary of each supporting study submitted, for example: transportation studies, site servicing study, archaeological assessment, tree conservation plan, environmental impact study, environmental site assessment, slope stability and geotechnical study. Demonstrate how recommendations will be addressed through the planning process such as through zoning, site plan control, conditions of approval and/or agreements.
Not Required	Required	

Proposed Amendments

<input type="checkbox"/>	<input type="checkbox"/>	Include a draft by-law text and schedule mapping for proposed amendments as attachments if the Planning Justification is submitted in support of an application for Official Plan or Zoning By-Law Amendment.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Include all proposed zoning amendments and a comparison of the existing provisions if the Planning Justification is submitted in support of a Zoning By-law Amendment. A table must be included (see example below).
Not Required	Required	

Provision	Proposed	Relief Required
Max. Building Height: 12.0m	19.0m	Yes

Planning and Design Analysis

<input type="checkbox"/>	<input type="checkbox"/>	Provide a description of the suitability of the site, why the proposed development is appropriate for this site, and how it will function to meet the needs of the intended future users.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Discuss whether there are other planning approvals required, their sequencing, and if those necessary applications have been filed (e.g., Consent, Site Plan Control Agreement, etc.).
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Discuss whether there are other approvals required by other agencies (e.g., Ministry of Transportation, Ministry of the Environment, Conservation and Parks etc.).
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Analyze the compatibility of the proposed development or proposed land use designation with the existing adjacent developments and land use designations. Examine and describe the potential impact of the proposal on the surrounding community, and vice versa. Include recommendations on mitigation measures to maintain and enhance compatibility.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Describe any consultation with Indigenous communities. Where Indigenous communities have provided comments as part of pre-consultation or on the development application, explain how their feedback has and will be addressed through the planning process. Where comments have not been integrated into the development, provide justification.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Briefly examine and describe the potential impact of the proposal on the natural environment, specifically any identified natural hazards and natural heritage and hydrologic features, areas, and systems. An Environmental Impact Study may be deemed necessary for a more comprehensive assessment.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Briefly examine and describe the potential impact of the proposal on cultural and built heritage resources. A Heritage Impact Statement may be deemed necessary for a more comprehensive assessment.
Not Required	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Detail any mitigation measures that are proposed to achieve land use compatibility and reduce negative impacts.
Not Required	Required	

Not Required

Required

Provide a description of the suitability of the site, why the proposed development is appropriate for this site, and how it will function to meet the needs of the intended future users.

Not Required

Required

Discuss whether there are other planning approvals required, their sequencing, and if those necessary applications have been filed (e.g., Consent, Site Plan Control Agreement, etc.).

Conclusion

Not Required

Required

Provide an overview of the main arguments (for lengthy Planning Rationales).

Submission Requirements

All files are to be submitted electronically, in a PDF format, with the follow naming convention: PROPERTY ADDRESS OR PROJECT ID_NAME OF DRAWING OR REPORT.PDF Submissions must be made directly to the Planning contact identified above or by email at planning@brant.ca

Appendices, Figures, Maps, and Plans

The following visual aids and/or appendices must be included with Planning Justifications where applicable:

- Community Engagement Plan
- Concept Plan or Preliminary Site Plan
- Draft Plan of Subdivision
- Maps of surrounding area and uses
- Map of the site at scale
- Aerial photo of the site
- Aerial photo of the site overlaid with lot lines and plan for development
- Maps of existing and proposed transportation networks
- Maps of existing, proposed, and surrounding zoning
- Map of the Official Plan land use designations from all applicable schedules
- Maps of environmental constraints on the site (e.g., trees, woodlands, wildlife habitat, rivers, flooding and erosion hazards, vegetation protection zones, linkages). Clearly indicate features proposed for removal and those to be retained.
- Matrix identifying feedback received as part a non-statutory Public Information Session and how that feedback has been addressed.
- Minutes of Pre-consultation Meeting issued by the County. Include Matrix identifying feedback and how that feedback has been addressed. If it has not been addressed, provide justification.

Tip: Mapping, including topographic information or a legal survey, is advantageous in

assisting planning staff with the review of the application, particularly if the proposal is seeking a precise degree of relief from a zoning standard.

What else should we know?

If applicable a Public Information Session, led by the applicant/agent/consultant/ or owner may be required to be held after the pre-consultation meeting and submission for complete application, but prior to a committee hearing being scheduled. The County will determine whether a Public Information Session is required through the pre-consultation meeting. Where such a meeting is held, the County should be notified in advance of the meeting.