



**TC Energy**

450 - 1 Street S.W. Calgary, AB  
Canada, T2P 5H1

August 2, 2023

Hon. Steven Clark, Minister

Ministry of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Via email: [planningconsultation@ontario.ca](mailto:planningconsultation@ontario.ca)

Dear Minister Steven Clark:

**RE: Feedback on proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument**  
ERO number 019-6813

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On behalf of TransCanada PipeLines Limited ("TCPL"), an affiliate of TC Energy Corporation, TCPL requests that you consider its below comments on the proposed new *Provincial Planning Statement*, which will replace *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* ("Growth Plan") and the *Provincial Policy Statement, 2020* ("PPS").

TCPL operates a system of large-diameter, high-pressure inter-provincial natural gas transmission pipelines located throughout the province of Ontario, and operates associated facilities, such as industrial-scale compressor stations. TCPL's pipelines and related facilities are regulated federally by the Canada Energy Regulator ("CER"). As such, certain activities must comply with the *Canadian Energy Regulator Act* ("Act") and associated Regulations.

**Our primary focus in reviewing the proposed legislation is ensuring we are able to continue to operate our facilities safely and in a manner that protects the public, our workers, and the environment.**

By receiving notices from municipalities of proposed development activity, TCPL has an opportunity to work with proponents to optimize designs to conform with the Act and Regulations for the safety and protection of the public, its employees, the environment, as well as its pipeline facilities and other property. To the extent that Authorization is required under its Regulations within a thirty-metre prescribed area for development in proximity to a federally regulated pipeline, TCPL may not authorize a developer's activities where a public safety risk has been identified. To ensure TCPL is able to continue to monitor land use changes, TCPL requests that you consider the following:

- 1) maintain the land use compatibility policies that protect federally regulated pipeline corridors as found in the current PPS; and,
- 2) ensure that the operator of federally regulated pipeline facilities and corridors are consulted prior to the issuance of a Ministerial Zoning Order (MZO) affecting lands where pipelines and related facilities are located.

To support your consideration of our requests, we have included an analysis by our planning consultant, MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC"), on how TCPL's requests can be implemented in the PPS and we would be happy to continue to consult with the Ministry as you continue the policy analysis process.

Sustainable growth of the Ontario real estate market is a shared interest. We support the safe, responsible growth of Ontario communities as we also play a significant role in the delivery of utility grade natural gas to residential and industrial users across the province. Our requested considerations help to ensure the integrity of our operating assets, supporting the reliability and safety of the service we proudly provide Ontario residents.

Sincerely,

*Ken Gordon*

Ken Gordon  
*Director of Operations – Mainline and Quebec*





PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

Authorized commenting Agency for



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Dear Minister Clark:

**RE: Feedback on proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument**  
ERO number: 019-6813

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") are the planning consultants for TransCanada Pipelines Limited ("TCPL"). Respectfully, TCPL requests as part of your review process on the new provincial planning policy instrument that you consider its below comments on the proposed new *Provincial Planning Statement*, which will replace *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* ("Growth Plan") and the *Provincial Policy Statement, 2020* ("PPS").

TCPL operates a system of large-diameter, high-pressure inter-provincial natural gas transmission pipelines located throughout the province of Ontario, and operates associated facilities, such as industrial-scale compressor stations. TCPL's pipelines and related facilities are regulated federally by the Canada Energy Regulator ("CER"). As such, certain activities must comply with the *Canadian Energy Regulator Act* ("Act") and associated Regulations.

TCPL actively monitors development activity in proximity to its pipelines and facilities, including:

- new development within 200 metres of TCPL's pipelines that increases population and/or employment density, to ensure conformance with the pipeline class location factors incorporated in CSA standard Z662.
- development of sensitive land uses within 750 metres of a TCPL compressor station, to ensure land use compatibility in proximity to major facilities and that appropriate noise and safety mitigation measures are implemented.
- development and ground disturbance within 30 metres of TCPL's pipelines, which requires Authorization from TCPL to conform with Section 335 of the Act.

By receiving notices from municipalities of development activity, TCPL has an opportunity to work with proponents to optimize designs to conform to the Act and Regulations for the safety and protection of the public, its employees, the environment, as well as its pipeline facilities and other property.

To ensure TCPL is able to continue to monitor land use changes, TCPL has requested that you consider the following:

- 1) maintain the land use compatibility policies around federally regulated pipeline corridors as found in the current PPS; and,
- 2) ensure that the operator of federally regulated pipeline facilities and corridors are consulted prior to the issuance of a Ministerial Zoning Order (MZO) affecting lands where pipelines and related facilities are located.

### ***Current Provincial Policy Context***

In the existing PPS, TCPL's pipelines and facilities are defined as **Infrastructure** and **Major Facilities**:

***Infrastructure:*** means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

***Major facilities:*** means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities."

The policies in Section 1.2.6 Land Use Compatibility of the PPS protect major facilities, including TCPL's pipelines and facilities, from the encroachment of sensitive land uses that may impact their long-term operational and economic viability. Where avoidance is not possible in accordance with policy 1.2.6.1 of the PPS, policy 1.2.6.2 identifies a list of criteria that shall be met in order to permit the development of adjacent sensitive land uses:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated".

The Growth Plan echoes these policies, with policy 2.2.5.8 stating that:

*"The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment".*

Policy 1.6.8.1 of the PPS identifies the responsibility of planning authorities to plan for and protect corridors and rights-of-way for infrastructure to meet current and projected needs.

Overall, the current provincial planning regime recognizes the federal regulations for the safety and protection of the public, workers, the environment and national pipeline infrastructure.

## ***Proposed Provincial Planning Statement***

The proposed *Provincial Planning Statement* as drafted raises several concerns for TCPL, specifically in relation to land use compatibility and the long-term protection of its pipelines and facilities. The development of sensitive land uses in proximity to TCPL's pipelines and facilities, such as compressor stations, creates increased operational safety concerns and the requirement for higher degrees of risk mitigation.

As noted, TCPL operates several facilities, including industrial-scale compressor stations, on lands currently designated *employment area*. The revised definition of *employment area* removes offices and excludes institutional and commercial uses as employment uses. As such, if the proposed legislative and policy changes take effect, areas that do not meet the new definition would no longer be protected as areas of employment or subject to the policy requirements for "conversions" to non-employment uses, including sensitive land uses. This could create a situation where current *employment areas* with TCPL facilities would be open to redevelopment with sensitive land uses.

The revised Land Use Compatibility policies of the proposed *Provincial Planning Statement* further contribute to the risk of an increase in sensitive land uses in proximity to TCPL's pipelines and facilities, as they remove the criteria that must be demonstrated to permit the development of a sensitive land use adjacent to major facilities. Policy 1.2.6.1 of the current PPS provides TCPL's pipelines and facilities with an added layer of protection against the encroachment of sensitive land uses.

Together, the above-listed elements of the proposed *Provincial Planning Statement* may encourage and/or increase development proposals for sensitive land uses in proximity to infrastructure and major facilities without necessary consultation with TCPL.

Thank you for the opportunity to comment. Please forward a copy of your response to the undersigned by mail or by email to [TCEnergy@mhbcpplan.com](mailto:TCEnergy@mhbcpplan.com). If you have any questions, do not hesitate to contact our office.

Sincerely,

MHBC



Dana Anderson, MA, FCIP, RPP  
Partner | MHBC Planning



Kaitlin Webber, MA  
Planner | MHBC Planning