



January 2, 2024

Michaella Hynes  
Planner  
Planning & Development  
City of London  
300 Dufferin St.  
London ON N6A 4L9

RE: File: Z-9673, 2598-2624 Woodhull Road

Dear Ms Hynes,

Thank you for the opportunity to comment on the proposed Zoning by-law for 2598-2624 Woodhull Road. Thames Talbot Land Trust (TTLT) owns a 21-ha portion of the Dingman Creek Corridor, which is part of the Dingman Creek Environmentally Significant Area (ESA). The Auzins Nature Sanctuary lands are on Woodhull Road south and downstream of the proposed project. Our comments on the development proposal will focus on potential impacts to the Dingman Creek, a priority natural area for TTLT, and the downstream habitats at TTLT's Auzins Nature Sanctuary. TTLT has a strong obligation to ensure that the natural features that are part of this protected area remain in excellent condition. Any changes in surrounding land uses that might have negative environmental impacts on TTLT's nature reserve are of great concern to us. We are also interested in working with additional landowners to protect this special area. More information about TTLT is provided at the end of this letter.

Dingman Creek is one of the larger tributaries of the upper Thames River. The Dingman Creek corridor is ribbon on habitat from Dorchester Swamp to the Thames River at Delaware and is a wildlife corridor contributing to the connectivity across this landscape. The floodplain and upland forests play a vital role in protecting water quality, which is critical for the survival of aquatic species like mussels. Dingman Creek provides habitat for over 50 species of fish and mussels, including several species at risk. Additional species at risk include 16 bird species, 6 plants and 9 reptiles. We would like to emphasize that although this proposal focuses on the Subject Lands, they are part of a much larger habitat complex that supports a huge diversity of life.

Natural areas support wildlife habitat but also provide ecosystem services for the London community. These important places need to be protected and adequate buffers from environmentally significant areas are an important and vital piece of this protection. We support required setbacks and buffers from

any development to ensure the health and sustainability of our precious natural areas.

We have reviewed the materials posted on the City of London website, including the Slope Stability and Geotechnical Assessment, the Environmental Impact Study, the Planning Justification Report and the Staff Report to Planning and Environment Committee. Below we provide our comments related to these documents as they relate to the proposed project.

### [Slope Stability and Geotechnical Assessment, EXP Services Inc., April 2021](#)

On page 1 of the report the following purpose is listed:

“The purpose of the assessment was to examine the subsoil and groundwater conditions at the Site, assess the slope stability along the onsite slope and determine the recommended development setback limit, in accordance with the Ontario Ministry of Natural Resources (MNR) Technical Guide – River & Streams Systems: Erosion Hazard Limit and the Upper Thames River Conservation Authority guidelines.”  
Page 1

This report, however, does not address the impact of the proposed development on the slope stability and potential increase in erosion of the slope as a result of the development. Changes in overland flow of water (e.g., from gutters and paved areas) can significantly affect slope stability:

“Surficial erosion of the soil on the face of the slope could be caused by run-off water washing over the face of the slope, such as tile drains or redirected surface water which is directed onto existing slopes. Where possible, uncontrolled surface waterflows over the face of the slope should be minimized, to reduce the risk of surface erosion. Erosion control measures may be required during construction, to reduce the risk of surface waterflows from washing out non-vegetated surfaces.” Page 12

“Water from downspouts and perimeter weeping tile etc. must also be collected in a controlled manner and redirected away from the slope.” Page 12

The report recommends all water flow be directed away from the slope **BUT the site is so narrow there is nowhere else to send the water** except onto neighbouring properties. There is clearly risk associated with modifying the current natural state of the lands. Increased erosion could lead to slope instability, increased sedimentation in the Creek and destruction of habitat for Species at Risk mussels (see below).

The report is also not clear about whether the proposed development including grading activities (cutting, filling, excavation, etc.), loading of the soil, as well as operation of the construction equipment and machinery were considered in the Factor of Safety (FOS) analysis for the stable slope. Please confirm.

We also echo the concern raised by UTRCA that it appears from the site photographs that the reconnaissance survey was undertaken during conditions with snow on the ground. Please confirm that there is no visible erosion at the toe of the slope and no water seepage along the face of the slope.

Additional challenges include:

“Indiscriminate stockpiling of fill or construction materials should be avoided. In the event that

stockpiling of material is proposed in the vicinity of the slope crest, a review by the Geotechnical consultant is required.”

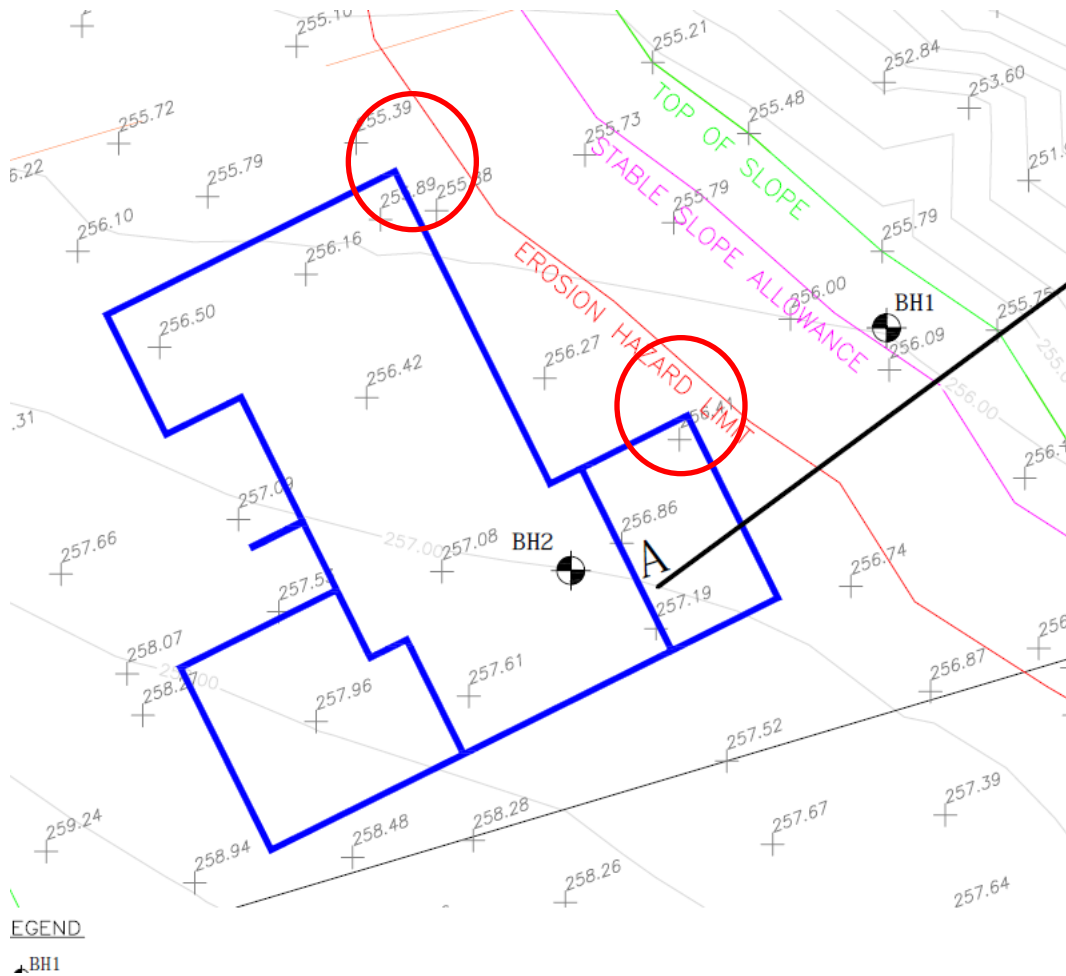
Given the very narrow size of the lot and that the proposed development is occupying nearly the entire area outside of the erosion hazard limit, where will materials be stockpiled? Is there enough room to actually contain the footprint of the build site on the lands?

Further recommendations include:

“Existing vegetation on the slope should be maintained.” Page 12

The current vegetation on the slope is contributing to the current stability of the slope. Any changes to vegetation could drastically alter stability of the slope and result in erosion. It is not uncommon for landowner to clear trails and paths, or to create views of water features such as creeks. If the vegetation is critical to maintaining the slope stability, who will ensure that the vegetation remains long term? What will happen if a new disease arrives that kill trees on the slope? We are seeing an increase in tree diseases moving northward with climate change. Emerald Ash Borer was one example of the devastating effects of emerging diseases. There are recently arrived diseases such as Beech Leaf disease and Oak Wilt, both fatal, already in the area.

In addition, the report only considers current slope stability and does not factor in any future changes due to climate change such as severe storms, increased flooding, or the channel meander of the creek. The slope in the cross-section examined had a rating indicating “that a moderate potential of slope instability exists” (Page 6). The proposed development is very close to the Erosion Hazard Limit. How much estimation error or changes in future conditions could result in the structure failing? Given the recognized Climate Emergency, are these calculations providing enough buffer for the future?



**Section of Drawing 1, EXP Services report, Page 23. No scale provided on drawing but distance from structure to Erosion Hazard Limit estimated at 3 metres (red circles added by TTLT).**

### Environmental Impact Study, MTE, December 2022

This report provides an overview of the environmental features of the property. We have several comments regarding the report.

On page 19, the report states that:

“Based on the development plan presented in Figure 9, the proposed development should not require the removal of any trees within the Subject Lands, aside from one dead Ash on the northwest portion of the Subject Lands, within the maintained lawn area. On the southwest, there is a confider hedgerow that is located along the proposed housing limits. Maintained grass and any other ground level vegetation within the development limits will also be removed.

Recommendation 1: The limits of clearing should be surveyed, staked, and fences in the field to allow for the protection of off-site natural areas and vegetation.

Recommendation 2: If these hedgerow trees are required to be removed or maintained at any point during the development process, any action should be completed by a certified arborist.”

Figure 9 below clearly shows that there is a proposed driveway where there are trees along Woodhull Road. In addition the site is incredibly narrow and the proposed building abuts the hedge on the south side – which is actually on the neighbours’ property. References to removing the hedge row are not appropriate since the trees do not “belong” to the proponent. Is there enough room to build the house without removing or damaging these trees? Tree Protection Zones should be established for the trees on the south border to protect their viability. No construction activities can take place within a Tree Protection Zone. Minimum Protection Distances required by the City of London are based on the tree trunk diameter. The three pine trees on the property line closest to the proposed development have diameters of 85, 90, and 97cm. For trees this size the minimum distance for a Tree Protection Zone is 5.4m to 6.0m. The proposed building is only 3m from the boundary line, with excavation likely being a bit closer. Excavation within 5.4 to 6m of these mature trees is almost surely going to damage the roots and possibly kill the trees.

In addition, Tree Protection Zone distances for trees in designated Open Space or Woodland are even greater than for single trees. The Subject Lands are also in a City of London Tree Protection Area as defined by the Tree Protection By-law (Key Map B-5) but we did not see any reference to appropriate distances from the trees in the Tree Protection Area. Excerpts from the Tree Protection By-Law are below (bold emphasis by TTLT).

“This By-law applies to private property in the City of London:

- (a) to Trees having a trunk diameter of 50cm or greater measured 1.4m above Natural Ground Level, within the Urban Growth Boundary; and
- (b) **to Trees of any size within a Tree Protection Area.”**

The By-law prohibits:

“Part 6 PROHIBITIONS

#### INJURE OR DESTROY TREE – TREE PROTECTION AREA

6.1 Subject to section 5.1 and Part 8, and except under authority of a Permit, **no person shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree in a Tree Protection Area.”**

This by-law defines the following:

“Injure” means to harm, damage or impair the natural function or form of a Tree, including **its roots within the Critical Root Zone**, by any means excepting injury by natural causes, and includes but is not limited to carving, drilling, injection, exploding, shattering, improper Pruning that fails to meet Good Arboricultural Practices, removal of bark, deliberate introduction of decay fungi , inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms “Injury”, “Injuring” and “Injured” shall have a corresponding

meaning;

"Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or **disturbance of any part of its Critical Root Zone** is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Destroyed" and "Destruction" shall have a corresponding meaning

"**Critical Root Zone**" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter;

Did the EIS look at the trees in the Significant Woodland to establish Tree Protection Zones where no construction activity can take place? **Any construction activity within the Critical Root Zone of the trees in the Tree Protection Area would violate the Tree Protection By-Law.** This gap should be addressed before any further project steps are taken.

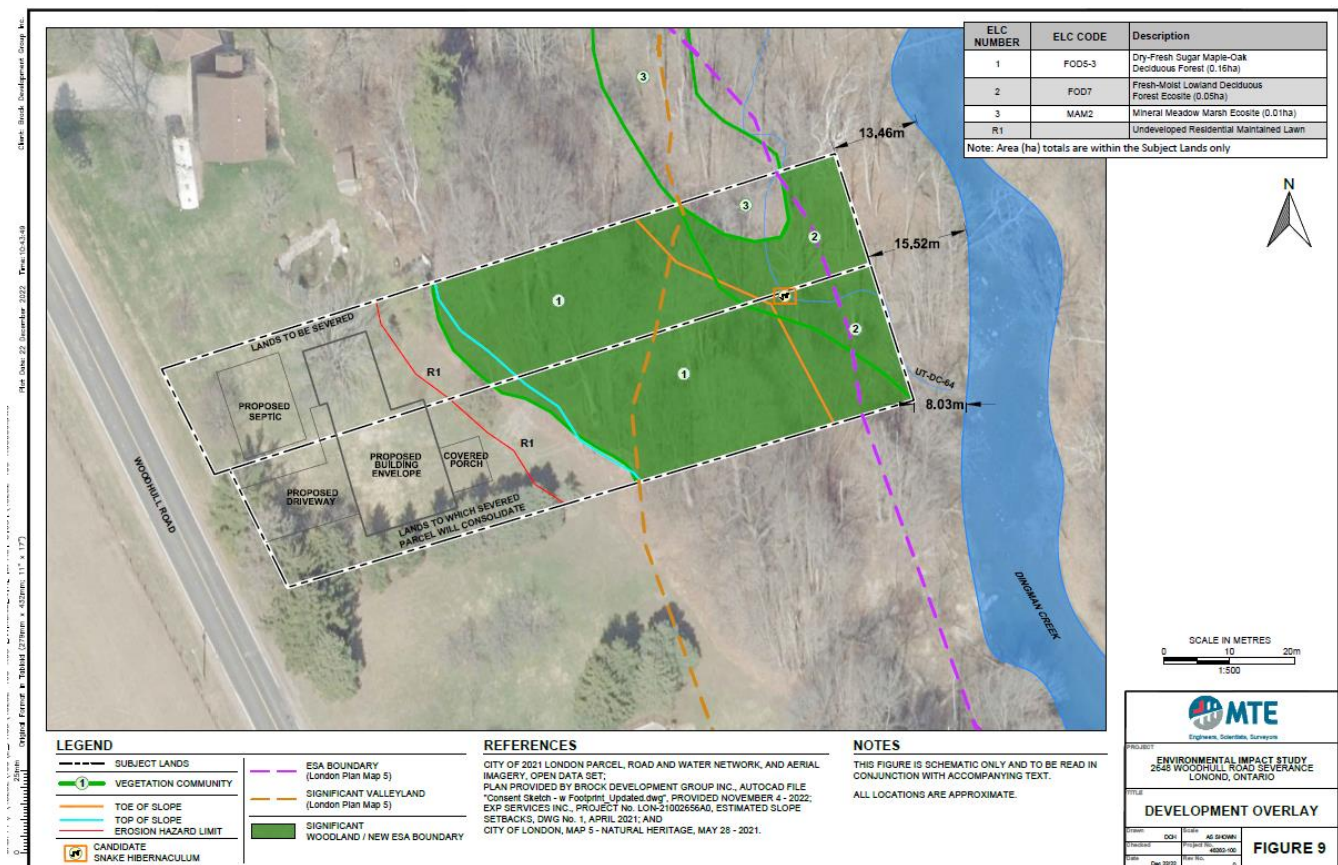
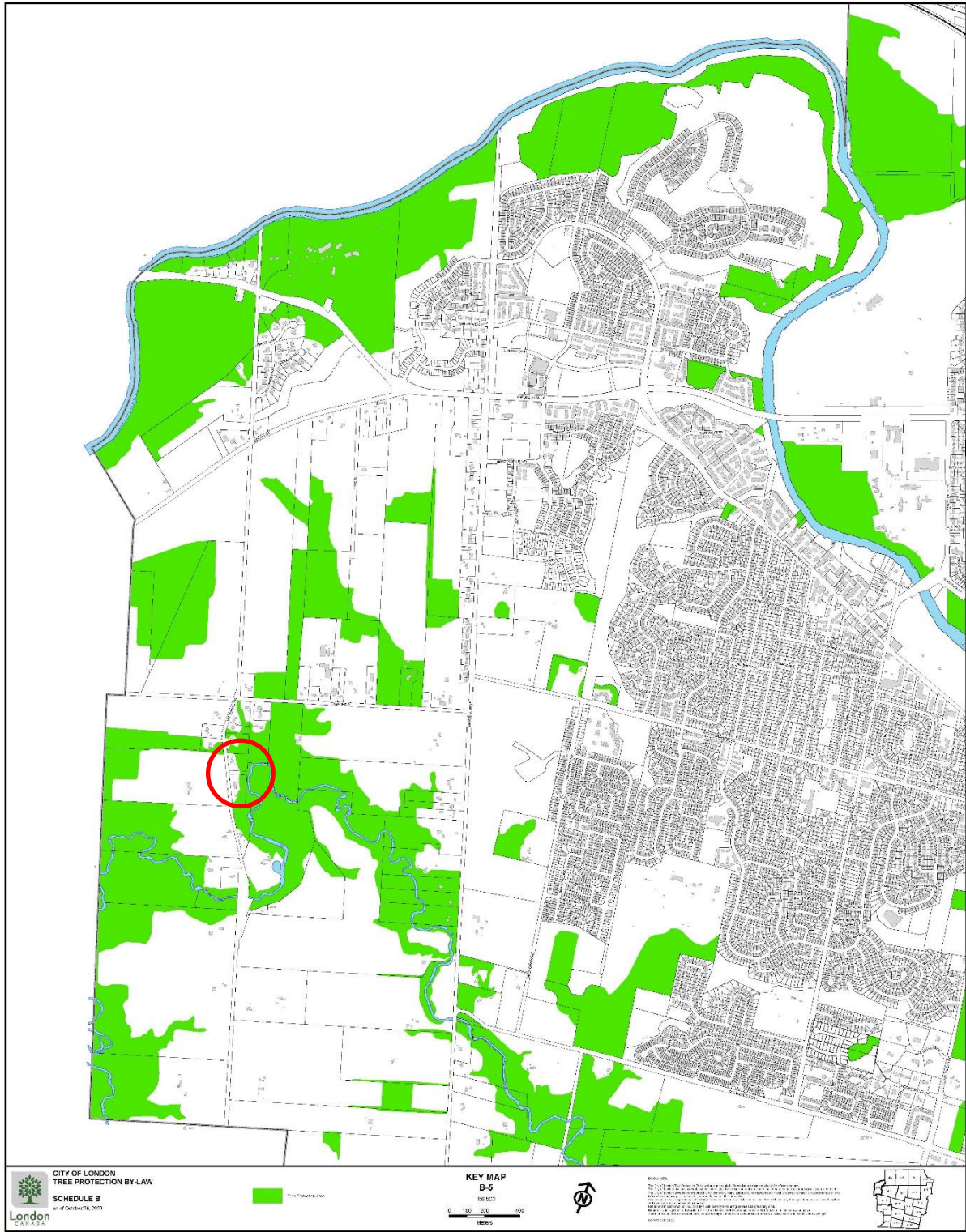


Figure 9 from MTE report.



**Key Map B-5 from City of London Tree Protection By-Law. Subject Lands indicated with circle.**

Further on page 19, the report states that:

“A minimum 30m buffer is recommended in the EMGs as a starting point for ESAs and Significant Woodlands. A reduced buffer is appropriate here as the ESA Woodland is currently co-existing with adjacent residential properties, that have smaller buffers and mowed lawn up to the base of the woodland trees. A buffer of 30m would not allow a single residential development within the legal parcel.”

We do not agree with the statement that a reduced buffer is appropriate. If neighbouring properties have a narrower buffer, it is because they were there before the ESA or Significant Woodland boundary was defined. For the protection of the ESA and Woodland (and all the wildlife that depend on the habitat), it is important to meet at least the **minimum** buffer specified. That means that the development needs to be adjusted to fit beside the ESA and Significant Woodland *with a buffer*, not the other way around. Healthy natural areas are important for wildlife to thrive and for local communities to receive ecological goods and services like carbon sequestration, pollination services, and recreation opportunities (and many more). We cannot sacrifice the community benefits nature provides for a development which will benefit one owner. **The ESA and Significant Woodland buffer of 30m must be maintained.**

On page 13, the report clearly states that the Significant Valleylands mapping should be adjusted to reflect the EXP study:

“A Significant Valleyland is mapped within the Subject Lands and Adjacent Lands, associated with Dingman Creek (London Plan Map 5, 2021). The slope boundary defined by EXP, 2022, differs from official mapped boundaries, and should be adjusted to the refined limits from the EXP study.”

If the new limits shown by EXP are used, then the 30m buffer for Significant Valleylands should be used for all calculations and decisions. But the rest of the report uses distances to the older estimates of the Significant Valleylands. The calculations on Figure 10 clearly indicate that the proposed development will be within 30m of the top of slope as shown by EXP, and therefore does not meet the 30m buffer for Significant Valleylands. As a reminder, City of London Environmental Management Guidelines (2021) suggest *a minimum* buffer of 30m.

The report also indicates that one edge of the proposed home is already less than 30m from the current Significant Valleylands boundary:

“The Significant Valleyland boundary bisects the Subject Lands on an angle, with an approximate setback of 23m at its closest to the development limits, and 50m at its furthest. The average setback is approximately 36.8m. The recommended buffer by The City of London EMGs is 30m.”



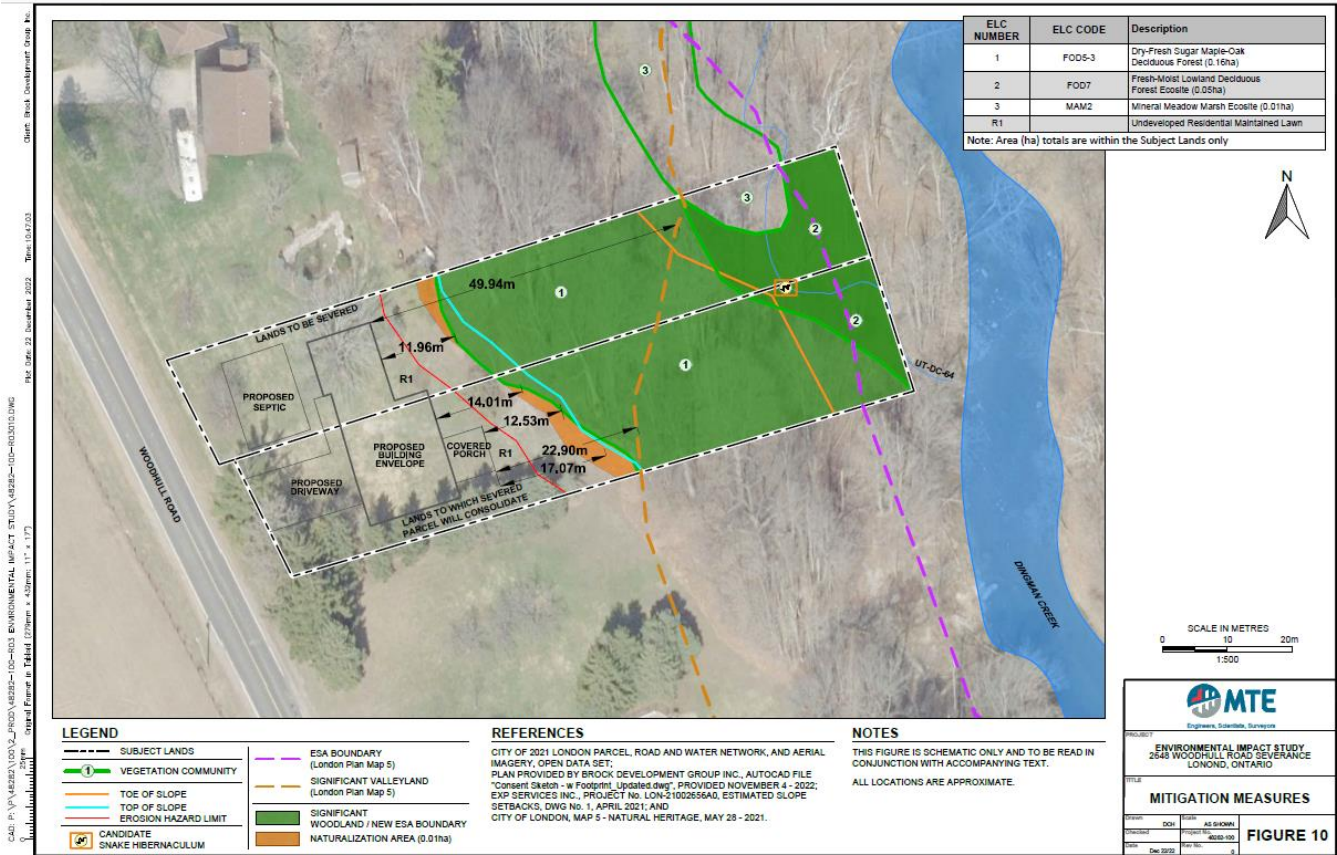


Figure 10 from MTE report.

We would like to see more details about the inventories done on the Subject Lands. The avifauna survey does not indicate where point counts were conducted (e.g., at the road or in the forest of the Dingman Creek?). The potential species at risk listed in Table 1 were screened for potential habitat on the Subject Lands (Appendix C) but several conclusions about possible habitat are based on the presence or absence of the species during field surveys. These conclusions require additional supporting documentation. In addition we found some possible errors in the habitat screening table (Appendix C). We also believe that additional species recorded in the Dingman Creek ESA are missing from the tables and should have been included. We provide the following comments:

**Barn Swallow (Threatened)** – Potential for SAR and SAR Habitat on Subject Lands = No  
 There are Barn Swallows nesting on the neighbours’ porches and at a neighbouring barn. Barn Swallows use open habitat so there is no reason they might not use the Subject Lands, particularly the area that is lawn and will be developed. We do not agree that there is no potential for the species on the Subject Lands.

**Eastern Hog-nosed Snake (Threatened)** – Potential for SAR and SAR Habitat on Subject Lands = Low  
 This species is protected and its locations cannot be disclosed publicly so we are required to maintain confidentiality in our comments. However, the species is known within at least a few hundred metres of

the Subject Lands. Due to the cryptic nature of the species and the fact that the area has not been properly studied, the precautionary principle should be enforced to ensure appropriate protection for the species and habitat. According to the Ontario Reptile and Amphibian Atlas “The Eastern Hog-nosed Snake is an active species, and individuals undertake large seasonal movements between habitat types and while foraging”. Given a nearby location and the habits of the species it is entirely possible that the species would use the Subject Lands as part of its habitat needs. “The Subject Lands include frequently mowed lawn that does not provide sandy soils or other suitable habitat” but the habitat it requires also includes woods, of which there are plenty on the Subject Lands, and woodland edges. In addition, the geotechnical study did soil samples and reported “Underlying the topsoil, in borehole BH1 was a stratum of **silty sand** extending to a depth of about 4.6m below ground surface (bgs).” (page 4) demonstrating that there is “sandy soil” on the site. We believe there is a **high** chance of the species using the Subject Lands as part of its habitat needs. Further evaluation should be done to ensure the proposed project does not impact this species.

**Wood Thrush (Special Concern\*) – Potential for SAR and SAR Habitat on Subject Lands = No**

This species occurs within the Dingman Creek corridor and there is more than enough mature forest in the Dingman ESA, part of which is on the Subject Lands. The table concludes “No mixed, mature forests within the Subject Lands. Not identified during breeding bird surveys.” The species can use mature forests that are **mixed or deciduous** as shown in the same table in another cell. Although there is no “mixed mature forest”, there is mature deciduous forest within the Subject Lands and therefore there is Habitat for the Wood Thrush. The species is recorded extensively throughout the Dingman Creek corridor, including at the Auzins Nature Sanctuary and we are very surprised that it was not detected during field studies. We would like MTE to confirm that surveyors did at least some point counts within the forested part of the property.

*\*Please note that although this species is listed as Special Concern in Ontario it is listed as Threatened in Canada.*

**Eastern Wood-Pewee (Special Concern)– Missing from table**

Like the Wood Thrush, this species is found within the Dingman Creek corridor and there is enough mature forest to support the species. We would like MTE to confirm that surveyors did at least some point counts within the forested part of the property.

**Bald Eagle (Special Concern) – Missing from table**

The species is documented nesting on a neighbour’s property. Likely uses the Subject Lands for feeding or perching.

**Green Dragon (Special Concern) – Missing from table**

This species is present throughout the Dingman Creek and is documented at the Auzins Nature Sanctuary. We are surprised the species was not included in the table. Were targeted searches conducted for this species?

**Blue Ash (Threatened) – Missing from table**

This species is present throughout the Dingman Creek and is documented at the Auzins Nature Sanctuary. We are surprised the species was not included in the table. Were targeted searches conducted for this species?

### **Rainbow (Special Concern) – Missing from table**

Dingman Creek behind the Subject Lands is a documented location.

### **Silver Shiner (THR) – Missing from table**

Dingman Creek behind Subject Lands is a documented location.

These records demonstrate how vital the Dingman Creek ESA is for the protection of multiple Species at Risk. Although the study focuses on only the Subject Lands, the lands are part of a much larger complex of habitat supporting numerous rare species and any changes to the Subject Lands may also affect the rest of the complex. **This is a Significant Woodland with many Species at Risk therefore a buffer of 30m should be required to ensure protection of these sensitive habitats.**

The following comments in response to issues identified in EIS Table 6 Impact Assessment and Net Effects.

**Introduced invasive plants** – the study assumes that invasive plants will be removed and a buffer naturalization project undertaken but not by whom or when. The study also does not consider the invasive plants that might be planted as part of new gardens at the proposed development. Will the new landowners be required to use native plants on the site? Inappropriate disposal of lawn/gardening waste is common in residential properties abutting natural areas. TTLT appreciates that monitoring has been recommended in the plan post construction, but *who* will monitor the site to ensure dumping is not occurring and that naturalization is going well? We do not agree with the conclusion that there is a “Possible positive net effect”.

**Increased access to sensitive area & Creation of new trails** – the study indicates that there is possible damage to vegetation from access to the sensitive area and creation of trails, in this case by the landowner on private land. Who would monitor this situation on private lands? Given how important the vegetation is to slope stability, there is considerable risk that landowners may reduce the slope vegetation and exacerbate the erosion hazard. We do not agree with the conclusion that there is a “No net effect”.

**Decreased infiltration and increased run-off** – the study indicates that impervious surfaces decrease infiltration but conclude that there are no net effects. How could this be if part of the lot is covered in a driveway and house? Clearly there will be less permeable land at this site, which will lead to more run-off than in the current natural state. The EXP study indicated that surface water management is very important to maintain slope stability and that run-off from gutters must be managed appropriately. Yet this EIS indicates that there is “no net effect”. We do not agree. There are several mentions in the EIS to storm sewer for water management but no such servicing exists on the site nor has been proposed for the site based on currently provided drawings. These analyses should be repeated.

**Increased erosion** – the table indicates that development is more than 30m from the stable slope but that is not correct based on the EXP study. As seen in Figure 10 the distance to the closest edges of the proposed development are all less than 20m. We do not agree that there is “no net effect”. Appropriate erosion and sediment control measures are very important. We would like to see the proponent **develop an Erosion and Sediment Control (ESC) plan** supported by notes, standards, guidelines, monitoring, inspection, and reporting to address this issue. Even more important than a good plan, is the diligent

monitoring of site conditions throughout the construction period. In many cases, erosion control measures are neglected, then fail, causing sedimentation. As the owner of a portion of the ESA located “downstream” of the proposed development, Thames Talbot Land Trust is very concerned about the potential impacts of sedimentation. Will a contingency plan be prepared to address unexpected failure of erosion and sediment control measures?

**Domestic animals** – The plan identifies off-leash dogs as a potential concern but no reference was made to cats allowed outdoors. Outdoor cats will have serious impacts on wildlife, particularly birds. The Subject Lands are part of an Environmentally Significant Area, a Significant Woodland and with several Species at Risk birds present. Given this is a private property and there is no way of knowing if the owner will have pets, it is impossible to conclude that there is “no net effect”.

**Use of heavy machinery** – While there may be less impact to trees in the mapped natural heritage features, there is high risk for any trees near the proposed development given the extremely small envelope for building. In particular the trees in the hedgerow on the south side of the lot are very likely to be damaged to accommodate development. Tree Protection Zones and tree protection fencing prior to any grading on site should be part of the development plan.

#### **Missing impacts not evaluated in the EIS:**

**Windows and birds** – collisions with windows can be fatal for birds and the proposed development is very close to the natural portions of the site. What is planned for this development to address this issue? Brochures about bird window strikes are helpful, but residents are unlikely to follow these suggestions, especially if they are bearing the costs of the necessary window treatments. Installing windows with built-in protection (at least for windows facing the natural area) would be more effective in reducing this impact, and likely more cost effective overall.

In addition, there are references within Table 6 to stormwater management “serviced by storm sewers” but there are no municipal services available for this area. All stormwater must be managed on-site. The City of London Pre-Application form clearly indicated that the proponent needed to provide a water management plan for the site. We have not seen this plan included as part of the EIS. Has this plan been prepared?

“There is no municipal storm sewer or outlet available for this site and therefore the consultant is required to provide a SWM functional report indicating how the site is proposed to be serviced as part of the re-zoning application (e.g. on-site controls, LID, etc.)” Appendix A, City of London Pre-Application Consultation record.

#### **Planning Justification Report Provincial Policy Statement (PPS)**

The Planning Justification Report indicates that the proposal satisfies requirements of the PPS pertaining to lot creation, residential intensification, protection of prime agricultural lands, public infrastructure and on-site servicing. With respect to the protection of Natural Heritage Features, it is noted in the Report that no development is proposed on the portion of lands designated Green Space and all natural features are being protected through appropriate setbacks. However, the required 30m buffer is being

reduced to 0m (i.e. no buffer). We have found several issues with the proposed setbacks and distances to natural heritage features as described above (e.g., ESA boundary, Significant Valleylands). We do not feel that this project meets the requirements of the PPS to protect natural heritage features since the appropriate buffers are not being provided.

The Planning Justification Report failed to mention that the PPS directs that prime agricultural areas be protected for long-term use for agriculture, and limits the use of these areas to agricultural uses, agricultural-related uses, and on-farm diversified uses. This proposal is to facilitate the construction of a residential dwelling, which is not a permitted use in prime agricultural areas. We do not agree with the conclusion that “The proposed Zoning By-law Amendment is consistent with the PPS.”

The site fronts onto a public road in an area that is not served by municipal water and sewer infrastructure. Services will be provided by an on-site septic system and on-site water well but the well location has not been provided. Is there enough room on the proposed plan to install a well and a septic without encroaching on Tree Protection Zones or the Significant Woodland buffers? The EIS did not explicitly identify any constraints or impacts associated with the provision of on-site water services and this should be further investigated. In addition, no stormwater management plan has been provided to indicate how water will be managed on site. Potential site servicing impacts on the Dingman Creek could be addressed by more specific and complete information on stormwater management, private water well and on-site septic system designs. To ensure this work is not overlooked, we would recommend a holding provision be added to the AG2( ) Zoning. This would require further review prior to development and after the potential issues relating to drainage, erosion & sedimentation have been resolved in a satisfactory manner.

An MDS I calculation was included in the Planning Justification Report, to determine whether the proposed development would be negatively impacted by existing livestock and manure storage facilities. No supporting documents were provided for this calculation. Why were those specific parameters chosen for the calculation? Why was Type A land use chosen for Factor E rather than Type B? Type B would result in a distance that is twice the reported 123 metres. No comments about the MDS I calculation were provided in the Staff Planning Report and we would like to see supporting documentation and justification for this calculation. If the number is not correct then the applicant should be required to apply for a setback reduction and an amendment for the MDS I distance.

### [Staff Report to Planning and Environment Committee](#)

The report provided by staff indicates approval of the requested Zoning amendment. This includes a reduction of the Significant Woodland buffer from 30m to 0m. This recommendation is listed even though the City of London Ecologist indicated in his response that he does not support this reduction. On page 2 the report indicates:

“This recommendation supports the following Strategic Areas of Focus:

1. **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.
2. **Climate Action and Sustainable Growth** by ensuring London is more resilient and better prepared for the impacts of a changing climate.

3. **Housing and Homelessness** by protecting natural heritage areas and agricultural areas for the needs of Londoners now and into the future.”

Protecting natural heritage would require that the minimum buffers are enforced, and the staff report is not requiring a buffer at all. We don't feel that this recommendation truly aligns with the stated City of London Strategic Plan goals.

On page 6 under section 3.2 the following statement is provided:

“On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Details on the characteristics of the proposed application related to the City's climate action objectives are included in Appendix C of this report.”

Appendix C only contains a Concept Site Plan and no information about the Climate Emergency. We would like to see this staff report and ensure that the Planning and Environment Committee also has a copy.

Some relevant sections of the Climate Emergency Action Plan for this proposal:

“Area of Focus 6 - Implementing Natural and Engineered Climate Solutions and Carbon Capture Workplan

3. Protect and Enhance Existing Natural Areas (Timeline: 2022 onward)

a. Ensure the protection of natural heritage features and areas in the zoning by-law, Tree Protection by-law and Site Alteration by-law.

b. Complete and enforce revised Environmental Management Guidelines for new development.”

The plan calls on the City to ensure natural heritage protections for new developments, including **enforcing Environmental Management Guidelines such as 30m buffers for Significant Woodlands**. As mentioned above, natural areas are part of the nature-based solutions for climate change and contribute to protecting Londoners from climate impacts.

On page 6 the report indicates:

“Section 2.3 of the PPS also identifies natural features and areas to be protected for the long-term. Development and site alterations in significant natural areas shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5). Based on the scientific findings of the Environmental Impact Study an extension of the existing open space zone is recommended along the subject land's erosion hazard limit to buffer the development from the identified natural features. To ensure the continued protection of the natural heritage feature Staff is recommending that these lands be rezoned to a more restrictive Open Space (OS5) zone.”

We believe that it is premature to conclude that “there will be no negative impacts on the natural features or their ecological functions” for this project given the gaps we identified above and especially

since an adequate buffer to the natural heritage lands is not being provided. The statement also suggests that a buffer is being created for the natural heritage features, but the erosion hazard limit is only approximately 10 metres from the woodland edge. A minimum buffer of 30m should be created to protect the woodland and wildlife.

## Summary

The proposed project is located on lands that are part of the Dingman Creek Environmentally Significant Area and include Significant Woodlands and Valleylands. In addition, many Species at Risk call the Dingman Creek corridor their home. Based on our review of the provided documents, we feel there is potential for negative effects on the Dingman Creek corridor and the species that live there. We encourage the committee to consider the environmental impacts, now and in a changing climate, of this proposed project. Our main concerns are:

- The ESA and Significant Woodland are very sensitive and a full 30m setback should be required;
- Significant Valleyland buffer of 30m should be required based on top of slope as identified by the geotechnical study;
- All trees (Significant Woodland and south hedgerow) should be protected with a Tree Protection Zone according to London's Tree Protection By-Law;
- Consideration of climate change impacts and the future of the site, especially slope stability, and the alignment of the proposal with the declared Climate Emergency;
- Many facts and impacts are still unknown so a decision should be deferred until further information is obtained:
  - Lack of Stormwater Management Plan for the site given there are no storm sewers
  - Lack of Erosion Control Plan
  - Lack of Tree Protection Plan
  - Review of EIS to include missing information
  - Review of MDS I calculation provided by applicant

As a potentially affected downstream landowner, TTLT is requesting follow-up reports and any monitoring reports that will be required in conjunction with this application.

We appreciate the City of London taking the time to consider the potential environmental impacts of the proposed development in this environmentally sensitive area. The City of London is very proud of its Environmentally Significant Areas and recognizes them as "an integral part of London's Natural Heritage System". We recognize the City of London's commitment and leadership in protecting its ESAs as we feel that protecting our shared natural heritage is truly in the public interest. We hope you will support the protection of the Dingman Creek when considering this application.

Sincerely,



Daria Koscinski  
Executive Director

## About Thames Talbot Land Trust

Working out of London, ON, Thames Talbot Land Trust (TTLT) is a registered charity with a mission to protect, conserve, and restore nature within Elgin, Middlesex, Oxford and Perth counties, contributing to a stable climate, human wellbeing, and healthy habitats for all species. We work respectfully on the territories of the Haudenosaunee, Anishinaabeg, Lenape, Attawandaron and Wendat peoples and in collaboration with local First Nations communities.

Our goals include:

- Permanent protection of natural habitats and agricultural lands
- Restoration and stewardship of wildlife habitat
- Delivery of engaging, meaningful and inclusive environmental education and outreach

TTLT is an established and highly capable organization. We currently protect over 890 hectares (2,200 acres) of land across 25 nature reserves. Our nature reserves include wetlands, forests, grasslands and working farms. Together these lands provide ecosystem services for local communities such as water filtration, flood reduction, carbon sequestration, improvements in air quality, pollination of food crops and recreational opportunities. The variety of habitats are home to a diverse group of plants and animals. TTLT's nature reserves are recognized as Protected Areas and counted towards Canada's goal of protecting 30% of terrestrial lands by 2030.

Our planet and local communities are facing great environmental challenges that will impact the resiliency of future generations. The combined crises of climate change and biodiversity loss are already impacting our community and threatening our food security. To date less than 1% of land in southwestern Ontario is protected for natural heritage conservation, despite this region having the highest biodiversity in Canada and the greatest number of species at risk. Farmland is a critical resource for the sustainability and resiliency of Ontario's communities. According to the 2021 Agricultural Census, Ontario is losing farmland at a rate of 319 acres per day and we have lost 21% of our farmland in the last 40 years. At the current rate of loss Ontario's farmland will be gone within 100 years.

Rural areas need to be prioritized for conserving ecosystem services, supporting nature and protecting food production systems. The housing crisis and the pressure from industry are leading to changes in provincial policy that is limiting community level land planning, pushing unsustainable growth at the cost of nature and food production. Land trusts are uniquely positioned to act quickly at a grassroots level for protection of natural heritage and agricultural lands. Thames Talbot Land Trust works with landowners interested in protecting their natural and agricultural lands using a number of tools such as purchase or donation of lands, and Conservation Easement Agreements.

A Conservation Easement Agreements (CEA) is an agreement that a landowner voluntarily enters into with a conservation organization. They are legally binding agreements placed on the title of the property, meaning the conservation efforts are maintained in perpetuity making CEAs the most effective tool for protecting Ontario's rich agricultural soils and natural habitats.

To ensure a livable planet for us and future generations we need to protect nature and farmland now.

[www.thamestalbotlandtrust.ca](http://www.thamestalbotlandtrust.ca)



## Our Mission

To protect, conserve, and restore nature within Elgin, Middlesex, Oxford and Perth counties, contributing to a stable climate, human wellbeing, and healthy habitats for all species.

## Our Vision

Network of permanently protected areas that are rich in biodiversity, sustain life and nourish a sense of wonder and inspiration for all people.

## Our Values

Integrity | Diversity, Equity & Inclusion | Passion & Commitment | Intention |  
Accountability & Transparency

*"A land trust is really a promise made to future generations."*

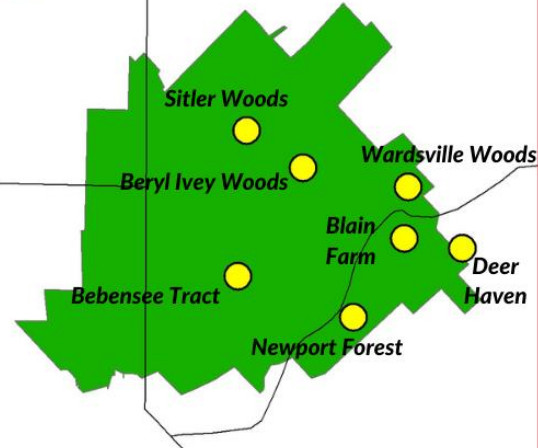
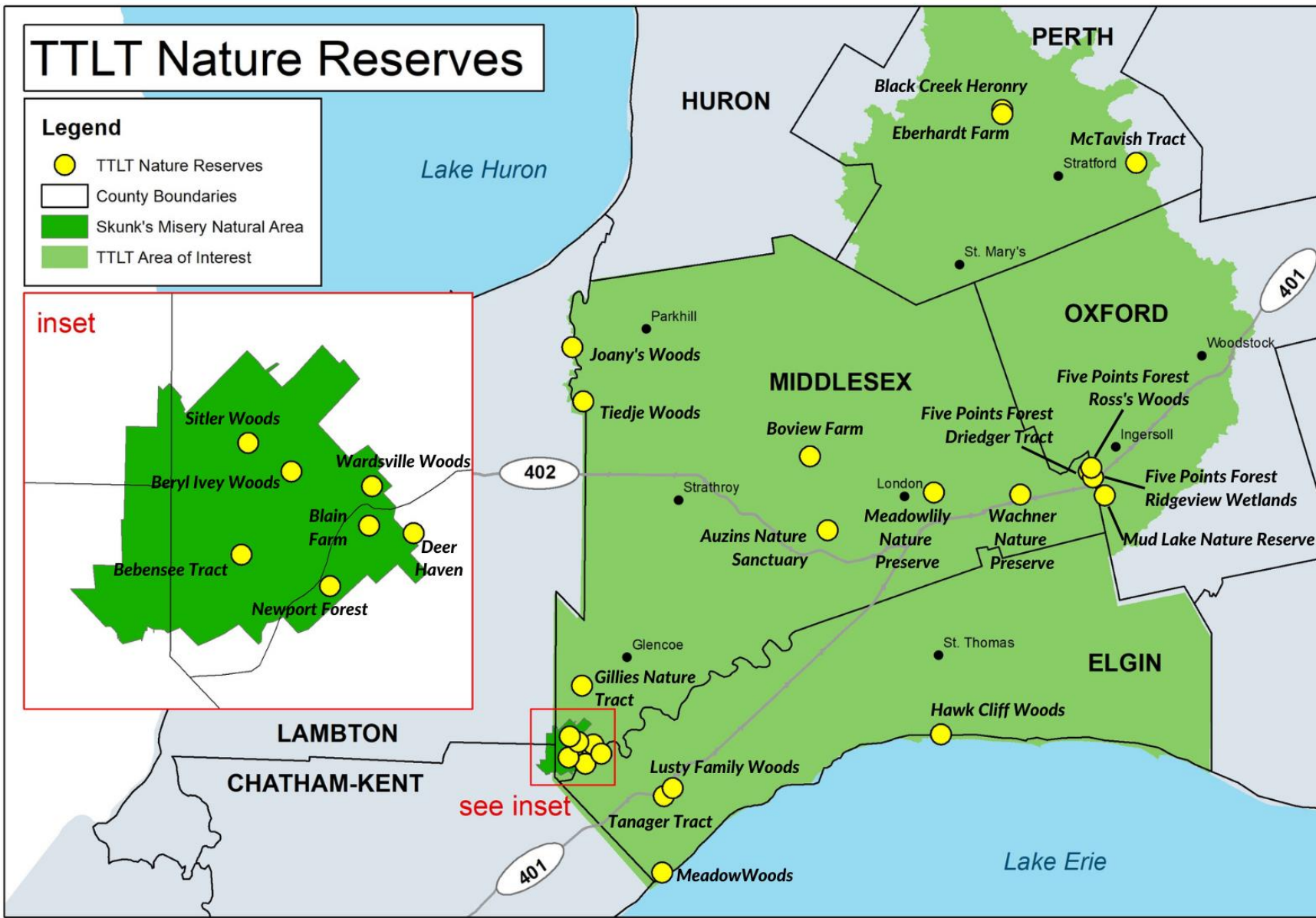
- Mary E. Kerr, A Founding Director of TTLT

# TTLT Nature Reserves

**Legend**

-  TTLT Nature Reserves
-  County Boundaries
-  Skunk's Misery Natural Area
-  TTLT Area of Interest

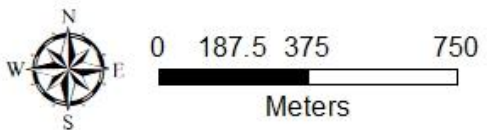
**inset**

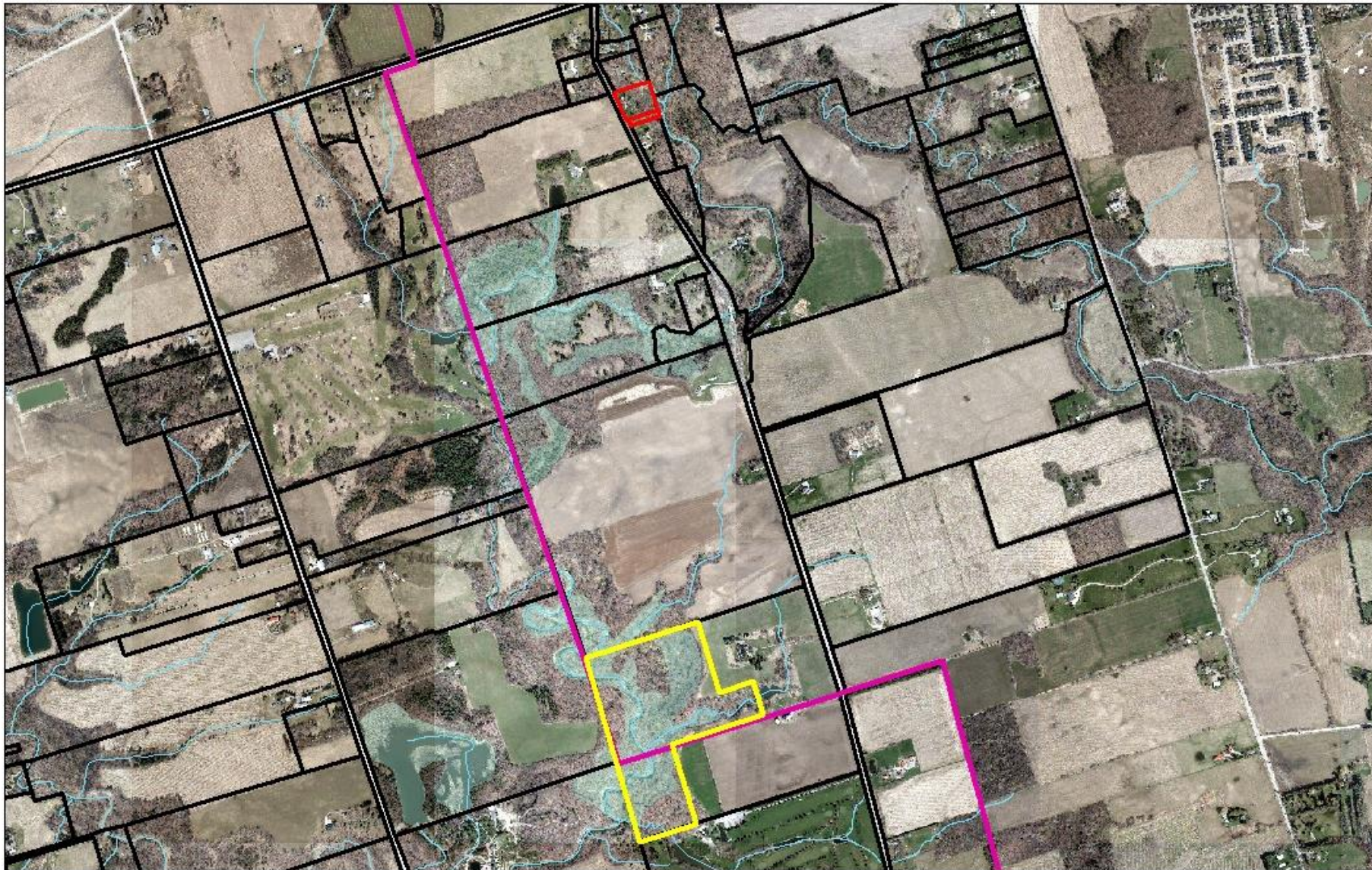
see inset

# Legend

- Woodhull Project
- Auzins Nature Sanctuary
- Watercourses
- City of London
- Provincially Significant Wetlands



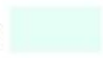


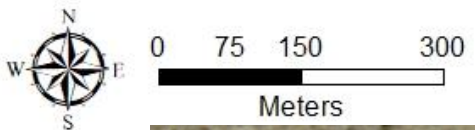
# Dingman Creek



- Significant Woodland, Wetland, Valleyland
- Habitat for Species at Risk:
  - 16 bird species
  - 6 plants
  - 9 reptiles
  - 2 fish
  - 2 mussels

# Legend

 Woodhull Project  Watercourses  Provincially Significant Wetlands



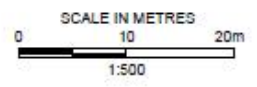
## Concerns with proposal

- Site contain environmentally sensitive habitats and species, a Tree Protection Area, a slope hazard that could become unstable
- Significant Woodland should have **30m buffer**
- Significant Valleyland should have **30m buffer** (from top of slope)
- Tree Protection Area should have buffer (10 cm for every 1 cm of tree trunk diameter)
- Trees along south border need Tree Protection Zone of at least **6 metres**
- **Climate emergency** requires following guidelines for natural heritage protection like buffers



ELC NUMBER	ELC CODE	Description
1	FOD5-3	Dry-Fresh Sugar Maple-Oak Deciduous Forest (0.16ha)
2	FOD7	Fresh-Moist Lowland Deciduous Forest Ecosite (0.05ha)
3	MAM2	Mineral Meadow Marsh Ecosite (0.01ha)
R1		Undeveloped Residential Maintained Lawn

Note: Area (ha) totals are within the Subject Lands only



**LEGEND**

	SUBJECT LANDS		ESA BOUNDARY (London Plan Map 5)
	VEGETATION COMMUNITY		SIGNIFICANT VALLEYLAND (London Plan Map 5)
	TOE OF SLOPE		SIGNIFICANT WOODLAND / NEW ESA BOUNDARY
	TOP OF SLOPE		NATURALIZATION AREA (0.01ha)
	EROSION HAZARD LIMIT		
	CANDIDATE SNAKE HIBERNACULUM		

**REFERENCES**

CITY OF 2021 LONDON PARCEL, ROAD AND WATER NETWORK, AND AERIAL IMAGERY, OPEN DATA SET;  
 PLAN PROVIDED BY BROCK DEVELOPMENT GROUP INC., AUTOCAD FILE "Consent Sketch - w Footprint\_Updated.dwg", PROVIDED NOVEMBER 4 - 2022;  
 EXP SERVICES INC., PROJECT No. LON-21002656A0, ESTIMATED SLOPE SETBACKS, DWG No. 1, APRIL 2021; AND  
 CITY OF LONDON, MAP 5 - NATURAL HERITAGE, MAY 28 - 2021.

**NOTES**

THIS FIGURE IS SCHEMATIC ONLY AND TO BE READ IN CONJUNCTION WITH ACCOMPANYING TEXT.  
 ALL LOCATIONS ARE APPROXIMATE.

PROJECT

**ENVIRONMENTAL IMPACT STUDY**  
 2648 WOODHULL ROAD SEVERANCE  
 LONDON, ONTARIO

TITLE

**MITIGATION MEASURES**

Drawn	DCH	Scale	AS SHOWN
Checked		Project No.	40282-100
Date	Dec 2022	Rev No.	0

**FIGURE 10**

## Unknowns of concern

- Lack of Stormwater Management Plan for the site given there are no storm sewers
- Lack of Erosion Control Plan
- Lack of Tree Protection Plan
- Review of Environmental Impact Study to include missing information and conclusions not supported by data
- Slope stability under climate emergency and lack of stormwater management plan
- Review of MDS I calculation provided by applicant

# Final Thoughts

- Climate Emergency
- Biodiversity Crisis
- Protecting natural areas is critical for climate resiliency, supporting habitat for wildlife, and providing ecosystem services for the whole community
- Nature protection is in the public interest