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June 22, 2015

VIA FAX - 519-661-4892

C. Saunders, City Clerk
Corporation of the City of London
City Hall, 3rd Floor
300 Dufferin Avenue
London, Ontario
N6A 4L9

Dear Ms. Saunders:

**Re: The London Plan
City File No. O-7938
Public Meeting - June 22, 2015**

I am the solicitor for London Dairy Inc. and its owners, the Faulkner family.

Objection

My clients are concerned about the proposal to redesignate certain Environmental Review land as Open Space with a "significant woodland" delineation.

The proposed redesignation and delineation is not supported by appropriate scientific study and contradicts representations made to the farming community during the Vision 96 process.

The Notice

The notice issued with respect to this matter (File O-7938) says that:

"Since 1996, all woodlands outside the urban growth boundary have been designated as Environmental Review on Schedule A (Land Use Plan) of the current City of London Official Plan. The Environmental Review designation is temporary until this study is completed and updates are made to the Land Use Schedules. These updates to the Land Use Schedules will be made as part of the

London Plan review process... you are being notified that the woodland(s) located on your property have been included within the study. The results of the study indicate the significance of the woodland... "

The Background

The purpose of the Environmental Review designation, as conceived by the Council during the Vision 96 process, was to protect features that had not been evaluated for significance. Under the Comprehensive Set of Policy Statements (1995) which was in effect during (most of) the Vision process, all Official Plan amendments including the proposed "Vision" Official Plan amendment concerning the annexed area, had to be consistent with Provincial Policy and particularly with respect to the protection of natural heritage features and functions. The purpose of the Environmental Review designation was to protect land identified for possible environmental significance on the basis of the subwatershed planning processes and aerial photography at a 1 to 10,000 scale from disturbance and development until appropriate study could be undertaken. The overview provided within the current Official Plan document continues to record this promise:

Section 8B "In addition to the natural heritage areas which are included in the Open Space designation in Chapter 8A, there are additional lands which may contain significant natural features and important ecological functions which should be protected. These areas, which have been identified through the Subwatershed Planning Studies, are designated as Environmental Review on Schedule "A" and shall be protected from activities that would diminish their functions pending the completion of a detailed environmental study. A detailed environmental study may be undertaken as part of a secondary plan or environmental impact study or may be undertaken by the City of London. Environmental Review areas or portions of areas that are determined to satisfy the criteria for significance under Section 15.4. shall be redesignated as Open Space on Schedule "A". The Environmental Review designation permits the continuance of farming that is carried out in accordance with generally accepted farming practices. Other areas or portions of areas, which do not satisfy the criteria for significance under the provisions of Section 15.4. will be redesignated to an appropriate land use in accordance with the policies of the Plan.

No Detailed Study of the Subject Lands

The "detailed environmental study" anticipated by the Official Plan has not been undertaken to date. There has been no site investigation, fieldwork or responsible attempt to consider the ecological value of the subject land, which is identified on the attachment to this letter. This land continues to be farmed in its entirety "in accordance with generally accepted farming practices".

It should also be noted that there was a reasonable expectation on the part of the owners that land which did "... not satisfy the criteria for significance under the provisions of Section 15.4. will be redesignated to an appropriate land use in accordance with the policies of the Plan." In this case the appropriate redesignation is to Agricultural.

On this basis, the proposed changes are both contrary to representations made to owners and premature.

As a note, it is misleading to say that "woodlands outside the urban growth boundary have been designated as environmental review". It is true that the woodlands that do exist were likely to have been captured by the vegetation patch delineation and Environmental Review designation, however, both the patch delineation and ER designation captured other land that had no environmental significance. In fact, some land included in the patches and ER designation did not have actual tree cover.

Despite changes in the rules before determining significance found in a guideline document, there are still patches which do not meet the test of significance as "Significant Woodlands" (i.e "satisfy the criteria for significance under Section 15.4.") and do not merit recognition as such.

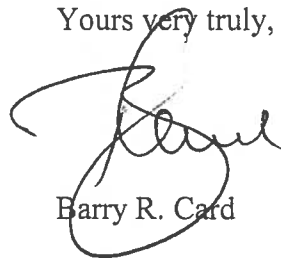
Requested Action

In the absence of appropriate scientific study, the subject lands should either be deleted from the proposed natural heritage schedule and confirmed as agricultural land or maintained as Environmental Review.

Request for Notice

Please provide a written notice to the undersigned of any Official Plan amendment adopted by the Council with respect to the subject lands.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Barry R. Card', written over a circular scribble.

Barry R. Card

BRC:jmh

Encl.

cc: **London Dairy Inc.**

