

Executive Summary

Ontario's diverse provincial land use plans have been operating collectively to manage growth, encourage agriculture, and protect significant landscapes within the region for a little over a decade. Currently, these plans are being updated through the Coordinated Land Use Planning Review, creating an opportune moment to reflect on the plans' histories and accomplishments, as well as determine a direction for their shared futures. This research explores the Coordinated Land Use Planning Review through a case study of the approval of three wind energy projects on the Oak Ridges Moraine and their subsequent hearings at the Environmental Review Tribunal. It specifically focuses on the perceptions of First Nations and environmental non-governmental organizations (ENGOS).

This research uses a qualitative approach to conduct thematic analysis on: (1) submissions to the Coordinated Land Use Planning Review, (2) legislation and policy related to renewable energy and the Oak Ridges Moraine, (3) Environmental Review Tribunal (ERT) hearing documents, and (4) interviews with key individuals who work with ENGOS involved within the ERT hearings and the Coordinated Review. Through this analysis, the research found that despite the fact that renewable energy was commonly mentioned by ENGOS, it has not been a focus of the Coordinated Land Use Planning Review. Little information could be found on how First Nations are being involved in the Review process, uncovering an area for further research. This work also established a hierarchy of legislation and policy, ranked in their power to control green energy developments on the Oak Ridges Moraine. The provincial plans have received criticism throughout the Coordinated Land Use Planning Process on their lack of clarity in regards to the hierarchy of power between legislation and policy. Therefore, this research addresses a common theme, partially filling the knowledge gap. Through the analysis of the ERT documents, it was determined that although the Tribunal is working towards decolonization, it has a long way to go before it can reconcile its process to meaningfully include First Nation evidence. It also represents a precedent setting case where the ERT recognized the importance of the Oak Ridges Moraine Conservation Plan in a planning system that prioritizes renewable energy developments.

This research resulted in the following recommendations to the Coordinated Land Use Planning Review:

- **Recommendation One:** Clarify and reconsider the planning hierarchy/tiering of the provincial plans (*Section 9.1*).
- **Recommendation Two:** Support ENGOS in their work to preserve, monitor and protect the lands within the provincial plans (*Section 9.2*).
- **Recommendation Three:** Fulfill the Duty to Consult with First Nations and work collaboratively with stakeholders (*Section 9.3*).
- **Recommendation Four:** Reassess the Province's prioritization of green energy over the protected landscapes of the Oak Ridges Moraine, Greenbelt Plan and Niagara Escarpment Plan (*Section 9.4*).

- **Recommendation Five:** Work towards decolonizing the ERT process to better include the evidence and knowledge of First Nations (*Section 9.5*).
- **Recommendation Six:** Work to improve relationships between the Provincial Government and First Nations (*Section 9.6*).
- **Recommendation Seven:** Use a decolonized approach to ensure First Nations are referred to correctly and consistently throughout the provincial plans and their associated legislation (*Section 9.7*).

Limitations within this research must be acknowledged. The main limitations of this research include: (1) lack of access to documents submitted to the Coordinated Land Use Planning Review, (2) the small number of interviewees used to validate findings, (3) a lack of First Nation interviewees, (4) a lack of industry and government interviews, and (5) the time constraints involved in studying ‘moving target’ policy decisions that are happening in real-time. To read more about limitations see *Section 10.1*.

This report highlights possible avenues for future research on the topic of green energy approvals on the Oak Ridges Moraine, and the Coordinated Land Use Planning Review process. For instance, future researchers could examine whether First Nations have been involved within the Coordinated Review using a nation-to-nation approach. They could also evaluate whether the Duty to Consult has been fulfilled. Other potential research could analyze the structure of the Environmental Review Tribunal and make suggestions on methods to decolonize its approach to better incorporate Indigenous evidence within its rulings. ENGO – First Nation relationships are another possible topic to be further examined, as the ERT hearings provide a good example of these relationships beginning to form. Finally, further research could centre on the power of municipalities and residents in making decisions regarding green energy infrastructure projects within protected provincial plan areas.

The deliverables of this research also include the Ontario Greenbelt Meta Database, a tool that describes, catalogues, cites, and provides access points to diverse data regarding the Ontario Greenbelt Plan, and its associated plans. This data includes a variety of literature types from a variety of disciplines, allowing the user to search using key words to find their desired information. To access this tool, please contact Graham Whitelaw at whitelaw@queensu.ca.

This research is important because it investigates how provincial plans such as the Oak Ridges Moraine Conservation Plan can be improved to better protect Ontario’s significant landscapes. It recognizes the importance of renewable energy in creating a more sustainable Ontario, however it questions the appropriateness of the approval of green energy infrastructure projects on provincially protected landscapes. This research also advocates for improving relationships between the Crown and First Nations, and incorporating Indigenous knowledge and needs into provincial structures and policy. Finally, this research also examines the important role ENGOs have in protecting and maintaining the protected landscapes of Southern Ontario.